

Mayor
Aaron Brockett

Council Members
Taishya Adams
Matt Benjamin
Lauren Folkerts
Tina Marquis
Ryan Schuchard
Nicole Speer
Mark Wallach
Tara Winer



Council Chambers
1777 Broadway
Boulder, CO 80302
March 13, 2025
6:00 PM

City Manager
Nuria Rivera-Vandermyde

City Attorney
Teresa Taylor Tate

City Clerk
Elesha Johnson

STUDY SESSION BOULDER CITY COUNCIL

Xcel Energy Partnership Update

120 min - 30
min
presentation /
90 council
discussion

Council Process Working Group - Full Council Direction on Process
Improvement Items

60 min – 15
min
presentation /
45 min council
discussion

3:00 hrs

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COVER SHEET

MEETING DATE

March 13, 2025

STUDY SESSION ITEM

Xcel Energy Partnership Update

PRIMARY STAFF CONTACT

Carolyn Elam, Sustainability Senior Manager

ATTACHMENTS:

Description

- ▣ **Item 1 - Xcel Energy Partnership Update**



STUDY SESSION MEMORANDUM

TO: Mayor and Members of City Council

FROM: Nuria Rivera-Vandermyde, City Manager
Pam Davis, Assistant City Manager
Jonathan Koehn, Director of Climate Initiatives
Carolyn Elam, Sustainability Senior Manager
Matthew Lehrman, Senior Policy Advisor
Lex Telischak, Senior Electrical Engineer
Emily Sandoval, Community Engagement Senior Project Manager

DATE: March 13, 2025

SUBJECT: Study Session for March 13, 2025
Xcel Energy Partnership Update

EXECUTIVE SUMMARY

The purpose of this study session is to provide council with an update on the progress made through the first five years of the city's partnership with Xcel Energy (Xcel) and to seek guidance on priorities that should inform the next five years of partnership efforts. City staff will also be joined by Xcel representatives to update council and the community on substantial investments that they plan in the areas of wildfire mitigation, modernization of the distribution system and clean electricity generation.

The city's partnership and Franchise Agreement with Xcel became effective on January 1, 2021. Since that time, Xcel and the city have worked collaboratively to advance projects and initiatives that accelerate progress towards the community's energy and greenhouse gas (GHG) reduction targets:

- Reduce emissions by 70% by 2030 (against a 2018 baseline).
- Become a net-zero city by 2035.
- Become a carbon positive city by 2040.

DEFINITIONS

Net-Zero Emissions

As close to zero carbon emissions as possible. Any remaining emissions sources can be sequestered naturally through the biosphere.

Carbon Positive

Above and beyond net-zero emissions. A carbon positive community takes in, or sequesters, more carbon than it emits.

Efforts have also focused on improving the reliability and resilience of utility infrastructure and advancing equity.

Finally, 2025 marks the fifth year of the partnership. As built into the franchise, council and the community have the opportunity to affirmatively decide whether to continue in partnership with Xcel. Staff seek guidance on any additional analysis or information council needs to inform that decision.

Questions for Council

1. Are there areas of focus that council would like to see receive greater priority within the Xcel partnership work plan for the next five years?
2. Given 2025 marks the first five-year anniversary term, is there any additional information or analysis council needs from staff or Xcel to inform an affirmative decision to continue with the franchise?

BACKGROUND

In November 2020, voters paused the community's municipalization efforts and approved a new franchise with Xcel. By passing the [franchise agreement, voters also approved an Energy Partnership Agreement \(Agreement\)](#) that serves as a guide for the partnership efforts. The Agreement laid out a broad set of priorities and areas of focus intended to guide the city and Xcel's efforts over the 20-year term of the franchise. The overarching goals are to:

- Achieve 100% Carbon-Free Electricity - This means that all electricity would come from clean, fossil fuel-free energy sources, every hour of every day.
- Reduce Emissions - Fossil fuel use to heat space and water in buildings and to power vehicles are major sources of greenhouse gases and other pollutants. The partnership will help replace fossil-fuel-powered systems with clean, efficient and affordable electric solutions.
- Increase Local Generation of Renewable Electricity - Half of Boulder's clean energy would be produced close to where it's used by 2050.
- Ensure a Safe, Resilient and Reliable Energy System - This includes replacing aging or inadequate infrastructure to make sure our energy system can withstand extreme weather events brought on by climate change.

- Create Innovative and Equitable Solutions for a Diverse Community - Identify projects, programs and initiatives that ensure all community members have equitable access to affordable energy. The partnership will also create opportunities for underrepresented populations to participate in, be heard and experience benefits.

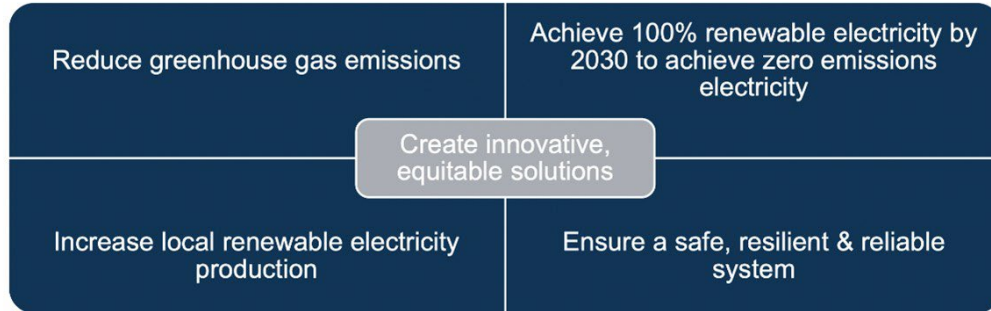


Figure 1 – Overarching Goals of the Energy Partnership

The Agreement included a preliminary set of project concepts – the “A” list, which represents concepts outlined during negotiations, and “B” list, which represents additional concepts from the community. The combined A and B lists, as well as the status of each item, are included as Appendix A.

With input and review from the [Community Advisory Panel](#), Xcel and the city developed the [Partnership Work Plan](#) to chart collaboration and innovation between the organizations. The first Work Plan was published in 2023 and covers the term 2023-2025. As shown in Figure 2, the work plan is broken out into 6 focus areas and 16 activity areas.

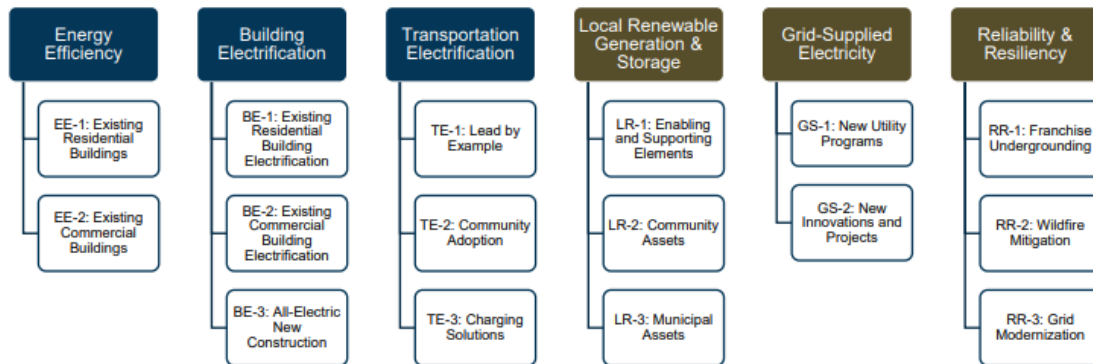


Figure 2 – Partnership Focus Areas

Xcel’s Partners in Energy team conducted analysis to establish targets for each focus area, benchmarked against the community’s GHG reduction goals. The combined impacts of implementing the strategies in these focus areas were determined to have the potential to eliminate electricity emissions and reduce overall energy and transportation emissions 68% below 2018 levels by 2030 as illustrated in Figure 3.

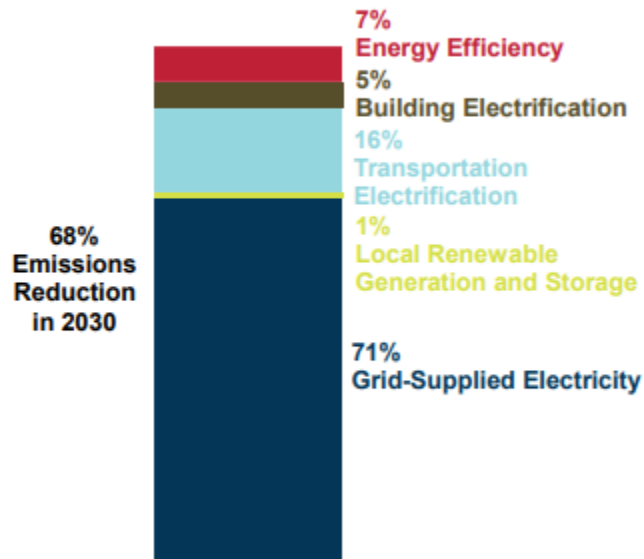


Figure 3 – Partnership Contribution Towards Community’s 2030 Goal

Franchise Opt-Outs

The Franchise Agreement and associated Energy Partnership have an effective term of 20 years beginning January 1, 2021. However, unique to Boulder’s franchise agreement are provisions that allow the community to terminate the franchise prior to the full 20-year term. Pursuant to sections 2.4 and 2.5 of the 2020 Franchise, Boulder has the option to opt out of the 2020 Franchise at its sole discretion under the terms and conditions provided in paragraphs 2.4 and 2.5 of the 2020 Franchise. The provisions allow for two types of opt outs:

- 5-, 10- and 15-Year Franchise Anniversaries: The franchise can be terminated for any reason through either a two-thirds vote by City Council or through community ballot. Executing such termination must be done on or before December 15 prior to the end of the 5-year-term increment.¹
- Greenhouse Gas Progress: The community, through two-thirds vote by City Council or through community ballot, may elect to terminate the franchise early if Xcel fails to achieve the system-wide emissions benchmarks set forth in the franchise agreement:
 - In the calendar year 2022: no more than 16.6 million short tons of carbon dioxide equivalent (CO₂e)
 - In the calendar year 2024: no more than 13.6 million short tons CO₂e
 - In the calendar year 2027: no more than 11.5 million short tons CO₂e
 - In the calendar year 2030: no more than 6.9 million short tons CO₂e

¹ The termination deadlines are December 15 of 2025, 2030 or 2035.

Executing such termination must be done on or before December 15 of the year following publication of the benchmark as independently validated by The Climate Registry.²

2025 represents a potential opt-out year for the franchise agreement. Staff, at Council's direction, can prepare and present additional analysis in Q2, prior to Council's decision whether to refer any items to the November election ballot.

ANALYSIS

Since the November 2020 election, staff and Xcel have been working collaboratively to advance the goals of the partnership. Prioritization of work is informed by the Community Advisory Panel, a panel of resident and business representatives chartered to advise city and Xcel staff on the partnership. The following analysis presents highlights of partnership accomplishments and ongoing progress.

Work Plan Established to Outline Goals and Measures of Success

Through a multi-year development effort, including conducting working groups on clean electricity, building decarbonization and equity, the [Partnership Work Plan](#) was developed. The work plan outlines the areas of focus and specific strategies that will be advanced through the partnership, as well as targets and measures of success that will be used to track progress.

Partnership Helps Expand Solar Access in Colorado

Included in the partnership agreement, the city and Xcel agreed to work together at the state legislature to achieve shared goals. The first action for this joint effort was supporting the successful passage [Senate Bill 21-261](#), which expanded the size of systems that can be installed and gives property owners more flexibility about where to site solar. Other efforts include partnership on the Valmont Solar Garden, which provides enhanced bill savings for low-income residents.

Progress Made in Advancing Clean Electricity Goals

One of the most critical elements of the Xcel partnership is Boulder's ability to achieve its climate and energy targets, especially 100% emissions-free electricity by 2030. In 2021, the partnership's progress toward this target took the form of advocacy in a state regulatory process. Every four years, Xcel Energy files an Electric Resource Plan (ERP) with the Colorado Public Utilities Commission. Through the ERP, Xcel presents its forecast for future electricity needs and its plans for the type and number of new power plants that must be built to meet future energy demand. In October, the city provided testimony that outlined approaches to accelerate emissions reduction, reduce long-term reliance on natural gas and ensure emissions accounting complies with state law. Since that time, Xcel and the city have worked to advance the concept of Zero Emissions

² Publication of 2022 benchmark remains pending.

Communities (ZEC), a program or set of programs that could help Boulder and other communities achieve their clean electricity goals. While work is ongoing, an [update](#) was recently given to the Community Advisory Panel.

Xcel was also [awarded a \\$12.7 million grant](#) from the U.S. Department of Energy to advance a virtual power plant (VPP) pilot program in Boulder. The pilot will seek to leverage customer solar, storage and load management to mitigate the need for building new utility-owned infrastructure.

Undergrounding and Advanced Fault Detection Enhancements Community Reliability and Safety

Xcel and the city began efforts to modernize the community's energy grid. Guiding this effort are three goals - improve reliability, protect critical infrastructure and plan for the grid of the future. Under the franchise agreement, Xcel makes available the equivalent of 1% of the annual revenues it collects from the community for community-directed undergrounding within the public right of way, typically in conjunction with other public works projects. On average, 1% equates to \$1.2 million per year. As part of its settlement with the city, Xcel made an additional \$11.5 million available, which represents 1% funds for the 10 years the city was out franchise. Through 2024, a total of \$16.4 million was available for and has been allocated to four projects. Details for all four projects are included in Appendix B. Beyond the current projects, the city will continue to accrue 1% funds annually to be applied to future projects.

In addition to undergrounding, other reliability improvements included installing 18 automated fault location, isolation and service restoration (FLISR) devices, conducting drone inspections to identify issues and make repairs, and increased vegetation management.

Programs and Collaborations Drive Transportation Electrification

Transportation emissions make up an increasing percentage of Boulder's - and Colorado's - annual greenhouse gas emissions. Driving an electric vehicle (EV) reduces emissions compared to the average gas-fueled vehicle and can improve local air quality. In late 2021 and 2022, the city worked with Boulder County communities and Xcel to develop a regional electric vehicle charging infrastructure plan to offer home and public charging stations to meet the needs of residents and businesses across the region.

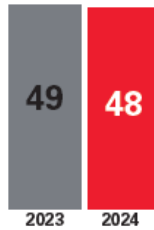
Xcel and the city also worked to leverage Xcel's transportation electrification programs to support community adoption of EVs. In addition to the residential program participation shown in Figure 4, Xcel's transportation electrification programs also supported 22 commercial charging station projects, with 8 more planned for 2025. This included supporting charging infrastructure at multiple municipal facilities, including fire stations and the Municipal Services Center.

Other efforts to advance EV adoption included support for Via Mobility and Eco-Cycle and launching of an innovated vehicle-to-building car share pilot program in partnership with Boulder Housing Partners (BHP) and Colorado Car Share at BHP's 30 Pearl location.

Residential Programs

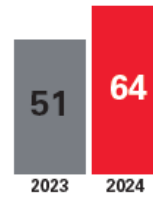
Numbers in bar charts represent the number of Boulder customers participating in each program

EV Accelerate at Home Program*



*Note: in March 2024, the PUC decided to close EV Accelerate at Home program in Colorado. The program proceeded with a soft closure that was later reversed and the EVAAH program was approved to continue.

Charging Perks Program**

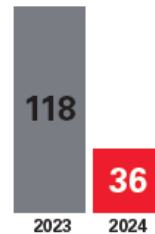


**Note: the Charging Perks program offering received approval to expand from a pilot program offering to a permanent program, as of June 2024.

Optimized Your Charger Program



Charger and Wiring Rebate Program



Colorado EV Purchase and Lease Rebate Program

155 TOTAL
BOULDER CUSTOMERS

Figure 4 – Xcel Energy Programs Support Community Electric Vehicle Adoption

Increasing Participation in Programs and Services Helps Decarbonize Buildings

Through marketing and outreach, as well as collaborative work at the PUC, the Boulder community continues to lead in per capita participation in Xcel’s demand side management (DMS) and beneficial electrification programs. The city helped drive increased participation through regulatory programs, such as the Building Performance Ordinance, and through its partnership with Boulder County to offer advising support and incentives to residents through [EnergySmart](#) and businesses through [Partners for a Clean Environment](#). Figure 5 highlights the recent year over year participation rates and cumulative savings.

Xcel is also supporting the city in a heat pump accelerator pilot, which aims to drive increased adoption of heat pumps while also making heat pump solutions more accessible to residents of multifamily buildings. To date, focus groups have been conducted with residents and homeowners associations in the Shanahan Ridge neighborhood. Planning is underway to launch a group buy program during second quarter 2025.

Metric	2020	2021	2022	2023	2024 (Q1-Q2)	Total since 2020
DSM Participation (residential)	358	656	892	520	231	2,657
DSM Participation (commercial & industrial)	1,046	1,399	1,592	2,829	946	7,812
DSM Participation (total)	1,404	2,055	2,484	3,349	1,177	10,469
DSM kWh Savings (residential)	573,252	723,917	580,821	886,287	455,479	3,219,756
DSM kWh Savings (commercial & industrial)	11,473,145	18,151,014	10,285,213	11,539,164	8,327,817	59,778,353
DSM kWh Savings (total)	12,046,397	18,874,931	10,866,034	12,425,451	8,783,296	62,996,109
DSM Therm Savings (residential)	74,915	113,336	153,791	273,514	135,594	751,150
DSM Therm Savings (commercial & industrial)	55,040	48,766	3,678	3,857	3,501	114,842
DSM Therm Savings (total)	129,955	162,102	157,469	277,371	139,095	865,992

Figure 5 – Boulder Resident and Business Participation in Xcel Energy Demand Side Management (DSM) Programs

Xcel Transfers Ownership of Streetlights to the City

The city’s streetlighting system has been a hybrid of city- and Xcel -owned and operated fixtures. For many years the city had been interested in converting the Xcel streetlight system to LED luminaires for energy savings/GHG reduction, cost savings, reduced maintenance, better visual acuity, and ability to remotely monitor and control. Starting in 2020, the city and Xcel began exploring solutions and ultimately concluded the best path forward would be for the city to acquire the streetlight system from Xcel. The acquisition and transfer was completed in 2024, and the city has begun the process of retrofitting the lights.

Improvements for the Next 5-years of Potential Partnership

The Work Plan continues to serve as a foundation that will inform the ongoing efforts of the partnership. While GHG reductions remain an important area of focus, the city’s emerging priority will be addressing community concerns around wildfire risk and grid reliability, including focusing on modernizing and readying the grid for the future growth associated with building and transportation electrification.

There is clear concern over Xcel’s grid infrastructure and the wildfire risk it poses, as evidenced by Xcel’s use of a public safety power shutoff in April 2024 and enhanced safety settings that led to extended outages in the community over the summer. There is also growing concern as to whether the necessary investments will be made to ensure the grid is ready to support future electric growth as the community transitions buildings off of natural gas and adopts electric vehicles. Grid reliability and wildfire risk are pressing priorities that must be elevated in the city’s work with Xcel. This includes correcting the deficiencies in communication with the city and community that occurred during the

public safety power shutoff. Together, the city and Xcel have been working to set priorities for wildfire risk mitigation, better identifying critical infrastructure and supporting our businesses and residents in being prepared for outage events.

The city is also seeking general partnership improvements including strengthening regular coordination meetings to ensure alignment on key initiatives, enhanced data sharing to track progress on energy goals, and joint problem-solving to navigate regulatory or technical barriers. Additionally, staff will work to improve communication channels between the city, Xcel, and community stakeholders to foster transparency and accountability. By deepening this partnership, we aim to accelerate progress toward our shared climate and energy objectives while remaining adaptable to evolving needs and opportunities.

NEXT STEPS

Staff and Xcel will continue to provide periodic updates to council on partnership progress. During 2025, the city and Xcel will develop an update to the Work Plan detailing priorities for the next three-to-five years. If directed by council during this study session, staff will produce additional information to inform council's Q2 discussion of potential 2025 ballot measures.

ATTACHMENTS

Attachment A: A/B Project List Status
Attachment B: Undergrounding

Attachment A – A/B Project List Status

The following provides a high-level status of the conceptual project areas that were identified as part of the Energy Partnership Agreement. The so-called “A and B Projects” lists have evolved and refined into a more detailed [Energy Partnership Work Plan](#) with priorities informed by Community Advisory Panel.

Attachment	Category	Project Title	Project Objectives/ Key Outcomes	Status
A	Local Generation and Resilient Infrastructure	Demonstrate technical viability, customer and business benefits of eliminating or increasing the 120% or Rule limit.	100% Renewables, Local Generation, Emissions Reduction, Legislative, Regulatory	Project was completed with the passage of Senate Bill 21-261 .
A	Local Generation and Resilient Infrastructure	Chautauqua Energy Plan	Improve Resilience and Reliability for Chautauqua	First phase of undergrounding to begin in Q3 2024.
A	Microgrid Demonstration and Resilience	Neighborhood Microgrid and Virtual Power Plant (VPP) Pilot	Distribution System Planning, Resilience, Emissions Reduction, Innovative Customer Programs, Regulatory	Grant application for VPP pilot submitted to DOE in Q2 2024. DOE decision pending as of July 2024.
A	Transportation	Transit / School Bus Electrification Tariff	Transportation Electrification, Emissions Reduction, Regulatory	Not started.
A	Local Generation and Resilient Infrastructure	Hydrogen Electrolysis Pilot	100% Renewables, Innovative Customer Programs	Not started.

Attachment	Category	Project Title	Project Objectives/ Key Outcomes	Status
A	Clean Energy Goals, Renewable Integration, Resiliency	Residential Demand Response Battery Pilot	Build upon lessons learned from Stapleton and Panasonic pilots to expand energy storage technology integration and develop a process and plan to leverage this technology for benefit for customers, the city, and the utility.	Not started due to the fact that Xcel Energy already had a battery pilot underway that included Boulder participants.
A	Reliability, Aesthetics	Undergrounding	Utilize new backlog and new undergrounding funding from Xcel to improve reliability and aesthetics.	On track. Two projects completed (N. Broadway and 19 th Street) and two projects in progress (E. Arapahoe and Chautauqua).
A	Transportation	Transportation	Identify potential fleet electrification opportunities. Identify barriers and how city and Xcel can remove barriers	Underway.
A	Transportation	Transportation	Increase EV penetration and create system to handle increasing EV penetration	Underway.

Attachment	Category	Project Title	Project Objectives/ Key Outcomes	Status
A	Wildfire Mitigation/ Resiliency	Wildfire Mitigation Plan	Projects to reduce risks to the area associated with wildfire	No partnership projects initiated; however, Xcel Energy has proceeded independently with wildfire mitigation efforts.
A	Clean energy goals, Renewable Integration, Resiliency	Increase customer participation in Xcel Energy RE and DSM programs	Utilize current and future data from new metering data to develop design and implement new renewable and DSM programs.	Conducted Advisory Panel Working Group to inform future partnership efforts.
A	Clean energy goals, energy efficiency, aesthetics	Streetlighting Pilot	Explore streetlighting solutions that would satisfy the City's lighting goals and objectives.	Completed. Pilot not pursued due to decision to proceed with Boulder acquisition of streetlighting system. Streetlight acquisition is complete.
A	Planning Process	Distribution and Construction Planning Coordination	Coordinate Distribution Planning & to minimize impacts to the community from City and Xcel projects	Ongoing.

Attachment	Category	Project Title	Project Objectives/ Key Outcomes	Status
A	Process	Joint Trench Standard	Minimize impacts to the community from City, Xcel, and other utilities' projects.	Explored, but not yet implemented on a project.
B	Accelerate carbon footprint reduction, reliability	Electric Vehicles		Consolidated with other transportation electrification efforts.
B	Distribution System Planning	Non-wires alternative project		Virtual power plan project initiated.
B	Clean Energy Goals	High PV Integration/ Accelerate Solar Adoption		Workshop held to understand barriers to solar adoption.
B	Futuristic Ideas	Broad set of goals, need to prioritize.		
B	Grid Modernization	Distribution System Planning Coordination and Prioritization	Distribution System Planning, Performance, Reliability & Aesthetics	Added to Work Plan. Ongoing.
B	Grid Modernization		Improve aesthetics to neighborhood, improve system resilience	Consolidated with above item.
B	Meeting Customer Need	Flexible Service Offerings		Not started.
B	Reliability Equity	Identify and improve reliability and resilience equity		Consolidated with distribution system planning.

Attachment	Category	Project Title	Project Objectives/ Key Outcomes	Status
B	Reliability Improvements	FLISR + targeted undergrounding		Added to Work Plan. Consolidated with Grid Modernization project.
B	Research and Demonstration	Alpine Balsam		Explored, but not pursued.
B	Research and Demonstration	Second-life battery storage		Not started.
B	Research and Demonstration	Solar Technology Acceleration Center (SolarTAC)		Not started.
B	Research and Demonstration	US DOE Funding Request		VPP application submitted.
B	Resiliency, Asset Health	Transmission Projects		9216 rebuild in planning phase.
B	Resilient Infrastructure	Identify key customers requiring a more resilient infrastructure	Create a more resilient system for key customers to benefit community in times of system strain	Addressed in part in distribution system plan and reliability analysis.

Attachment B – Undergrounding

Under the franchise agreement, Xcel makes available the equivalent of 1% of the annual revenues it collects from the community for community-directed undergrounding within the public right of way, typically in conjunction with other public works projects. On average, 1% equates to \$1.2 million per year. As part of its settlement with the city, Xcel made an additional \$11.5 million available, which represents 1% funds for the 10 years the city was out franchise. Through 2024, a total of \$16.4 million was available for allocation to projects. This budget has been allocated to four projects:

North Broadway (\$3.9 million - actual)

Started in 2021 and completed in 2022, the North Broadway 1% Project converted approximately 1 mile of existing overhead distribution lines to new underground distribution lines. The project was done alongside the city's North Broadway Reconstruction project and, as illustrated in the map below, began at a point just south of the intersection of North Broadway and Violet Avenue and extended to the intersection of North Broadway and U.S. Highway 36.



Figure 6 - North Broadway 1% Undergrounding Project

The North Broadway was prioritized to:

- Facilitate future redevelopment
- Mitigate the need to cut into the new concrete roadway for future redevelopment projects
- Improve reliability for customers and businesses along and to the west of North Broadway.

19th Street (\$2.3 million – actual)

Started in 2022 and completed in 2024, the 19th Street 1% Project converted approximately 3,300 feet of overhead electric distribution lines to new underground distribution lines along 19th Street, between Upland and Norwood Avenues as shown in the map below. This project was done alongside the 19th Street Multimodal Improvement Project.

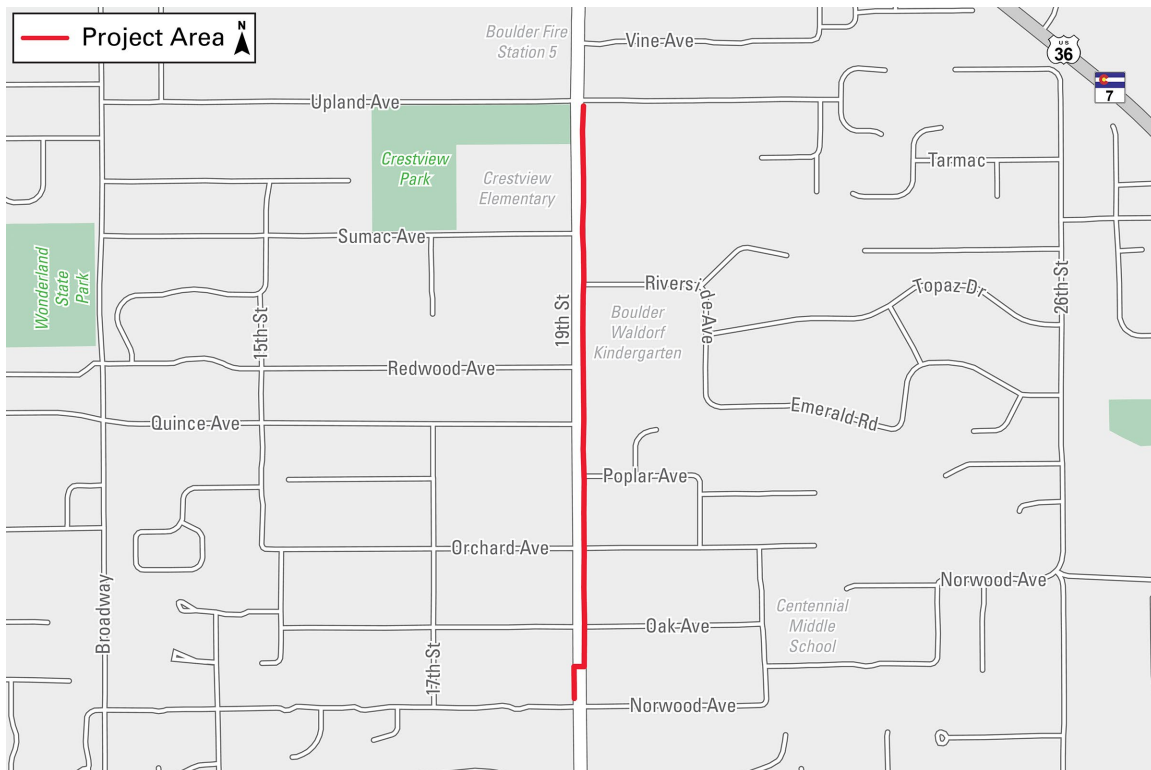


Figure 7 – 19th Street 1% Undergrounding Project

The 19th Street Project was prioritized to:

- Make space in the right of way for the multi-modal path
- Improve reliability for surrounding neighborhoods

East Arapahoe (\$7.9 million-estimate)

Started in 2024 and expected to be completed in 2025, the East Arapahoe 1% project will convert approximately 0.8 miles of overhead distribution lines to underground distribution lines along East Arapahoe Road, from McArthur Drive to 56th Street as shown in the map below. This project is being done alongside the East Arapahoe Multi-Use Path and Transit Stop Project.

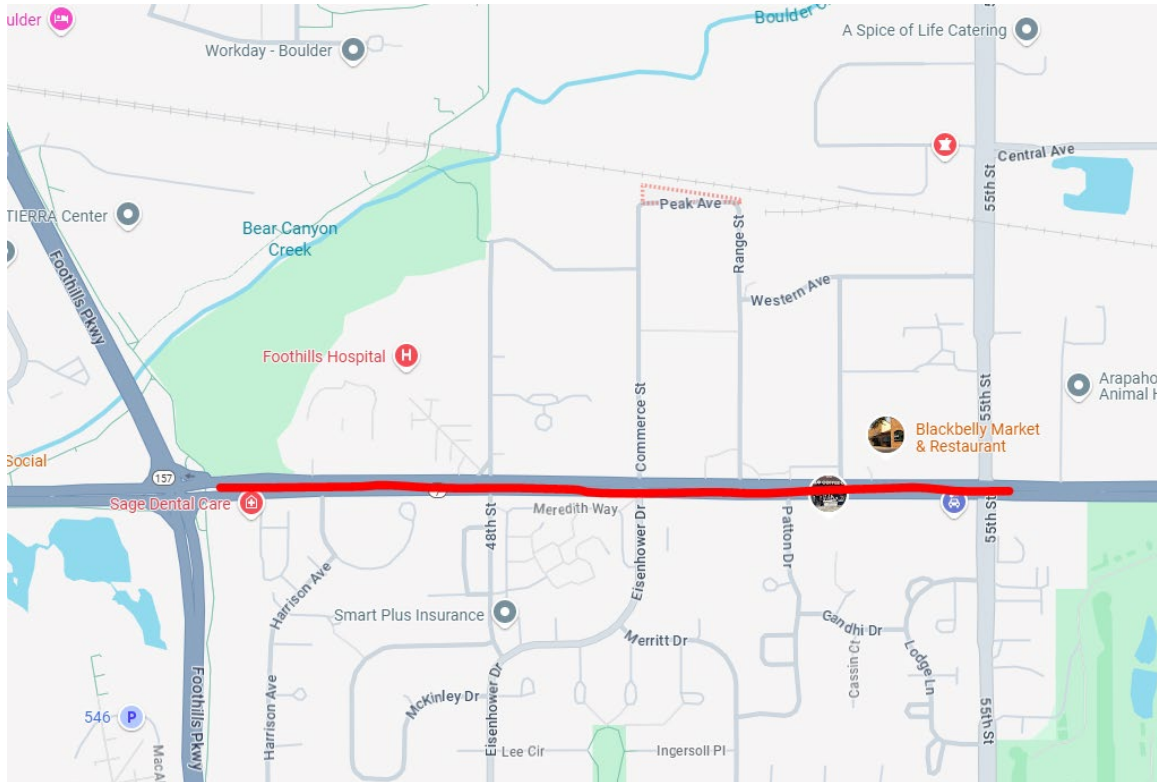


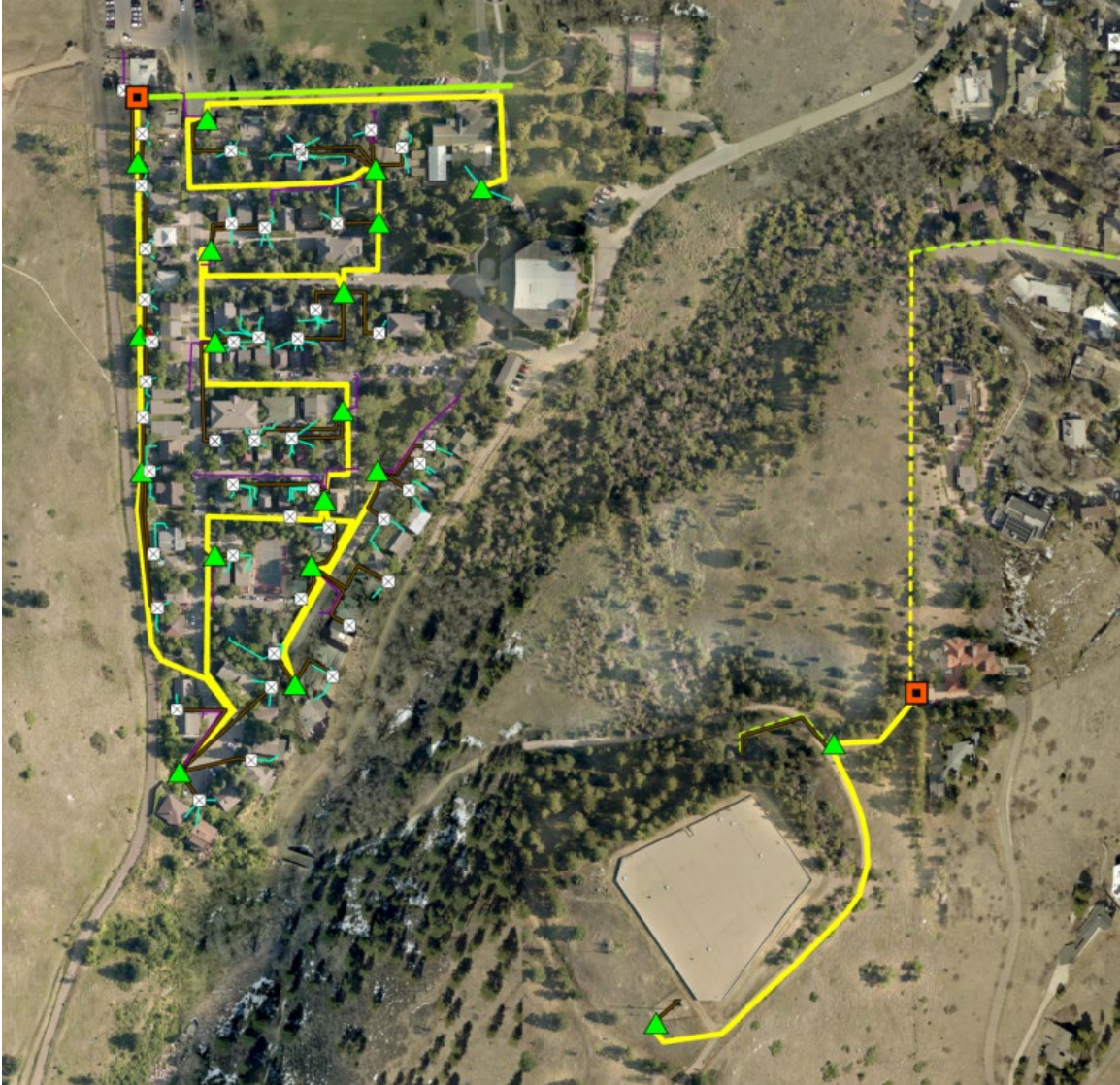
Figure 8 – East Arapahoe 1% Project

The East Arapahoe Project was prioritized to:

- Make space in the public right of way for the multi-use path
- Mitigate impacts to adjacent properties

Chautauqua (\$TBD)

Started in 2024, this three-phase project that is being done in partnership with the Chautauqua Association will underground the overhead distribution lines within the Chautauqua lease hold area, as well as within the open space area up to the water tower as shown in the map below. This project represents one of the most complex undergrounding projects Xcel has undertaken. The first phase of the project will underground the line to the water tower. Subsequent phases will underground along the western perimeter and then move lease hold.



The Chautauqua Project was prioritized to:

- Mitigate wildfire risk
- Improve the view shed



COVER SHEET

MEETING DATE

March 13, 2025

AGENDA ITEM

Council Process Working Group - Full Council Direction on Process Improvement Items

PRIMARY STAFF CONTACT

Megan Valliere, City Council Program Manager

IS THIS ITEM/PROJECT ON THE COUNCIL WORK PLAN?

Yes

ATTACHMENTS:

Description

- **Item #2 - City Council Process Improvement Working Group Specified Process Improvement Priorities Mar 13 SS Memo**



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: March 13, 2025

AGENDA TITLE

City Council Process Improvement Working Group – Full Council Direction on Specified Process Improvement Priorities

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Teresa Taylor Tate, City Attorney
Pam Davis, Assistant City Manager

EXECUTIVE SUMMARY

The Council Process Improvement Group has determined a list of 15 process improvement priorities for staff and council consideration and potential implementation. Several of these items require immediate full body direction before staff can move forward. This memo describes the items that require immediate full council direction as well as the direction staff are seeking.

BACKGROUND

As one of its 11 priorities for the 2024-2025 council term, City Council formed a Process Improvement Working Group to identify and recommend process changes that will make council operations more efficient and predictable.

On August 15th, 2024, City Council approved the appointments of Council Members Adams, Marquis, Speer, and Winer to the Process Working Group. The Working Group members indicated to staff at their first meeting that, in addition to process improvements suggested as part of the April 2024 priority setting retreat, they were interested in asking the full council if members had any additional process improvement suggestions. Council members were asked to

share process improvement submissions for consideration by the Working Group by October 30th, 2024.

Over the course of three meetings throughout the fall of 2024, members of the Working Group solicited process improvement submissions from their colleagues, individually ranked the full list of 36 submissions in priority order, and decided on a final list of 15 process improvements for staff and council to evaluate and address (all 15 items are listed in Attachment A).

While some items require council committee direction, are already being addressed by staff, or are administrative in nature and do not require council direction, several other items have been identified that require full council direction for staff to proceed with drafting options for council to consider and adopt if desired. These items, and the direction that staff is seeking, are described below.

ANALYSIS

The following six items require council direction for staff to begin scoping and drafting options for changes to council procedure. All problem statements have been based on Process Working Group discussions and reflect the ideas of that group, not necessarily of city staff. These items are not listed in the original priority order in Attachment A since this list is a subset of the full list of process improvements.

Item #1 – Mayor Pro Tem (MPT) Elections

- **Problem statement:** MPT election norms and informal criteria are not formalized in council procedure.
- **Description:** There are informal criteria by which the MPT has traditionally been selected by the full council body. Usually, council selects the longest-serving member of council who has not already served as MPT. This informal tradition is not written into council procedure, and as a result, selection processes may be subject to bias or confusion depending on whether members of council view the MPT selection process as deferring to tradition or as a competitive election. Current process language for MPT selection can be viewed [here](#).
- **Statement of Desired Outcome:** MPT selection is transparent and predictable.
- **Considerations/Options for Change Implementation:**
 - The Process Working Group discussed that the tradition of tenure as a preferred qualification for MPT selection should either be formally codified or discontinued to enhance process transparency.

- If council chooses to continue prioritizing tenure for MPT selection and more than one council member meets the criteria (seniormost member who has not already served as MPT), council members will need to determine a process by which the body will select the MPT from those members of council.
- Should a council member meet the criteria but not want to serve as MPT, council should consider the following:
 - In cases where there is only one council member who meets the criteria to be selected as MPT but does not wish to serve, council would need to determine a separate process for selecting the MPT among the remaining members of council.
 - In cases where more than one member meets the criteria, council should consider how members would formally opt out of the selection process.
- If there is only one council member who meets the specified criteria but does not wish to serve as MPT, a separate process for selecting the MPT may be necessary.
- Direction Sought: Does council desire to formalize MPT election tradition into council procedure for future MPT elections so that council is directed to select the seniormost member of council who has not already served as MPT?
 - If no, does council wish to make any changes to the formal MPT selection process to clarify protocol for a competitive election among council members?

Item #2 – Landmark Reviews

- Problem Statement: Landmark reviews take up too much city council meeting time.
- Description: The Boulder Revised Code requires City Council review of landmark and historic district designations, code amendments and Landmarks Board decisions on Landmark Alteration Certificates (LAC), for changes to designated properties.

Staff estimates that in 2024, historic preservation items took a total of 3.5 hours of City Council’s meeting time, which is less than 2% of total council meeting time. More than half of that time was spent on a single item type that is not expected to recur frequently. Review included:

- 2.5 hours: Public hearing on the proposed Civic Area historic district. This was the first historic district application considered by City Council in 18 years; historic district applications are very rare. First reading and findings were approved on the consent agenda, with no council comment.
- 45 mins - 1 hour: 4 public hearings on voluntary landmark designations (10-15 minutes each).

- 0-5 mins: 13 call-up memos for LACs; all passed on the consent agenda, 1-2 with comments (0-2 mins each). This represents 4% of historic preservation cases reviewed in 2024.
 - 0-5 mins: Historic Preservation Code Amendments to streamline the design review process, extend approval timelines and remove the Planning Board ex-officio member from the Landmarks Board. The ordinance passed on the consent agenda (1st and 2nd Readings) with 1-2 minutes of council comment.
 - 5 mins: Preservation Month Declaration
- Statement of Desired Outcome: Landmark reviews take less meeting time from city council.
 - Considerations/Options for Change Implementation: City Council could amend the code to reduce the requirements for review of landmarks items. This could include an appeals process rather than a call-up period for Landmark Alteration Certificate applications and placing landmark and historic district applications on the consent agenda rather than scheduling each of them for a public hearing. Depending on the scope of the proposed changes, the project could require significant time from both the City Attorney's Office and Planning & Development Services teams. Before utilizing limited staff capacity to investigate potential options and how they would impact staff and council business processes, staff are seeking full council direction on this process improvement submission.
 - Direction Sought: Would council like staff to investigate options for revising city code to reduce the requirement for City Council review of historic preservation items?

Item #3 – Council Employee Performance Reviews

- Problem Statement: Not all council members participate in council employee performance review questionnaires.
- Description: Currently, all council members can provide input on council employee performance through annual evaluation questionnaires, and the Council Employee Evaluation Committee provides one-on-one feedback to the City Manager, City Attorney, and Municipal Judge. While the full body is invited to provide feedback, council employees have not received feedback from all nine council members in previous years.
- Statement of Desired Outcome: Every council member provides evaluation feedback about each council employee during annual reviews.

- Considerations/Options for Change Implementation: Mandatory participation in annual performance reviews for council employees would require a change to council procedure and accountability would be managed by city council as a self-regulating body.
- Direction Sought: Does council desire to formalize mandatory council member participation in council employee performance reviews?

Item #4 – Use of Community Member Email Addresses

- Problem Statement: Council is concerned about communication, privacy, and information sharing and wants to ensure that personally identifiable information (primarily, community member email addresses) is used only for official city council purposes.
- Description: Council members have access to community member email addresses in their official capacity through comments submitted to the City Council Contact Form. There is no formal policy regulating the use of this information.
- Statement of Desired Outcome: Council establishes rules and procedures related to communication, privacy, and information sharing, specifically regarding community member email addresses.
- Direction Sought: Does council desire to establish rules prohibiting the use of community member email addresses for purposes other than replying to community inquiries in council members' official capacity as elected officials?

Item #5 – Opportunities for Council Members to share ceremonial responsibilities and cover CAC absences.

- Problem Statement: Public speaking opportunities at city events and Council Agenda Committee (CAC) fill-in opportunities are not equitably available to all council members.
- Description: Current council procedure regarding event participation [states](#), “In addition to chairing council meetings, the mayor is frequently called upon to perform certain ceremonial duties or to serve on intergovernmental committees. Whenever possible, the mayor shall attempt to share these responsibilities equitably among the other council members, including the mayor pro tem.”

There is no formal procedure for sharing these responsibilities and opportunities other than the above.

CAC absences are currently managed by council procedure that [states](#), “Replacements are solicited from all remaining council members whenever an agenda committee member

cannot attend a meeting. If more council members wish to attend then there are vacancies, the mayor makes the appointment.” Note that the current language does not identify a time frame for response.

- Statement of Desired Outcome: Fill-in opportunities at CAC and public events shared among council members in a predictable and equitable way.

- Considerations/Options for Change Implementation:
 - Council procedure does not currently define a role for city staff in administering the sharing of ceremonial and other responsibilities among council members. Should council direct staff to outline and administer a formal process, there are staff capacity constraints to consider depending on the future frequency and lead time of event opportunities.
 - If staff are instructed to administer a formal process for facilitating council member participation in fill-in opportunities, the process will likely include both a rotation (similar to declaration readings) and defined timelines for council member responsiveness. Depending on the amount of notice staff and council are given when fill-in opportunities become available, staff may need to define strict deadlines for council member responses to email invitations before moving to the next council member in the rotation.

- Direction Sought: Does council desire to formalize a process for sharing fill-in opportunities for ceremonial, CAC, and other duties, and if so, does council direct staff to administer that process?

Item #6 – Declarations

- Problem Statement: Declaration process not clearly defined or completely aligned with council rules of procedure and take substantial meeting time.

- Description: Current city practices only partially align with the council rules of procedure [related to declarations](#). The following parts of current practice **align** with existing rules of procedure:
 - The Mayor screens all declaration requests.
 - Read aloud declarations are included on the CAC agenda for review and questions by the members of CAC.
 - All declarations, whether read aloud or simply issued, are posted in the city’s online records repository, Laserfiche and provided to recipients when applicable.The following parts of the current practice **deviate** from existing rules of procedure:
 - The rules of procedure state that declarations are initiated when “a group with substantial local support requests such action.” The current practice is that city staff creates a calendar of anticipated declarations rather than waiting for a

community group (or however “a group with substantial local support” would be defined) to initiate a request. Declarations are also frequently requested by council members or city staff members, which may not qualify as “a group with substantial local support” for the purposes of that section of council procedure.

- § **Note:** This practice grew out of an acknowledgement that several declarations are issued on a yearly basis due to their significance to the Boulder community (for example – Boulder Day of Remembrance, Black History Month, Indigenous People’s Day, Pride, etc.). The calendar adds predictability for staff working on administering the declarations program.
- The rules of procedure assume that all declarations are mayoral unless CAC asks for them to be issued by the full council. The current practice is that declarations are issued on behalf of the full council, rather than solely the mayor, by default.
 - § **Note:** The practice of issuing declarations on behalf of the full council, even if not formally following the process outlined in council procedure to designate each declaration as a full council declaration, grew out of a desire from council members to alternate reading declarations in a regular rotation. Presumably, declarations issued on behalf of the mayor would be read only by the person occupying that office, and staff heard feedback that council members were interested in distributing reading opportunities equally among council members.
- The rules of procedure assume that all declarations will be issue-only unless CAC asks for them to be read aloud. The current practice is that some declarations are added to the agenda under “Call to Order and Roll Call” for a reading either due to tradition or Mayoral direction.

Current procedure also does not contemplate the wide range of dynamics that come along with declaration requests. These include:

- Who writes and approves declaration language (i.e. by community members, council members, staff, or some combination)
- Who reads declarations (i.e. the reader rotation is not outlined formally in procedure and is instead a practice that grew out of council desire to participate equally in readings)
- How community recipients are invited when council initiates a declaration (i.e. whether council members are solely responsible for inviting recipients or if staff should support in this capacity as they currently do)
- How council members would go about distributing, amending and/or approving the language for a declaration issued by the full council rather than solely on behalf of the mayor (i.e. would there be a formal review, revision, and approval process among all nine council members when declarations are issued by the full council?)
- Declaration length restrictions (which have been suggested at various points by several council members)

- Limitations of the number of declarations per meeting or per year (informal practice is that we try not to exceed two declarations per regular meeting)
 - Whether declarations issued in one calendar year should be reissued annually or if they are effective in perpetuity
- Statement of Desired Outcome: The city’s declaration process is comprehensive, easy to understand, and transparent for council members, community members, and the city staff who administer it. The development and presentation of declarations require less staff preparation and council meeting time.
 - Direction Sought: Does Council support moving forward with a full declarations policy and process redesign? If yes, while the issue is being fully vetted, how would council like to proceed with current declarations? Shall all future declarations not previously approved by CAC be deemed as issue only unless explicitly brought forward as a CAC request to read aloud?

Depending on council direction on the two questions above, staff in the City Manager’s Office and City Attorney’s Office recommend a follow-up discussion for council members to define a general direction they would like to pursue for the below items related to declaration procedure. In some cases, council can choose to adhere to following the existing processes outlined in council procedure or to define a new process. In other cases, council will need to provide direction on items to which existing council procedure is currently silent.

1. What is the purpose of council declarations? – this is not outlined in council procedure and would provide grounding for staff and council as this process goes under review.
2. How declarations are initiated – does this include council members and staff, too, or just community members as currently outlined in existing procedure? Would council like to continue the current practice of drafting an annual calendar or following procedure as written and requiring all declarations to be initiated by a community group? If we keep the annual calendar, should we bring that to council at the end of each year for review and approval?
3. How council indicates whether they would like to issue a proposed mayoral declaration as a full council declaration – do we follow the process outlined above and make all declarations mayoral by default and require CAC to determine when declarations will be issued on behalf of the full council? If so, how will council review and approve the language of these declarations? If not, what other process would council like to follow to determine whether a declaration is issued on behalf of the mayor or the full body?

4. How council indicates whether they would like to read a declaration aloud or only issue it with the packet without a reading – would council like to default to issue only for all declarations and defer to CAC to determine which should be read aloud as outlined in procedure?

NEXT STEPS

If staff receive direction to move forward with the above items, the items will be brought to council for consideration at various points throughout the rest of the year based on CAO and CMO staff capacity.

ATTACHMENTS

A – Full List of 15 Process Improvement Priorities

Attachment A – Full List of 15 Process Improvement Priorities (in priority order)

Note: The items are phrased as problem statements. “CM” stands for “council member.”

Item	Next Step
1. No annual board/performance evaluation for council as a body	Staff to seek council employee evaluation committee feedback before developing a recommendation for the full council.
2. Scope and intent of council research requests not always clear / CMs do not always follow nod of 3/nod of 5 procedure	No formal action required: Staff will continue to refine strategies to support council following existing rules of procedure
3. CMs not required to take Right Use of Power training	Staff to provide council members with information about already scheduled training opportunities being hosted in partnership with the Right Use of Power Institute.
4. Declarations during meetings take too long & Declaration procedure not clearly defined or in alignment with council rules	March 13 Study Session
5. CMs do not consistently follow rules of procedure	No formal action required: Staff will continue to refine strategies to support council following existing rules of procedure
6. No specific hotline submission guidelines & Hotlines sent without adequate time for council and staff review	Staff to develop recommendations for council consideration.
7. Mayor Pro Tem election norms and informal criteria not formalized in council procedure	March 13 Study Session
8. Council committees do not have charters or workplans	Staff will draft charters for individual committee consideration and final council approval by Q4 2025.
9. Videos and presentations during open comment are logistically difficult and disruptive	Complete: the city will not display videos or presentations during open comment.
10. Landmark reviews take too much meeting time	March 13 Study Session
11. Not all CMs participate in council employee performance review questionnaires	March 13 Study Session
12. No formal guidelines for CAC requests from CMs	Staff will bring proposal to CAC for consideration in Q2 followed by full council consideration.
13. Concern about improper use of information gained in official capacity (especially community email addresses)	March 13 Study Session
14. Public speaking opportunities at city events not equitably available to all CMs & CAC absences & fill-in opportunities not equitably available to all CMs	March 13 Study Session
15. Variability in CM meeting facilitation skills and comfort	Facilitation coaching to be incorporated into next city council onboarding.