

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue

March 17, 2014

Mayor Jay called the Study Session to order at 6:31 p.m. Council members present: Jerry DiTullio, Bud Starker, Zachary Urban, Kristi Davis, George Pond, Tim Fitzgerald, Genevieve Wooden

Absent: Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Planner, Lauren Mikulak; guests and interested citizens.

PUBLIC COMMENT ON AGENDA ITEMS

Jesse Hill (WR) noted it was "Sunshine Week" – dedicated to openness and transparency in government. He praised the Strategic Housing Study that was presented recently, but is now disappointed that the discussion of it will be done at the Council Retreat where there are no minutes and no recording. Also, the discussion about future revenue will happen then.

Nancy Snow (WR) spoke about Agenda Item 4 and the possibility of discontinuing the video taping of the City Council Study Sessions. Things happen in study sessions that the public has a right to see and hear. She is so pleased that study sessions are broadcast and she asked Council to please continue the practice.

It was agreed to do Agenda Item 1 – Staff Reports at the end of the agenda.

2. Ridge at 38 Commercial District Feasibility and Formation Study

Guests present for the discussion:

Brad Segal and Anna Jones of PUMA

(Progressive Urban Management Associates)

Janeece Hoppe and Jerry Nealon from the 38th Avenue Leadership Committee

Britta Fisher of WR2020

Brad Segal explained that his company works with downtowns developing public private partnerships. They were engaged last fall by WR2020 and the Leadership Task Force to see what was needed to establish a public private partnership. With direction from the Task Force they talked with various business owners and analyzed several options. A Business Improvement District is recommended.

Two meetings were held, attended by 15-20 people. A majority of the businesses they talked to want this. A handout outlined the BID.

Benefits

- Creates a unified voice for the businesses on 38th Avenue
- Creates a reliable source for funding for programs and improvements that showcase the area
- Broadens private sector control and accountability. A governing board would be accountable to the businesses and subject to standards and controls
- Leverages City and other resources to improve the corridor. City staff supports a cash match in addition to proposed streetscape improvements.

Work Plan Summary

Name would be "Ridge at 38 BID". Would only include Marshall to Wadsworth. East of that is primarily residential and the commercial area near Sheridan already has streetscape improvements. Includes 37 different property owners and 44 commercial parcels.

Services include:

- Marketing and events to attract more businesses and customers
- Physical improvements (e.g. bike amenities, public art, signage and lighting, banners, beautification such as hanging baskets)
- Enhanced maintenance: sweeping and power washing sidewalks; landscape maintenance
- Advocacy for the corridor: Unified voice to advance policies and issues; part-time and/or contract staff

Assessment (cost to businesses)

- 5 cents per sq ft of property, plus 5 cents per sq ft of building
- Projected to raise \$62,500/year; with City match nets \$125,000 annual budget

Caps on assessment rates

- After Year 2 the BID board could raise assessment rates a maximum of 5%/yr
- Increase beyond that would require approval by a majority vote of the affected ratepayers.

BID governance

Recommended is a board of 5-7 members and allow for diversity of property types, uses and geography (retail, restaurant, service, auto)

Program management structure

- Contract for staff
- Businesses located outside the BID could join for a reduced rate
- City to document a baseline of current services; BID services will be in addition to any current city services

Formation process has three phases:

- 1) Starts with a property owner initiated petition; needs to represent majority of the acreage and property value
- 2) City Council is asked to pass an ordinance creating the BID (public hearing)
- 3) Subject to TABOR; requires a vote; only affected property owners would vote

Council questions and discussion followed. Topics included:

- There used to be a volunteer merchants' association. The experience is that a few do all the work and people get burned out; for some it's just a free ride.
- When the property owners do the final vote, the votes of properties with more square footage and more value receive more weight. There is a regulated formula for that.
- Of the 37 property owners, 20 were contacted. Most folks wanted more detail. At the meetings 15 were open-minded, leaning in favor; 5-6 were leaning opposed.
- Tax exempt entities (e.g. the church) and the school district are exempt from this process.
- For the initial feasibility study about half of the 44 properties were contacted. Some are absentee owners and live elsewhere, but they did talk to some of the businesses that are tenants. The petition process will heavily involve the property owners.
- What if property owners don't respond? No response is essentially a 'no' vote.
- Zoning has no bearing on the assessment.
- The BID is a subdivision of the state due to state statutes, but is in Wheat Ridge and must follow Wheat Ridge codes.
- The petition requires that three property owners are sanctioned to make decisions on behalf of the district before it is actually created. They recommend the board composition be determined in the petition, rather than having an election – due to the political nature of that.
- The formation of the BID is financed by the City. The 2013 budget had \$20,000 for Phase 1. Another \$10,000 is now budgeted for Phase 2. Other funds might come from WR2020. Property owners can also make a loan to the BID.
- When the City Council creates the BID by ordinance, can it set structure and policies, and create checks and balances? Mr. Dahl recommends following the wishes of the petition; Mr. Segal said those things should be known up-front – not after the petition process.
- The BID has to report annually to the City. The City can dissolve the BID.
- There are minimum thresholds for budgets and Mr. Segal thinks that will be met. It would be in the lower 1/3 of BIDs in the state. With City matching funds the budget will be ample.
- Mr. Segal thinks this can work because businesses, old and new, are passionate about the area. If you take the road controversy out of the equation everyone wants the district to succeed.
- Benefits to businesses: increased sales, higher property values
- The commitments of the businesses should be there before the Council creates the BID.
- A portion of funds that currently go to WR2020 could be diverted to the BID.
- Why can we only match a BID, not an association? (Arvada gives funds to its Olde Town business association.) We could, but that option wasn't presented to businesses as there's a sense that an association will be 10% of the people doing 90% of the work.

There was discussion about whether or not to include the option of an association to

the businesses. If the BID vote fails they can try for an association.

There was consensus to support the petition process to create a BID.

There was consensus to agree to match funds of the BID in some form.

3. Proposed Amendment to the Subdivision Regulations – Ken Johnstone, Lauren Milulak

Ken Johnstone opened with remarks about how his department has worked the last 5-10 years to create a regulatory environment that supports good development, makes it easy to get things done, and makes it predictable. (This was implementing the recommendations of the 2005 Revitalization Study.) They tried to create the least restrictive environment. Currently there are some problems with substance and process. We aren't building *out* anymore; we're *re*-building and doing infill. Old codes don't always work so well for that. Staff – in particular Lauren Mikulak - has done considerable research in working on these changes and believes they are moderately conservative related to the Denver metro area. Changes would come forward in an ordinance.

Discussion followed addressing a few issues raised by some councilmembers.

- Some situations still require a public hearing – which is an effort to not be overly administrative.
- Multifamily/commercial vs single/two family – fee in lieu of construction of public improvements
- A five-foot attached sidewalk is now our minimum City standard on local streets.
- A definition of "transit" will be added so that parkland dedication is reduced for residential development within 1/2 mile.

There was discussion about additions: increasing the square footage by 50% triggers fees. This could discourage pop-tops and scrapes at a time when we want to encourage housing upgrades.

There was discussion about the addition of a parkland fee for commercial development. Could this be a barrier to development? Ms. Mikulak indicated that cities typically use three tools: 1) Land dedication or fee in lieu, 2) A development fee (to provide funds for park amenities), and 3) Assessment on commercial properties.

Councilmember DiTullio received a consensus to move forward with the new subdivision regulations, with the following changes:

- 1) Raise the floor to 60% of square footage to trigger fees
- 2) Do not add a parkland dedication fee for commercial properties.

4. Video Taping Council Study Sessions

Councilmembers gave their opinions about whether or not to continue the videotaping of City Council study session.

Councilmember DiTullio asked for consensus to continue videotaping study sessions. Councilmembers Davis, Fitzgerald, Urban, Starker, and DiTullio supported the consensus.

1. Staff Report(s)

Mr. Goff asked if Council wanted a specific agenda for the Town Hall Meeting on March 31 at the Rec Center. He has planned to present a State of the City and have some department tables with information.

There was discussion. It was agreed to keep it general until after the Council Retreat and then set some specific areas of presentation.

- Agreed: to include a few minutes of general Q & A for the public to ask anything they want.
- Agreed: to have some time devoted to 38th Ave.

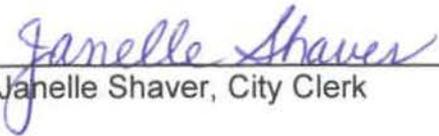
There was also brief discussion about the citizen survey that is available now. It's on the City website and in paper format for those without computers. Mr. Goff can provide those paper copies and they are available at City Hall.

5. Elected Officials' Report(s)

Tim Fitzgerald said the WR Business District is ready with their grants for landscaping.

Mayor Jay reported that the City will be having some educational presentations at City Hall regarding Flood Plains. Citizens are welcome and encouraged to attend.

The Study Session adjourned at 8:25 p.m.



Janelle Shaver, City Clerk