

2013 Boulder City Council Retreat - Supplement

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2013 Council Retreat **Updated**

ITEMS IDENTIFIED IN JANUARY 15 STUDY SESSION PACKET AS NOT ON THE PROPOSED WORK PLAN

- No smoking in public places
- 2014 Budget - PBB review; external agreements & partnerships
- Explosion of new rental housing
- Housing Board
- Televising more study sessions
- 15 minute science Tuesdays - broadcasting opportunities; expansion of topic areas
- Zoning issues - low density residential projects
- Annexations - guidelines
- Development Review Process
- Storefront activity in pedestrian streets
- Commercial density bonus in downtown and affordable housing linkage fee
- Real financial impacts of large format retail on infrastructure, workers rights, full cost recovery (Wal-mart)
- Council role in funding awards (Human Services Fund, Housing Fund, etc)
- Neighborhood groups

ITEMS CURRENTLY ON THE PROPOSED WORK PLAN BUT REQUIRING FURTHER COUNCIL DISCUSSION AT RETREAT

- Technology (Social media invitations received by Council; Technology update - Don Ingle to make a presentation on Friday night)
- Oil and gas development/ fracking
- Regional Trails
- Boulder Community Hospital
- Codes - building and energy
- Eco Pass
- Railroad noise

ITEMS TO TEE UP FOR 2014

- Local Food/ Sustainable Agriculture

ITEMS FROM BOARD/ COMMISSION INPUT

- From the Design Advisory Board:
Our Design Guidelines need updating. Most of the Downtown Design Guidelines haven't been touched in 20 years. BDAB has been taking notes. We can use our reviewing experience to improve the guidelines, and the process, if we are given council direction to propose updates. BDAB recently coined the phrase "ransom note facades" to describe the chaotic mix of building materials and wall geometry that our dated Design Guidelines require! BDAB can fix that. We can update the Guidelines to encourage more meaningful, familiar, coherent, and sustainable urban architecture that neighbors can understand and welcome.
- From the Planning Board:
Recommendation B: Clarification of current site review criteria for energy use. There is a significant difference between what the Site Review criteria appear to require in evaluating energy use in Site Review and what recent Planning Board practice has been as regards energy consumption, water consumption and quality, construction waste, heat islands, and renewable energy. BRC Section 9-2-14.h states: "Criteria for Review: No site review application shall be approved unless the approving agency finds that: (2) Site Design: Projects should [meet multiple goals]. In determining whether this subsection is met, the approving agency will consider the following factors:... (F) Building Design, Livability and Relationship to the Existing or Proposed Surrounding Area:... (xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality."



2013 Council Retreat Questions & Staff Responses/ Input
Regarding items (a) submitted after January 7; and (b) discussed at January 15 Study Session

Department Assigned

Summary of question posed at January 15 study session or verbatim question submitted after January 7.

STAFF RESPONSE: On question/comment

Is it permissible to build greenhouses of some substantial size on Open Space land?

STAFF RESPONSE:

The prohibition of any significant improvement or development of Open Space land over the years is based on language in the last paragraph of Section 176 of the City Charter, "Open space purposes – Open space land." The language states, "Open space land may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or to provide for passive recreational, open agricultural, or wildlife habitat use of the land". As this language relates to a greenhouse as discussed during the study session there are two key words to consider –"necessary" and "open agriculture." Over the years this section has been narrowly interpreted to mean very few, modest structures directly required by an existing agriculture operation. Further, open agriculture has been interpreted to mean agricultural production where products are grown in an open setting in which they can interact with their environment and not grown in an enclosed environmentally controlled facility.

As a part of examining existing property for potential sustainable, local agriculture staff examined properties that contained existing "building envelopes" as mention in the Study session packet material. Our intent is to explore the prospect for agriculture development in these sites already designated for development authorized by Boulder County land use regulations. These designated building sites may yet prove more available for structures that will help sustain local agricultural production.

What can City Council do to support the regional trail development process?

STAFF RESPONSE:

Council has already provided policy direction and approved funding for most of the regional trail projects where the City is the lead. The Boulder Valley Comprehensive Plan, Transportation and Visitor Master Plans, as well as Trail Study Area Plans contain alignments for many of these trail linkages. Along with implementation of the West Trail Study Area, the trails included in the Study session are already priorities in the OSMP work plan.

Although the city is the lead for several regional trail projects, each involves multiple agencies and private or corporate landowners. There are also environmental and community concerns that need to be addressed through negotiations, permitting, public process and board review. As a result, the implementation of identified regional trail connections can be time-consuming.

OSMP's primary partner for many of the regional trails is Boulder County. The projects for which Boulder County is the lead include: the Union Pacific (RTD) Trail, Lyons to Boulder Trail, and the Mountain Area Linkages Plan. OSMP staff continues to actively pursue these connections, including identifying opportunities for Council assistance.

The timeline and funding of federal and state regional planning efforts is not at the discretion of the city. Most projects are on schedule to be completed and moving along a timeline affected by staffing commitments and capital funding plans.

Other than to continue to articulate support for regional trail planning, staff is not aware of particularly promising opportunities where City Council engagement would advance stalled projects (e.g., Lyons to Boulder Trail). Once trails corridors are identified, staff from OSMP and other city programs will seek guidance through established planning processes and funding through the budget process to advance the design and construction of regional trail linkages.

Staff will keep the council updated and bring requests for additional direction or approval as they arise.

Various oil & gas development/ fracking questions

STAFF RESPONSE:

- Existing OSMP “Oil and Gas Regulations” do inhibit if not outright prohibit fracking by requiring proof that any “injection” into a well will not harm drinking water and by specifically prohibiting any open pit storage of flow back – the fracking fluid that returns to the surface. However, recently developed closed loop or green completion systems no longer require open pit storage. This new technology is expensive and while its use is expanding, for the time being open pit storage remains more common.
- OSMP O&G regulation have been generally reviewed internally but as discussed are now under more thorough review by outside counsel working with the City Attorney’s Office.
- The Colorado Oil and Gas Association estimates that 3 to 5 million gallons of water are required to frack a typical well and that in excess of 11 billion gallons of water will be used annually to frack well in Colorado.
- While no specific data is published oil and gas producers acknowledge that most water used for fracking is purchased from municipalities.

There is a need for parking solutions on University Hill. Where does that fit into DUHMD/ PS work plan?

STAFF RESPONSE:

The University Hill General Improvement district (UHGID –the commercial area parking district) has been approached by a private property owner/developer about the opportunities for a public/private redevelopment of the UHGID owned parking lot along 14th Street. The proposed project would consist of residential units and additional parking for UHGID. DUHMD/PS has commissioned an analysis that includes the commercial district parking demand based on the development projections within the entire district, and including the parking demand from the specific development. In addition, the analysis will also include the feasibility of UHGID’s financial capability to participate in the project.

How is the library dealing with transitioning to future technological changes and considering that in the upcoming renovation project at Main Library?

STAFF RESPONSE:

Technology is a significant resource and asset to providing the public with access to information through Boulder's library system. In furtherance of the importance of this ever changing resource, the position of the E-Services Manager position was recently filled. An overview of the library's approach to on-going technological efforts, long term plans, and efforts associated with the renovation project will be provided through an upcoming information packet.

What is the average or median income of Boulder Police officers?

STAFF RESPONSE:

The average base salary (excluding overtime) of Boulder Police Officer is \$69,173.

The median base salary (excluding overtime) of a Boulder Police Officer is \$74,339.

The average base salary (excluding overtime) of all sworn Police Department employees is \$75,976.

The median base salary (excluding overtime) of all sworn Police Department employees is \$74,339.

The city considers the salaries above to be middle-income for one- to three-person households and eligible to purchase a middle-income permanently affordable home. A larger household with no other income would qualify as a moderate-income household eligible to purchase affordable units produced through the city's Inclusionary Housing program.

The average base salary (excluding overtime) of all sworn Police Department employees above the rank of Police Officer is \$94,069.

The median base salary (excluding overtime) of all sworn Police Department employees above the rank of Police Officer is \$90,694.

These salaries are considered middle-income.

*Note: Sworn Police employees include positions ranging from Police Officer to the Police Chief.

What is our current CIL balance and how much of our general fund was spent on affordable housing programs in 2012?

STAFF RESPONSE:

The current unobligated balance of cash-in-lieu funds is approximately \$6 million. Approximately \$9 million in CIL funds are obligated, but not drawn.

The 2012 budget allocated \$325,000 to the Affordable Housing Fund for project funding. An additional \$158,000 in general funds supported the Division of Housing administration.

What is the number of police officers living in the City of Boulder?

STAFF RESPONSE:

The number of Boulder Police Officers with a Boulder address is 16 (9.2%).

The number of all sworn Boulder Police Department employees with a Boulder address is 20 (11.5%).

The number of all sworn Boulder Police Department employees above the rank of Police Officer with a Boulder address is 4 (7.3%).

*Note: Sworn Police employees include positions ranging from Police Officer to the Police Chief.



2013 Council Retreat Questions & Staff Responses/ Input
Regarding items that are NOT on the work plan or needs Council discussion
UPDATED

KEY: The Council Retreat Committee asked Council members to identify items (Process, status updates, items not on the work plan, items that are on the 2013 work plan, and potential 2014 work plan items). The following is a compilation of requests that are identified by staff as **NOT on the work plan** or items that need Council consideration sorted in the following manner:

Information Technologies/ Communications

LM	<p>Item not on work plan - I'd like to raise the issue of televising our study sessions more, including some important meetings (or parts of) of our boards. For years, I've brought of the idea of using radio to broadcast our city meetings. Also it'd be good if some app or some method could be devised so ipad users could use the current web stream</p> <p>STAFF RESPONSE/ INPUT: This item, which is not on the work plan or included in the 2013 budget, is for Council discussion. Staff will be prepared to provide information and input.</p>
LM SA	<p>15-minute Science Tuesday talks have been well received and are great—thank you Suzanne and Macon! I wonder if we might consider offering these speakers the opportunity to provide a fuller presentation-perhaps up to 30-60 minutes, on our Ch 8 for our viewing audience.</p> <p>I have really appreciated the science talks/presentations that Macon and Zan have arranged for the Council. The success of these has made me think about the value of expanding the topic areas to bring speakers on social science issues, art and cultural matters and other topics of general community interest. I would welcome the opportunity to discuss opening up this series.</p> <p>STAFF RESPONSE/ INPUT: This is a Council discussion item. Science Tuesday segments are currently separated from the full council meetings and the video is available online under video feeds for City Council Meetings. Beginning in 2013, a "Science Tuesday" tab has been added under Channel 8 programs that allows more intuitive access to the Science Tuesday archives. Individual presentations are currently under review to determine if they can be formatted to create a Science Tuesday series for rebroadcast on Channel 8.</p>

From: Mike Marsh
Sent: Thursday, January 17, 2013 12:25 PM
To: Council
Subject: Increasing Boulder's use of free, zero-carbon, passive solar energy

Dear Council Members,

I have been asked by several prominent Boulder energy advocates, including a member of Planning Board, to send you this note in advance of your planning retreat this weekend:

I am an ardent advocate for Boulder to incorporate passive solar energy as a much larger part of its carbon reduction strategy.

The passive solar home in south Boulder that I designed and built gets 80 percent of its space heating from passive solar. We have a very rarely-used backup heat system that I must manually turn on. I do this very rarely. Outside of that, our only winter heat source for weeks and months at a time is passive solar. We do not have a central furnace situation, in which I have to guess how much of our heat is coming from passive. I know it, and it is 80%. Any, or all of you, are welcome to tour our house, any time.

Passive solar cost me nothing - no additional cost. I simply put large windows on the south side and none on the north. The sun takes care of the rest. Proper overhangs keep the place cool all summer, with no artificial cooling. I avoid natural gas during the winter, and totally avoid electric cooling, or any form of artificial cooling, in summer. Passive solar could also easily be incorporated into commercial energy code.

Free, clean, carbon-free space heating and cooling. Hence, my shock when Boulder's building code switched to the HERS energy rating system seven years ago. HERS is a national scale with no provision for, or recognition of, passive solar. In Boulder's Green Points, there are some minor and paltry passive incentives (about a fourth of what there used to be) for passive solar, buried at the back of the manual. It's like putting a headline story (80% reduction of furnace use and 100% air conditioner elimination) and burying it on page D-22 of the newspaper. It's no wonder passive solar projects have greatly diminished in Boulder. What lost opportunities to reduce carbon! I can no longer abide with the foolishness of this. Boulder, of all places, ought to know better, and do better.

I didn't have to "guess" that I'd get 80% of my space heating from passive solar. I used calculations to predict it. It's a pretty refined science. It begins with a mass-to-glass ratio. Then, **there are a host of modeling and predictive software products for passive solar out there:** Energy 10 was the first, created by Dr. Douglass Balcomb when I worked at NREL 20 years ago. Now, there is Energy Gauge, RESNET, Best Test, and REMRATE.

But the very best system for incorporating and modeling passive solar is the *passiv haus* building evaluation system and its support software, out of Germany. *Passiv haus* does a lot more than just passive - it looks at the entire building system. *Passiv haus* is now the world gold standard and was adopted by a nation (Germany), whose climate action goals are on the level of Boulder's.

If Boulder really wanted to do something great, it should consider adopting the *passiv haus* standards, as at least one other U.S. city is, as a way to go beyond the 2009 or 2012 International Building Code and IECC Energy Code standards, which inevitably fall far short of what Boulder should be using, if it really hopes to achieve its aggressive Climate Action goals.

Boulder passed European-style aggressive climate legislation recently. Let's call that a Ferrari, to use automotive terms. But Boulder is still using the tired, old-school, conservative IBC and IECC building code, which I'll call a 1976 Ford Pinto, as a means to get there. It ain't going to happen. Boulder needs better standards that, among other things, will recognize the incredible passive solar resource we have here. The Europeans are astounded by the American Rocky Mountain West's passive solar resource. They call it the "Saudi Arabia of passive solar." They are equally astounded that our building code doesn't require, or even reward, people to use it. And if Boulder did it, other Western cities would follow. We have a chance to do some real good here.

Very respectfully submitted,
Mike Marsh,
Instructor, CU Sustainable Practices Program
(303) 499-3395
265 31st St.
Boulder, CO 80305

January 16, 2013

Dear City of Boulder City Council Members:

We are writing as the Executive Committee of the University Hill Neighborhood Association. As you know, the Hill is a diverse place with residents having a wide range of views. We do not purport to represent every Hill resident's opinions, but we believe that this letter addresses issues that are important to many residents of the Hill and of Boulder in general.

We appreciate City Council's commitment to the Hill neighborhood, as evidenced by your support of our "big ideas" to improve the Hill – creation of an innovation district in the commercial area and a services district for the high-density residential neighborhood. We would like to thank City Council for passing the fireworks possession ordinance. Although it has not stopped the fireworks altogether, in the long run, we believe it will improve the quality of life here.

Building on this commitment to the Hill, as we enter 2013, we would like to partner with the City to address several concrete issues. We hope that you will consider these issues as you head to your retreat and determine goals for the new year:

- Invest in software and staffing to enforce ordinances, track violations and report back to citizens who reported the violations.
- Pass an ordinance requiring an occupancy disclosure in the advertising and sale of homes in Boulder (as in Fort Collins). Over-occupancy of residential housing is a major problem on the Hill. Single-family homes are often advertised for sale as investment properties -- investors might assume that a 5-bedroom investment property could be rented to 5 tenants, when it's zoned for only 3. A disclosure would inform them BEFORE they purchase the property.
- Continue to support the creation of a Hill Residential Services District in areas with the highest density.
- To encourage the rehabilitation of older buildings, make the permit approval process less onerous and expensive for historic and non-conforming buildings, striking a balance between preserving historic character and energy efficiency / contemporary living.
- Increase parking in the commercial district of the Hill. Support proposed public-private partnerships for new parking structures, similar to the St. Julien parking structure.
- Commit public funds to create a non-profit, co-working facility / small-business incubator in the Hill commercial area in partnership with CU's Leeds School of Business. We see this as a catalyst for the creation of an Innovation District.

Thank you for your time and consideration in addressing these issues. Taking concrete steps now will ensure that the City of Boulder protects one of its greatest assets.

Regards,
UHNA-EC

Scott Gibbons, Chair; Ellen Aiken; Monique Cole; Lisa Shoemaker; Scott Thomas

As I believe you are aware, Mayor Appelbaum recently mentioned that he had a question or two about Western's service rate in Boulder as compared to neighboring communities that have contract service versus the subscription service that enables Boulder residents to choose from a variety of service providers depending on their preferences and needs. I wanted you to be aware that I sat down with the Mayor yesterday afternoon and just briefly talked through the subject—I understand that the issue will get broader review from staff and Council during the Zero Waste Master Plan Update later this year. Nonetheless, I did not want the question or the impression raised to go on without being addressed to some degree at this time.

As you know—each city has a different way of dealing with trash, recycling and composting, and it is further complicated by the fact that not all cities offer all the three services, and in the same quantities. In the attached document I have tried to address the basics and also provide some information about Western that perhaps is not widely known such as our community giving, environmental profile and problem-solving orientation with the City.

As you and your staff move through the update to the Master Plan, Western Disposal will be ready to assist as needed and provide information to your staff. In the meantime, we look forward to working with you and your staff to move ever closer to greater landfill diversion and zero waste.

I wanted to make sure that you had a copy of the information that I provided to the Mayor and I know that you will want to copy the full Council and your key staff as well—I will stress that I understand that the correct venue for further processing this information is through the Master Plan update—we simply did not want to ignore the fact that questions were raised that needed to be addressed in the interim.

In addition: I have some further interesting information that I just received this morning that I think you will find useful:

This is 2012 data:

- Cars/light trucks through Western's Transfer Station—12,838 (dropping off trash and most likely from Boulder/Boulder County residents)
- From these loads, Western's staff pulled roughly 1100 tons of material that was then recycled or composted rather going to the landfill (included construction/demolition material)
- Western also diverted over 25,000 tons of material that was dropped off such as paper, tires, refrigerators, etc. and, over 19 tons of Electronic Waste
- Free Compost Giveaway—800 yards
- Free Mulch Giveaway—490 yards
- Free Shred Days—39 tons of material in 2012, and 30 tons in 2011

Thank you for all that you do for the community—it is very much appreciated!

Very best,

Frank

Frank W. Bruno
Vice President of Administration



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**WHY WASTE REMOVAL RATES IN BOULDER
ARE HIGHER THAN SURROUNDING COMMUNITIES**

While the price for trash service may be a little lower in surrounding communities, they receive less recycling and composting service than the residents of Boulder. Consequently, they don't have as high a diversion rate and they send more of their waste to the landfill. Compared to other cities, Boulder customers receive greater value from and have a strong partner in Western Disposal.

The city of Boulder requires organics collection, which reflects the values of the community. Boulder customers are provided with a very high volume of organics collection that is included in their bill. This is part of the reason why Boulder residents recycle and compost at much higher rates than every other community in Colorado, at over 50 percent for residential—currently the highest in Colorado.

Rates of Western's competitors are lower, but they also offer much less service. Customers who are not satisfied with Western's service, or where cost is the primary issue, can subscribe to other haulers in the competitive environment Boulder residents have chosen. Western is also the only local hauler that offers less than weekly trash collection; our pre-paid bag service is available for those residents that are exceptionally efficient recyclers and composters.

We routinely survey our customers for their opinions and recently conducted several focus groups to gather market information. We have not found evidence that Boulder residents are concerned or displeased with rates paid or services received from Western Disposal.

**Comparison of Monthly Rates and Rate-Per-Yard for All Haulers in the Respective Markets:
(Please note: these figures reflect the most recent information and rates are subject to change)**

City	Avg. Rate	Rate Per Yard
City of Loveland (compost Apr.-Nov. only)	\$22.79	\$7.45
City of Longmont (no compost collection)	\$13.78	\$4.82
City of Louisville (year-round compost)	\$18.15	\$6.51
City of Boulder (year-round compost)	\$26.90	\$1.98

Subscription Haulers in North Metro Denver (Note: these rates do not include organics collection—only trash and recycle—only Western and Waste Connections provide carts within their quoted service rates below)

Allied /BFI	\$26.40	includes fuel and environ. surcharges
Waste Management	\$24.55	includes fuel and environ. surcharges
PacMan	\$19.75	no surcharge
Waste Connections	\$17.65	Plus fuel surcharge

An example of the difference in service included within the rate for Louisville and Boulder:

- **Louisville residents have 32 gallons of organics collection built into their rates and are required to pay extra for additional increments of 32-gallon compost service.**
- **Boulder residents can set out up to 6 cubic yards (1218 gallons) of organics and bundles of branches included within their service rate.**
- **Western Disposal's compost collection was designed to replace the canceled Spring Clean-Up program—City of Boulder Ordinance only required 32 gallons of compost, 3 bags of leaves, and 3 bundles of branches or 320 gallons.**
- **Western chose to expand the service for no additional charge to ensure the efficiency of the program and satisfaction of City residents.**

It is also important to note that while Western is indeed a for-profit enterprise, Western Disposal routinely gives back to the community in many ways:

- Through free compost days and free document shredding days
- Through the major annual commitment that we make to the *Crayons to Calculators* Backpack initiative which, over the past four years has resulted in over \$400,000 being donated to the cause
- Through the \$300,000 multi-year commitment to the Dairy Center for the Arts
- And through being a significant annual contributor to the Community Foundation—giving back and participating in the community is in our DNA and is a value that has been held by our employees and our company's leadership for the past forty years.

Additional examples of how Western is working with the City to meet our common environmental goals:

- Western recently decided to spend over \$6,000 to develop signage for Multi-Family Housing enclosures to try to increase diversion toward the City's goal.
- Western recently met with City staff and agreed that we will donate four trash/recycle receptacles to be placed on four corners in the residential area of University Hill—just beyond the commercial area at 13th and College. Western will also voluntarily empty these cans daily—the idea is to reduce the amount of loose trash that quickly becomes litter in the Hill neighborhood.

Western Disposal is not just a trash hauling company—it is a long-established local institution that was created over forty-two years ago by a Boulder native as a small independent business. Over the years, Western's investment and commitment to Boulder and the region has grown as well.

The University of Colorado Boulder recently conducted an analysis of the Company's economic impact.

- As a local enterprise, Western's economic benefit to the State of Colorado totaled over \$35 million in 2011.
- Our direct and indirect employment totaled 299 employees for the same period.
- Western recorded \$23 million in direct spending in 2011—associated with the work of its 140 employees—and had significant impact in Boulder and beyond.
- The company paid nearly \$1 million in local taxes in 2011—including \$325,000 in sales tax alone

We also invest heavily in improving our equipment and reducing our carbon footprint:

- Western continues to convert our fleet to natural gas trucks.
- Our Butte Mill Road campus is powered by 100% wind energy.
- We have also embarked on a project to install a solar array that will also offset nearly 30% of our power needs (providing enough power for 30 average Colorado homes).
- Western's own diversion rate is over 80% and we continue to stress the importance of setting and maintaining a strong example.
- Western is also one of the very few composting facilities and yard and wood waste drop-off centers for city residents—built without any public infrastructure investment. We continue to look for ways to maximize the efficiency of this operation.

As one can see, the question of the rate that a Boulder resident pays for Western Disposal service is simple; but the value received from Western's service is deep, enduring, and always growing. In 2013, Western Disposal will once again be on the forefront—challenging ourselves and our customers to move ever closer to Zero Waste.