

URBAN RENEWAL AUTHORITY BOARD

July 9, 2018

11:00 AM

- **CALL MEETING TO ORDER**
- **SWEARING-IN OF NEW BOARDMEMBERS**

Four new Urban Renewal Authority Commissioners, Andy Smith, Christophe Febvre, Steve Johnson and Joe Wise, were sworn in by Secretary Coldiron.

- **ROLL CALL**

PRESENT: Overbeck, Troxell, Horak, Martinez, Stephens, Summers, Johnson, Smith, Febvre, Wise
ABSENT: Cunniff

- **AGENDA REVIEW**

Executive Director Atteberry stated there were no changes to the published agenda and welcomed the new Commissioners.

- **CONSENT CALENDAR**

Vice Chair Horak made a motion, seconded by Commissioner Overbeck, to adopt and approve the Consent Calendar.

1. **Consideration and Approval of the Minutes of the March 20, 2018 Urban Renewal Authority Meeting. (Adopted)**

The purpose of this item is to approve the minutes from the March 20, 2018 Urban Renewal Authority meeting.

2. **Resolution No. 085 Adopting Restated and Amended Rules of Procedure for the Conduct of Board Meetings. (Adopted)**

The purpose of this item is to consider revising and updating the Fort Collins Urban Renewal Authority Rules of Procedure for the conduct of all Urban Renewal Authority meetings.

RESULT:	CONSENT CALENDAR ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Overbeck, Troxell, Horak, Martinez, Stephens, Summers, Johnson, Smith, Febvre, Wise
ABSENT:	Cunniff

- **STAFF REPORTS**

Urban Renewal Authority Attorney Daggett noted the August meeting agenda includes consideration of an update to the IGA between the URA and the City regarding the manner in which the URA operates and the kinds of services the City will provide. She stated it is recommended the URA Board consider retaining separate legal counsel.

Executive Director Atteberry introduced Josh Birks, Patrick Rowe, Jackie Kozak-Thiel, Jeff Mihelich, and Delynn Coldiron.

- **CONSIDERATION OF BOARD-PULLED CONSENT ITEMS**

3. **Resolution No. 086 Adopting Restated and Amended Bylaws. (Adopted as Amended)**

The purpose of this item is to amend the Fort Collins Urban Renewal Authority Bylaws to reflect the Board’s expanded membership and make other associated changes.

Patrick Rowe, Economic Health Office, stated this item makes changes to the URA Bylaws to reflect its expanded membership and other associated changes, including that the Vice Chair become an appointed position.

Commissioner Martinez made a motion, seconded by Commissioner Overbeck, to adopt Resolution No. 086.

Vice Chair Horak proposed a language amendment to remove the word ‘person’ after each instance of Chair and Vice Chair. Commissioners Martinez and Overbeck accepted the amendment as friendly.

RESULT:	RESOLUTION NO. 086 ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Ray Martinez, District 2
SECONDER:	Bob Overbeck, District 1
AYES:	Overbeck, Troxell, Horak, Martinez, Stephens, Summers, Johnson, Smith, Febvre, Wise
ABSENT:	Cunniff

4. **Resolution No. 087 Commissioning and Appropriating Funds for an Existing Conditions Study of an Area West of the Drake and College Intersection and Directing Authority Staff to Prepare a Proposed Urban Renewal Plan for this Area. (Adopted)**

The purpose of this item is to authorize staff to prepare an urban renewal existing conditions study in the vicinity of Drake Road and College Avenue. An existing conditions study is the first step to form a new urban renewal plan area. Provided the study finds the required conditions of blight, as stipulated by state law, staff will develop a new Urban Renewal Plan (URP) document for adoption by the Fort Collins City Council. This item also appropriates \$69,310 to pay for services necessary to undertake the Existing Conditions Study, draft an URP document, and perform other services associated with a new URP.

Patrick Rowe, Economic Health Office, stated this item will authorize an existing conditions survey for a new urban renewal plan area. The proposed study area includes the northwest and southwest corners of Drake and College, including the private projects at the King Soopers and Drake at Midtown mixed-use project and adjacent rights-of-way.

Rowe showed photos of the area and discussed other area plans. He discussed the steps moving forward for consideration of new plan area by the Board. This item authorizes an existing conditions survey to be completed, provides direction to staff to develop the urban renewal plan, and appropriates funds for third-party services to assist in these endeavors.

Commissioner Wise asked why there was no mention of a project review committee or a fiscal impact analysis. Rowe replied those items are part of the process and more details on the topic will be provided and are included as part of the master schedule.

Commissioner Wise stated he would like to see those details as part of the presented information. Rowe replied he would provide the information.

Commissioner Febvre asked about the source of the \$69,000 budget allocation. Rowe replied that will come from the URA fund balance.

Commissioner Febvre asked if the proposed study is dedicated to a specific project or if it is for the URA in general. Rowe replied the existing conditions study is a survey of the area to look for blight conditions required to form an urban renewal area. The same consulting dollars will also fund the impact analysis mentioned by Commissioner Wise.

Commissioner Smith asked about the duration of validity of the existing conditions survey. City Attorney Daggett replied there is a timeframe after which it is no longer valid; however, she was unsure of the exact timeframe.

Commissioner Smith asked how many property owners or related entities are within the study area. Rowe replied the plan area could end up being smaller than the study area. The study area consists of six property owners, all of which have been contacted by staff.

Commissioner Smith noted state statutes require at least four conditions of blight to be present to form a new urban renewal authority plan area; however, only one condition is required if all affected property owners consent. He asked if that is the likely scenario. Rowe replied staff anticipates that four conditions will likely be found and not much consideration has been given to requesting the property owners to consent to a single condition.

Commissioner Smith asked how funds and projects are prioritized. Rowe replied each area is unique and study requirements will vary. The fund currently has a balance of approximately \$590,000, some of which is obligated to future debt.

Josh Birks, Economic Health Director, stated the increasing the density of College Avenue, as stated in City Plan and sub area principles, cannot occur without some type of assistance.

Commissioner Wise asked if staff believes either or both of the proposed development projects would not occur without public financing to some degree. Birks replied the developer on the southwest corner has represented public investment is essential to its ability to move forward. A project will likely happen on the King Soopers site regardless of whether there is an Urban Renewal Authority; however, this is a unique opportunity for the Board to consider including the project so other public needs can be addressed.

City Manager Atteberry stated the project at the southwest corner would likely not occur as proposed without the assistance. Both sites have been on the City's radar for 10 to 15 years for redevelopment. Staff does not intend to bring projects forth that would occur with no URA investment.

Chair Troxell asked about the meaning of the redevelopment signs on the properties. Birks replied the signs indicate a project is proposed for each site. The Board prefers to see proposals that are fairly mature in the planning process so as to accurately determine the financial gaps.

Commissioner Overbeck asked if the signage should include information the projects are URA projects. Birks replied notice is required after the authorization to begin an existing conditions study. The Board could instruct staff to place signage on the properties.

Commissioner Overbeck supported the idea of signage.

Chair Troxell asked about the possible expansion of the study area boundary lines. Birks replied there is a need to draw urban renewal boundaries as small as is reasonable to be able to encourage and address blight conditions.

Vice Chair Horak made a motion, seconded by Commissioner Martinez, to adopt Resolution No. 087.

Vice Chair Horak stated additional context from staff could be helpful.

Commissioner Stephens agreed additional background information could be especially helpful for new Commissioners.

Commissioner Martinez asked about the plan of action for parking. Birks replied an easement for 60 parking spaces exists; therefore, those will likely be maintained during construction. However, the project is not far enough along to identify a parking mitigation plan for MAX.

City Manager Atteberry stated the project on the southwest corner would not have an impact on parking related to MAX. There is a possibility of a joint parking structure on the northwest property.

Urban Renewal Authority Attorney Daggett noted all documents presented have a signature block for ‘Chair Person’ and those will be modified to identify ‘Chair’ moving forward. Additionally, the adopted Rules of Procedure will also be modified similarly.

RESULT:	RESOLUTION NO. 087 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Ray Martinez, District 2
AYES:	Overbeck, Troxell, Horak, Martinez, Stephens, Summers, Johnson, Smith, Febvre, Wise
ABSENT:	Cunniff

5. **Resolution No. 088 Directing the Executive Director to Notify the Larimer County Board of Commissioners and the Governing Boards of all Other Affected Taxing Entities of the Authority's Intent Under the Urban Renewal Law to Begin Negotiations for the Allocation of Incremental Property Tax Revenues Under a New Urban Renewal Plan Proposed for an Area West of the Drake Road and College Avenue Intersection. (Adopted)**

The purpose of this item is to authorize the Executive Director of the Fort Collins Urban Renewal Authority (URA) and designated staff to enter negotiations with taxing entities which may be impacted by a proposed new urban renewal plan area. These negotiations are required by changes in 2015 to the Urban Renewal Law. Any negotiated changes to the flow of tax increment in the proposed plan area will be codified through intergovernmental agreements between the URA and the taxing entities.

Josh Birks, Economic Health Director, stated House Bill 1348, passed in 2015, changed a number of things about the operations of the Urban Renewal Authority. The Bill increased the representation on the Board and required an agreement with the underlying taxing entities on how

the increment created within a plan area is shared. This action provides authorization to notify the taxing entities that an urban renewal plan area is being evaluated and provides authorization for the Executive Director and staff to enter into negotiations regarding the sharing of the increment.

Birks briefly discussed the plan area, which is the same as that in the previous item. He also discussed the project review committee, which includes similar representation to that added to the URA Board. The committee would review both the assumptions of the fiscal impact model as well as its output. The committee would also make recommendations to the underlying taxing entities about the amount or types of agreements that need to be reached regarding the tax increment generated.

Commissioner Martinez asked if language could be added indicating the Board is the final decision maker. Urban Renewal Authority Attorney Daggett replied a motion could include that language.

Commissioner Febvre asked if the Poudre School District Board of Education would vote on any funding recommendation from the URA Board. Birks replied the first step is to run the fiscal impact model, the assumptions for which are vetted by the project review committee. The committee is currently planned to include a representative from the sponsoring municipality, two representatives from the County, one representative from the School District, and an individual representing all other special districts. This group would agree upon the inputs that will go into the fiscal impact model and its outcome, which will form the basis of dialogue the committee would have about recommendations to the varying taxing entities. It is then incumbent upon the Urban Renewal Authority and its sponsoring municipality to go to each of the taxing entities individually and formally negotiate. If an agreement is not reached at the end of 120 days, the statute contemplates mediation, or arbitration, for the actual share to be received.

Commissioner Febvre asked how clearly the IGA will define the reason for the School District to want to contribute its tax dollars. Birks replied the Urban Renewal is a statutory-enabled tool that creates a process whereby there is an opportunity for fair accounting and an agreement between the two parties as to what the impacts are and resulting appropriate increment share. The second part of the IGA addresses principles that must be considered before a municipality would propose a new urban renewal plan area and provides a qualitative assessment rubric.

Commissioner Febvre asked about the status of the IGA. Birks replied the IGA is in a substantially complete form; however, there are some outstanding issues staff cannot resolve, primarily when the sponsoring municipality can provide the required 120-day notice. The leadership of the various entities must come together to resolve that issue prior to the IGA being finalized. Birks stated the IGA is not likely to be in place for this particular process.

Vice Chair Horak made a motion, seconded by Commissioner Overbeck, to adopt Resolution No. 088.

Urban Renewal Authority Attorney Daggett recommended the final section of Section 2 be modified to include language per Commissioner Martinez' earlier suggestion. Vice Chair Horak and Commissioner Overbeck accepted the modification as friendly.

Vice Chair Horak asked if language relating to approval by the Larimer County Board of Commissioners and Boards of all affected entities should be included. Urban Renewal Authority

Attorney Daggett replied she is unsure how to incorporate that as it is possible the URA would reach agreement with some of the entities but not all of them.

RESULT:	RESOLUTION NO. 088 ADOPTED [UNANIMOUS]
MOVER:	Gerry Horak, District 6
SECONDER:	Bob Overbeck, District 1
AYES:	Overbeck, Troxell, Horak, Martinez, Stephens, Summers
ABSENT:	Cunniff

6. **Discussion Item and Direction Concerning Possible Appointment of New Members to the Board's Finance Committee.** (Staff to return to Board with a Resolution for consideration on August 24)

The purpose of this item is to discuss whether the Board wishes to appoint new members to the Fort Collins Urban Renewal Authority (URA) Finance Committee. The current members on the Committee are Chairperson Troxell and Commissioners Cunniff and Summers.

Patrick Rowe, Economic Health Office, stated this item does not involve an action by the Board, but is to provide direction to staff. The existing URA Finance Committee has been the same three individuals that comprise the Council Finance Committee. Moving forward, it is possible another option could be considered.

Chair Troxell provided some background on the URA Finance Committee.

Commissioner Summers suggested adding members to the URA Finance Committee given the expansion of the URA Board.

Vice Chair Horak suggested staff return with a Resolution for including 5 members on the URA Finance Committee.

Commissioner Stephens supported Vice Chair Horak's suggestion and noted the URA Finance Committee meetings are open meetings. She noted the materials the Board received from the Finance Committee are usually quite detailed and extensive.

Chair Troxell requested staff prepare a Resolution with 5 spaces for members for the URA Finance Committee.

- **ADJOURNMENT**

The meeting adjourned at 12:27 PM.

Chair

ATTEST:

Secretary