



Statement of Vision

Lafayette's panoramic view of the Rocky Mountains inspires our view into the future. We value our heritage, our unique neighborhoods, a vibrant economy, and active lifestyles. We envision a future that mixes small-town livability with balanced growth and superior city services.

NOTICE OF CITY COUNCIL WORKSHOP

This meeting will be conducted in person and by electronic and telephonic means in order to protect the public health and safety according to a Declaration of Local Disaster Emergency issued by the Mayor of the City of Lafayette on March 17, 2020 and City of Lafayette Resolution No. 2020-23, extending the Mayor's declaration until terminated by Council.

SEE BELOW THE AGENDA FOR ACCESS OPTIONS

February 27, 2023

A G E N D A

5:30PM CITY COUNCIL WORKSHOP

- I. Economic Development Business Incentive Programs
- II. Potential 2023 Ballot Measure Discussion
- III. Adjourn

OPTIONS FOR ACCESSING THE MEETING

- Attend the meeting in person. City Hall Council Chambers, 1290 S. Public Road.
- Tune to Comcast Channel 8 or HD Channel 881.
- View the meeting on your computer at <https://www.lafayetteco.gov/627/Streaming-Video>
- Listen to the meeting by calling 877-853-5257 (toll free). Once connected, you will be asked for the meeting number. The meeting number is 869 1163 2580. Press # after entering the number.



CITY COUNCIL WORKSHOP MEMO

MEETING DATE: February 27, 2023
AGENDA TITLE: Economic Development Business Incentive Programs
PREPARED BY: Kady Doelling, Acting City Administrator
Brigid Keating, Economic Development Director

Executive Summary

The purpose of this agenda item is to present proposed business incentive programs, as part of the implementation of the Economic Development and Housing Strategic Plan. Funding for these potential programs is part of the 2023 Council-approved Budget. Consultant John Hall from Community Economic Strategies will present along with Lafayette Economic Development Director Brigid Keating.

City Council Strategic Outcome (most applicable): Economic Prosperity

Background Information

In January 2023, Council approved the City of Lafayette Economic Development & Housing Strategic Plan. The Economic Development Strategic Plan includes business-, people-, and place-based goals. Business-based goals are generally focused on the retention, expansion, and attraction of existing and new businesses. To advance these goals, the strategic plan recommends to:

- Develop, fund, and administer assistance programs for existing businesses.
- Align incentive policies with both industry needs and community objectives

At the February 27 Council Workshop, Economic Development Director Brigid Keating and Consultant John Hall will introduce business incentive programs for Council's feedback. These programs are based off best practices and opportunities to advance the Economic Development & Housing Strategic Plan. The programs include:

Job Training/Local Hiring Grants - Encourages hiring of local employees. Provides grant award of up to \$5,000 for hiring and training of local employees based on documented actual training costs including on the job (OTJ) costs. Year 1 total program budget: \$50,000.

Small Business Capital Project Grants - Reimbursement of project-related costs for real property improvements to encourage growth and retention of existing business with 50 or fewer employees. Maximum reimbursement of 25% for project costs up to a maximum of \$5,000 per business per year. Year 1 total program budget: \$50,000.

Tax and Fee Share-back Agreements – Rebates to offset start-up costs related to a new business location or significant expansion generating new sales tax, jobs, or investments. These agreements must be approved by City Council and typically rebates 50% of permit fees and use tax on construction materials or 50% of applicable new sales tax revenue where a public purpose is served.

Next Steps

Staff will finalize the proposed business incentive program guidelines and internal review procedures. Additionally, staff will work with the Lafayette Communications team for a marketing and outreach strategy.



CITY COUNCIL WORKSHOP MEMO

MEETING DATE: February 27, 2023
AGENDA TITLE: Potential 2023 Ballot Measure Discussion
PREPARED BY: Kady Doelling, Acting City Administrator
Jeff Brasel, Planning and Building Director
Jeff Arthur, Public Works Director

Executive Summary

Annually, a team consisting of the City Attorney, City Administrator, and City Clerk meet to discuss potential ballot items for Council consideration. These items are presented and discussed with Council early in the year to determine if Council wishes to place them on the ballot for voter consideration.

City Council Strategic Outcome (most applicable): Bold, Authentic Leadership

Background Information

There are generally three types of ballot measures advanced for discussion. These include municipal policy questions, tax issues, and Charter amendments. Tax issues (also called "TABOR" measures, short for "Taxpayer's Bill of Rights") and Charter amendments require voter approval. Measures can be proposed by staff or Councilors.

Requirements for Board and Commission Appointees

There has been some interest in the community to explore changes to the requirements for serving on a City board or commission. Currently, the Charter requires the following three qualifications of board or commission members:

- To be a registered elector of the City on the day of appointment and throughout their tenure of office;
- To not be in default to the City or to any other governmental unit of the state; and
- To be a resident of the City for at least one year immediately prior to the day of the member's appointment.

The City has put the question of changing these requirements to the voters three prior times. A summary of each election and outcome is listed below.

In 2006, voters rejected measure 2B which would have allowed City Council to make exceptions to qualification requirements for members of boards and commissions it

determined necessary to accommodate the purposes and functions of such boards and commissions. (3,137 FOR: 4,800 AGAINST)

In 2015, voters rejected measure 2J which would have eliminated the requirement that board and commission members be residents and electors of the city, provided that the chair and all but two members reside in the City, with the exception of those serving on the Planning Commission. (1,748 FOR: 5,065 AGAINST)

In 2016, voters rejected measure 2F which would have eliminated the requirement that all board and commission members be electors of the city (citizens), but still requiring residency. (5,314 FOR: 9,085 AGAINST)

Staff is seeking direction on whether City Council wishes to change any or all of the requirements and whether Council desires to conduct any polling prior to deciding on ballot language.

Transportation Funding

The City's first comprehensive transportation planning effort, the Multimodal Transportation Plan (MMTP), was initiated in 2021 and anticipated to be complete in mid-2023. Building on the City's recently adopted Comprehensive Plan and other guiding documents, the MMTP will outline the City's vision for its future transportation system and the policies necessary to support that system. It will be the guiding document to help prioritize capital projects and programs, collaborate with regional partners, and more effectively pursue funding opportunities.

Staff anticipates this plan will identify significant financial needs; desired projects likely total hundreds of millions of dollars. For example, a large corridor project such as Future 42 is estimated to cost over \$45 million. A dedicated tax would provide funds or matching funds to bond for a major project every twenty years, or it could provide additional money to complete minor enhancements every few years.

At the workshop, staff will seek initial feedback from City Council on whether Council would like to explore a potential tax increase. If so, staff will also discuss the intent of the potential tax. If the intent is smaller, more frequent projects, the City could consider polling on a tax this year to lay the groundwork. If Council would favor a major bond project every twenty years, it would be strategic to wait for specific projects to be identified through the MMTP to gauge public support.

Growth Management

In 1995, a voter-initiated charter amendment on residential growth management was successfully passed. The amendment was passed at a time when the City was experiencing annual growth rates of 5.6% between 1990 and 2000. Prior to the 1990s, the City's population was roughly doubling in size every ten years, from 3,498 in 1970 to 14,548 in 1990.

The entirety of the residential growth management provisions that were passed in 1995 are contained in Sections 6.10 through 6.15 of the Charter and contain the following topics:

- Residential growth management provisions providing for a 1,200 dwelling unit limit over a six-year period and allowing for certain exceptions. The current six-year period is January 1, 2019, through January 1, 2025. (Section 6.10)
- Referendums on annexations allowing for a 60-day referendum period for any annexation. (Section 6.11)
- Requiring the comprehensive plan to provide for an average growth rate of not greater than 3% per year, required the establishment of an urban growth boundary within the comprehensive plan, and a requirement of 6 affirmative votes by the City Council to amend the growth boundary. (Section 6.12)
- Proving legal standing for any resident within the City of Lafayette to enforce provisions of the residential growth management amendments (in their entirety) of defending any part of it against a suit by any person. (Section 6.13)
- Requiring the entirety of growth management provisions to be presented to the voters in a referendum for an extension for an additional six-year period on or before the last general election in November 2024. (Section 6.14)
- Restricting the City from entering into agreements committing the City to issue more than 200 dwelling units per year until after the referendum election is held. (Section 6.15)

The exemptions to growth management contained in Section 6.10 include the following:

- Single-family residences, duplex, triplexes, or four-plex constructed on lots existing prior to May 23, 1995, or on lots that result from subdivision of lots existing prior to May 23, 1995, into no more than two parcels.
- All industrial and commercial construction.
- Dwelling units located within mixed-use building complexes within LURA- Old Town as that area existed as of January 1, 2000.
- Dwelling units located within mixed-use building complexes within the Countryside Village Shopping Center and the 4 acres of vacant land owned by Boulder County, and a portion of LURA – South Boulder Revitalization Area as it existed on January 1, 2006.
- Properties within the City that, prior to November 6, 2022, were eligible to be in the category of, “otherwise entitled to priority,” by reason of commitments made by the City that existed prior to May 23, 1995, with respect to the annexation of those properties.
- Up to 50 permanently affordable dwelling units per year (80% AMI or less).
- Developments for which the PUD restricts at least 40% of the total number of units as permanently affordable dwelling units (80% AMI or less).

The Charter provisions are implemented through regulations in Chapter 30, Article XI of the municipal code. These regulations provide specificity on definitions, exemptions, annual reporting requirements, and procedures for the allocation of permits to specific

developments and issuance of building permits. Chapter 30 is usually updated after the results of the required referendum are known. The last update of Chapter 30 was in 2013.

Section 6.10 of the Charter requires that the growth management "provisions, in their entirety . . . be presented to the voters of Lafayette in a referendum for extension" for an additional six-year period. The Charter language states that the provisions shall be referred to the voters, "in their entirety." Since their inception in 1995, there have been five referendums presented to the voters. A summary of these referendums is included in Attachment A. There are differing interpretations as to whether this clause means that the provisions need to be presented without changes and any proposed changes need to be presented in a separate question or whether this clause means that we just need to present all Sections 6.10 through 6.15 for consideration, with or without proposed changes.

This question has played out differently over the years, where alternative proposals were presented within the same election (2001) and when amendments were proposed a year ahead of the last year, followed by another vote on the regulations as they existed (2000 and 2001). Since the 2000-2001 votes, referendums generally consisted either of a vote with no changes (2007) or a single ballot question to extend and propose changes (2012, 2017).

Regardless of interpretation, the Charter is clear that the referendum on growth management must occur on or before the last general election prior to the expiration of the current cycle, which would be November of 2024.

At the work session, staff will seek council consensus on both the timing of the ballot question and the content of the ballot question. Staff will present information on the legal requirements for the election and current and future work that might affect Council's approach. These discussions will provide a basis for further work that must be done to advance the question.

Next Steps

Council should discuss the proposed measure and render a decision on whether any measure should move forward for 2023 and/or be polled ahead of time.

Attachment(s)

A: Summary of Growth Management Ballot Initiatives

Attachment A – History of Residential Growth Management Amendments

- **1995 (R-95-28) – Charter Amendment to Add Growth Management Provisions**
 - Added new sections 6.10 – 6.15
 - Limits dwelling units to 200 per year for the next six years
 - Initial 6-Year Period: 1/1/1996 – 1/1/2002
 - Other provisions include a 60-day referendum on annexation, comp plan amendment to limit growth to 3% per year, building permits void after 180 days and giving any resident standing to enforce GM provisions
- **2000 (O-00-11) – Amend 6.10 only for the current GM period (1/1/1996-1/1/2002)**
 - Amend 6.10 by exempting:
 - A 12-acre parcel located north of the intersection of Brooks Ave and Dounce Street owned by the Boulder County Housing Authority property (Josephine Commons and Aspinwall) and
 - Mixed-use projects in the existing Urban Renewal Area - Lafayette Old Town
 - Did not address next GM period
- **2001 (O-01-31) – Alternative GM Questions – Amend and Extend, or Extend w/o Amendment**
 - This is the only year in which alternate questions were presented in this manner.
 - **Question No. 2A:** Amend Chapter VI, Sections 6.10, 6.12, 6.14, and 6.15 of the Charter by
 - [1] extending the provisions thereof for an additional period of six years (1/1/2002-1/1/2008),
 - [2] exempting up to 50 permanently affordable dwelling units from the building permit cap, and
 - [3] requiring the comprehensive plan to contain a binding urban growth boundary;
 - **Question No. 2B:** Extend the provisions of sections 6.10, 6.14, and 6.15 for an additional period of six years (1/1/2002-1/1/2008) without further amendment.
 - (Ordinance also included unrelated ballot question re: PC membership and appointment)
- **2007 (O-07-38) – Extend GM Only (No Amendment)**
 - Extend GM for the next 6-year period without amendment (1/1/2008 – 1/1/2013)
 - (Ordinance also included several other unrelated Charter amendment questions)

Attachment A – History of Residential Growth Management Amendments

- **2012 (O-12-22) – Amend and Extend GM**
 - Extend and retain the aggregate 1,200 building permit cap for the six (6) year period between January 1, 2013, to January 1, 2019 (removed restriction of 200 permits per year);
 - Allow the number of annual permit allocations to be set by City Council;
 - Exempt those developments that have previously received, or are eligible for, a priority status; and
 - Added “At or before last general election, ...” to Sunset Clause in 6.14

- **2017 (O-17-32) – Amend and Extend GM**
 - Removed exemption for 12-acre parcel north of Brooks Av. & Dounce St.
 - Added 40% affordable exemption for residential PUDs
 - Extended GM for next six years (1/1/2019 – 1/1/2025)