

Meeting Minutes - Draft ECONOMIC DEVELOPMENT COMMITTEE

Wednesday, April 18, 2012	5:00 PM	215 Martin Luther King, Jr. Blvd
	R	oom 260 MMB (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

The meeting was called to order at 5:08 pm.

Present: 9 -

Ken Opin; Peng Her; Mark Clear; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher; Edward G. Clarke and Scott J. Resnick

Excused: 3 -

Julia Stone; Matthew C. Younkle and Jill Johnson

Also present: Mary Carbine, BID; Aaron Olver, EDD Director; Tim Olsen, Tenney-Lapham Neighborhood Association; Alder Bridget Maniaci; Jeff Held, Strand Associates; Chris Petykowski, City Enginnering Dept.; Anne Monks, Mayor's Office; Tom Neujahr, Urban Land Interests; Richard Freihoefer; Brenda Konkel; Matthew Mikolajewski, Peggy Yessa, Office of Business Resources.

APPROVAL OF MINUTES

A motion was made by Clear, seconded by Resnick, to Approve the Minutes of the March 21, 2012 meeting. The motion passed by voice vote/other.

PUBLIC COMMENT

Mary Carbine, registered speaker, representing the Madison Central Business Improvement District, said the BID Board supports the Strand Associates - East Johnson Traffic Study and the recommendations for staff to proceed.

The BID Board says the ALDO Report does not show reduction of disorder at Downtown drinking establishments and it supports alternate solutions to drinking related problems.

The BID Board thanks the EDC for their support of businesses in their comments on the Draft Downtown Plan. The BID Board has the following comments:
The Downtown has not been taken over by chains, 85% of the businesses are

locally owned.

• Stores do not need to be small to be locally owned. Current floor plates are small and narrow allowing no expansion of existing businesses.

Chairperson Boucher asked what is small?

Ms. Carbine gave the following examples:

- Many businesses on State Street are 1,500 square feet. This is micro-size.
- University bookstore has 38,000 square feet of retail space and the rest is for delivery and storage for a total of 60,000 square feet.

Fontana was 8,000 square fe	эt
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Community Pharmacy is 7,200 square feet.

Mr. Olver asked for the average sales per square foot? *Ms.* Carbine does not have this information. Business owners are reluctant to share this information.

Mr. Opin asked how to keep stores locally owned?

Ms. Carbine advocates for a flexible range of sizes with a mix of national and locally owned shops. The BID positions the Downtown as a quality retail environment. Having national franchises who advertise brings people to the adjacent locally-owned smaller retailers who cannot afford to advertise.

Alder Scott Resnick left the meeting at 5:22 pm.

Present: 8 -

Ken Opin; Peng Her; Mark Clear; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher and Edward G. Clarke

Excused: 4 -

Julia Stone; Matthew C. Younkle; Scott J. Resnick and Jill Johnson

Ms. Selkowe asked why the BID supports the one-way Johnson and Gorham Street traffic?

Ms. Carbine said the two-way configuration creates congestion and might divert traffic from the Downtown.

Alder Scott Resnick returned to the meeting at 5:24 pm.

Present: 9 -

Ken Opin; Peng Her; Mark Clear; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher; Edward G. Clarke and Scott J. Resnick

Excused: 3 -

Julia Stone; Matthew C. Younkle and Jill Johnson

DISCLOSURES AND RECUSALS

Mr. Zimmerman works with Strand Associates on business projects. He has no personal financial interests or ownership in Strand Associates.

DISCUSSION ITEMS

1 25669

Accepting the report by Strand Associates - East Johnson Traffic Study and maintain the one way pair street system of East Johnson Street and East Gorham Street and authorizing City Engineering and City Traffic Engineering to proceed with a design for reconstruction of East Johnson Street with one-way traffic. (2nd AD)

A motion was made by Alder Clear, seconded by Alder Resnick to Return to the Board of Public Works with Recommendation for Approval, with deletion of the paragraph "Be it Further resolved that the report, its findings and appendices be referred to the planned City of Madison Transportation Master Plan for further study of one-way and two-way operation of streets in the Central Area of the City, and" in version 2 (the substitute resolution).

Ayes: 6 -

Mark Clear; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher; Edward G. Clarke and Scott J. Resnick

Noes: 3 -

Ken Opin; Peng Her and Victoria S. Selkowe

Excused: 3 -

Julia Stone; Matthew C. Younkle and Jill Johnson

Registered Speaker: Tim Olsen, representing the Tenney-Lapham Neighborhood Association, supports changing E Johnson and Gorham Streets into two-way streets. He looks at the businesses on two way Regent Street, the Vilas area and Williamson Streets as good examples of economic development. Johnson Street area has one of the lowest rents per square foot in the City. One way streets eviscerate the economy.

Ms. Selkowe asked if the Tenney-Lapham neighborhood supports this change? *Mr.* Olsen said they accept the plan but ask it not be adopted. He is worried that future reconstruction of *E.* Johnson Street will lock it in as a one-way street forever.

Mr. Clarke asked about the Substitute resolution?

Alder Maniaci said she is the original sponsor of the resolution, therefore she can change it and what the EDC is asked to review at this meeting is the latest version of *it*.

Ms. Torkildson asked if the Tenney-Lapham Neighborhood Association surveyed the business community?

Mr. Olsen said they talked to business owners but did not conduct a survey. Businesses are supportive of a two-way street and maintaining parking. He said a pedestrian study is needed.

Alder Maniaci said a pedestrian study was not done.

Mr. Olsen said a statistical study was not done and the current situation creates a basis for cheap rents.

Mr. Her said the Strand Survey responses were 60% from the Tenney Neighborhood. Was there a survey of the rest of the City? Any holistic look at the City?

Alder Maniaci said the survey was available on many listservs and she has a sense that people who live there want the streets two-way. She is the neighborhood Alder and asked for this to be referred to the EDC. All the residents want reconstruction of the streets in 2014. A big transportation study is needed.

Mr. Olsen said he has seen freeways eviscerate economic development along their corridors. He desires people congestion.

Ms. Selkowe referred to an email she revived earlier in the day. Does the Strand report contradict the neighborhood plan? The executive summary has no sense of economic development and growth.

Alder Maniaci said this is outside of the scope of the Strand study. Federal money may be used in the reconstruction. The neighborhood wants a more comprehensive study. A two-way street study was called for in the neighborhood plan.

Jeff Held, Strand Associates, reviewed the PowerPoint presentation.

Alder Clear asked if the economic impact analysis is outside the scope of this study?

Mr. Held said it is not in the study. He noted the constraints of streets in the isthmus. Strand Associates presented several options in the study.

Alder Clear left the meeting at 6:02 pm.

Present: 8 -

Ken Opin; Peng Her; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher; Edward G. Clarke and Scott J. Resnick

Excused: 4 -

Mark Clear; Julia Stone; Matthew C. Younkle and Jill Johnson

Mr. Held discussed the two-way traffic scenario and said there would be less traffic on the two-way streets.

Alder Clear returned to the meeting at 6:08 pm.

Present: 9 -

Ken Opin; Peng Her; Mark Clear; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher; Edward G. Clarke and Scott J. Resnick

Excused: 3 -

Julia Stone; Matthew C. Younkle and Jill Johnson

Mr. Held said that *E* Washington Avenue would take most of the traffic if the streets became two-way. They studied the capacity of the streets and the origins and destinations of the traffic. Johnson Street would not be able to handle as much traffic if it were two-way.

Mr. Her asked if two-way streets promote bikers by having less vehicles?

Mr. Held said two-way streets are not biker friendly.

Alder Maniaci said the neighborhood wants a larger study.

Alder Resnick asked City staff asked for the differences in costs of construction between two-way and one-way streets?

Chris Petykowski, City of Madison principal engineer, said there is no big cost difference in construction costs of a two-way street or a one-way street.

Mr. Clarke asked how much the Strand study cost?

Mr. Petykowski said the study was \$72,000.

Mr. Clarke asked for the cost of the City-wide transportation study?

Alder Maniaci said there is already \$400,000 budgeted for the study.

Mr. Clarke asked why this would be studied again?

Ms. Anne Monks, Assistant to the Mayor, said this is not part of the city-wide study. The scope is still being refined, however two-way streets studies need to be separate.

Mr. Clarke asked traffic engineering staff if the level of detail of this study was sufficient?

Alder Resnick said bids for this two-way study were up to \$148,000.

Mr. Zimmerman agrees with *Mr. Clarke* that there is no need to restudy this. He thinks safety is the top issue. From the economic development standpoint the worst thing is to hurt people with narrower traffic and bike lanes.

Ms. Torkildson said she would not like a decrease in the number of people going by her business. Signage is very important for businesses.

Chairperson Boucher asked how the EDC would like to deal with the substitute motion?

Mr. Zimmerman asked why the change in the resolution to "design for reconstruction not to infringe on a future two-way street"?

Alder Maniaci said this clause was added at the request of the neighborhood.

A motion was made by Alder Clear, seconded by Alder Resnick to recommend acceptance of the Strand Associates report-East Johnson Traffic Study Report and recommend deletion of the paragraph "Be it Further resolved that the report, its findings and appendices be referred to the planned City of Madison Transportation Master Plan for further study of one-way and two-way operation of streets in the Central Area of the City, and" in version 2 (the substitute resolution).

Alder Resnick said the City studied this issue and spent \$72,000 for the neighborhood.

2 25885 Accepting a Selection Committee's recommendation of the Urban Land Interests, LLC proposal for the purchase and redevelopment of City-owned properties in the 800 Block of East Washington Avenue and authorizing the execution of a Purchase and Sale Agreement with Urban Land Interests, LLC for the purchase and redevelopment of these properties.

A motion was made by Clarke, seconded by Opin, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote.

Mr. Olver, Economic Development Division Director, introduced this item with a review of the City's purchase of three properties from Don Miller and the PRF proposals.

He said Item # 3 is contradictory to this item and it could cause another RFP process to select another developer.

Alder Clear said if this resolution passes the second resolution fails.

Alder Maniaci said agenda item #3 means the City would go back out for bids on the properties on the north and south side of *E*. Washington Avenue.

Mr. Opin asked why agenda item # 3 lumps the two projects together?

Alder Maniaci said item # 3 includes both sides of E. Washington to allow discussion of all the sites.

Alder Resnick said the selection process was discussed and a lot of time was spent

on business attraction.

Ms. Selkowe said staff have been waiting to present agenda items 4 and 5. She does not want them to wait through a lengthy discussion on item # 3.

A motion was made by Alder Clear, seconded by Mr. Zimmerman, to defer discussion of agenda items # 4 and #5 until the May EDC meeting. The motion passed by voice vote.

Alder Resnick left the meeting at 7:50 pm.

Present: 8 -

Ken Opin; Peng Her; Mark Clear; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher and Edward G. Clarke

Excused: 4 -

Julia Stone; Matthew C. Younkle; Scott J. Resnick and Jill Johnson

Mr. Tom Neujahr, of Urban Land Interests (ULI), said ULI has been developing properties with a focus on the Capital Square since 1979. ULI views Park Street area and East Washington Avenue as underappreciated and underdeveloped streets. E. Washington Avenue is the primary entrance to the University and Downtown. ULI has a portfolio that is 93.4% occupied. The competition for E. Washington Avenue is Middleton with developable lands and a liberal TIF policy. The Downtown is missing out on the price point. Businesses are leaving Downtown for cheaper space in the 'burbs.

E. Washington Avenue could compete with them. *E.* Washington Avenue offers amenities and density that appeal to the technology sector.

He explained his proposal would place employment along E. Washington Avenue and residential uses along E. Mifflin Street. His proposal includes:

- One 72,000 square foot building
- One 88,000 square foot building (both along E. Washington Avenue)

ULI has spoken with three supermarkets and no rental agreements have yet been written.

Mr. Zimmerman asked about the timing of construction and occupancy rate?

Mr. Neujahr said if approved, a 90 day period for economic issues would be followed by one year period in which to close. ULI expects to construct in 2013.

Mr. Clarke asked what type of jobs would a typical tenant create?

Mr. Neujahr said grocery stores would typically create three jobs per 1,000 square foot of building at an average of \$45-50,000 salary per year. Technology jobs are typically four jobs per 1,000 square feet at an average of \$60,000 salary per year.

Mr. Zimmerman asked about the 90 day and 15 month period of not having tenants?

Mr. Neujahr said leasing, design, financing, and land use approvals run on parallel paths and could take this long.

Mr. Zimmerman asked about total capital investment?

Mr. Neujahr estimates a \$50-60 million commitment and approximately \$475,000 per year in real estate taxes.

Mr. Her asked if this is typical for this type of project?

Mr. Olver said no, it is unique. Contingency periods are normal. The challenge is to not tie up the land for a long period if ULI finds the project not feasible.

Mr. Opin asked about non-grocery employment?

Mr. Neujahr said if a three story office went where a grocery store is shown, the office building would be 72,000 square feet and hold approximately 260 jobs.

Mr. Opin asked if these would be new employees in Madison or would they be moved from existing businesses?

Mr. Neujhar said ULI has a potential technology firm for this site. His guess is 8-10% of the employees would be relocated. He noted 25% of ULI's Downtown residential tenants are employed at Epic in Verona.

Ms. Selkowe asked if four jobs per 1,000 square feet of office space is a standard estimate?

Mr. Olver said it is a common ratio for office employment.

Ms. Selkowe asked if this was in line with the RFP?

Mr. Olver explained the big area plan designated employment zones. The BUILD plan designated building heights. The water table in this area is high and may not support tall buildings. He noted commercial uses require parking.

Mr. Neujahr said suburban office markets charge approximately \$2.20 per square foot for taxes on office space. He estimates \$475,000 to \$500,000 of taxes on this proposed development.

Registered speaker, Richard Freihoefer, 919 E. Dayton St., lives in the shadow of this project. He is a member of the Tenney-Lapham Neighborhood Association and was kicked out of a meeting on this project. The neighborhood was never involved in this project. They had met with Otto Gebhardt twelve times. He is afraid ULI will hold the land and not develop it. He asked for respect for the Tenney-Lapham neighborhood. He asks for the development RFP of this property to be reopened.

Alder Clear asked what does the Tenney-Lapham neighborhood want?

Mr. Freihoefer replied they want a sexy, exciting project with an urban flair. The selection process was flawed and the neighborhood was not involved. He said high tech jobs do not give him anything.

Ms. Torkildson lives in the neighborhood and went to two meetings on the ULI proposal. She said there were four public meetings.

Mr. Her said he heard *Mr.* Freihoefer make these three comments:

- 1. The selection process was flawed.
- 2. There is a big parking lot they do not like.
- 3. The neighborhood is concerned about the construction phasing.

ULI is willing to work with the neighborhood to find grocery store for the project so it is in the best interest of the project to continue working with ULI.

Mr. Freihoefer said they would absolutely work with ULI.

Chairperson Boucher asked to hear more about the selection process.

Mr. Olver said the Land Banking guidelines don't specify how to dispose of the land. It could be sold directly or by an RFP. There are two models that could have been used:

1. Form a committee and take public testimony and then vote.

2. Handle it like a procurement, ask for bids, review the bids and negotiate the sale of the property.

There was nothing illegal in the process. We tried to do a hybrid of the two models. The City wanted the right to negotiate a deal and not have the competing applicants know each other's bid. Three Alders were involved in the process. Ed Clarke, Tom Landgraf, and Natalie Erdman were asked to be reviewers. A hotel proposal was received which lacked substance, The Ale Asylum proposal was withdrawn and the Stonehouse proposal was for development of only half of a block. The reviewers decide to ask Gebhardt to develop a proposal for the 700 block of East Washington, ULI to develop a proposal for the 800 block on the north side of East Washington and the Rifkin Group to develop a proposal for the 800 block on the south side of East Washington Ave.

It is not fair to critize Rifkin and ULI for not talking to the neighborhood because this is not yet a land use approval.

Usually the purchase and sale of property is negotiated privately.

Mr. Clarke thinks ULI followed every step they needed to. There was nothing in the RFP about neighborhood feedback and how to use it.

Mr. Zimmerman said this is how it is done in other cities.

Alder Maniaci is frustrated that Alders were involved, however what happened may not be what the Alders wanted.

Mr. Clarke said there was a public hearing.

Alder Maniaci said there were major gaps in the decision making process. She is frustrated with the process.

Alder Clear said the RFP was not approved by the Common Council.

Mr. Olver said the Council authorized the go ahead to write the RFP.

Alder Clear said there was no legal requirement to conduct an open meeting and post the agendas.

Mr. Olver said that is correct, in retrospect this looks like a land use deal but it is a real estate deal. They are trying to get the best real estate deal for the city.

Alder Clear asked if an RFP was required?

Mr. Olver said the land banking guidelines are OK with this.

Mr. Her said to look at the land banking guidelines, specifically the second and third bullets dealing with the phasing of a project. The implementation proposed is within

the industry standard timeframes.

What if we had sold the property and nothing happens?

Mr. Olver said the timing is a sticky point. Originally the original project timing was over ten years and this was negotiated down to five years. There is no control over a multi-phase project and they do not know when the economy will pick-up. They have to accept the ambiguity of the timing because of this.

Mr. Zimmerman said a five year horizon is standard.

Alder Clear said in normal conditions owners would move fast. ULI has other projects that they are working on.

Alder Maniaci said Steve Cover wanted developments to be whole blocks, so the Stonehouse proposal was rejected. The Capitol BUILD Plan calls for transit oriented development, she is raising the red flag this is a bad deal for the neighborhood and they do not want a parking lot. There is no information on a TIF timeline. The goal of the RFP was to get the most catalytic project. ULI is competing with cornfields. The neighborhood has some service needs. Look at the details, the nuisances are not well-defined. This is an issue and problem.

Mr. Opin said the RFP was for a real estate transaction. The committee meet and made a decision. If we walk away from this RFP what creditability does the City have the next time? ULI has a history of doing projects like Block 89. We cannot stop the process in the middle.

Mr. Zimmerman has looked at the maps and the Capitol East Plan. He asks in what way is this not an appropriate use in the CMU designation?

Alder Maniaci said this is not designated an employment area. The plan calls for housing above commercial. Transportation was a major factor in the plan and office uses draw cars. The phasing of the parking is a major concern. The Metcalfe proposal had what is lacking.

Mr. Zimmerman said this proposal fits the CMU definition and there is a whole neighborhood process yet to come.

Alder Maniaci asked how to do a real estate deal without a project plan? Why not residential along West Washington?

Mr. Her said this is a real estate transaction. A financing plan then development proposal are next.

Alder Clear said the property is city-owned and went through a process.

Ms. Torkildson said both proposals have grocery stores. These are not complete proposals yet. Parking is needed for either grocery store. Neighborhood committees are not representative of the entire neighborhood.

Ms Selkowe said the building height will be raised in the development process review. She trusts ULI will work with the neighborhood.

Mr. Zimmerman agrees with Ms. Selkowe. The next step is to allow the development review process to work.

Alder Clear is still on the fence. He is concerned with ULI and the risk of economic

incentives of another developer might not be the same. In his mind he has resolved that the selection process was OK. His argument is being consistent. He said there is a risk of not getting a better proposal if another RFP was issued.

Chairperson Boucher agrees that there will be other opportunities in the future to object to the proposal.

Alder Clear said another risk is it may not get land use approval.

Mr. Zimmerman applauds Mr. Olver on the process even though it may be flawed. ULI has close community involvement.

Chairperson Boucher said the EDC's mission is economic development and other committees comment on use and design.

The motion passed by voice vote.

Break called at 8:43 pm.

The meeting was reconvened at 8:51 pm.

- Present: 8 -
- Ken Opin; Peng Her; Mark Clear; Victoria S. Selkowe; Alfred L. Zimmerman; Sandra J. Torkildson; Joseph W. Boucher and Edward G. Clarke
- Excused: 4 -

Julia Stone; Matthew C. Younkle; Scott J. Resnick and Jill Johnson

3 25966 Rejecting a Selection Committee's recommendation of the Urban Land Interests, LLC proposal and The Rifken Group, LTD proposal for the purchase and redevelopment of City-owned properties in the North and South 800 Blocks of East Washington Avenue, authorizing the creation of a Don Miller Land Banked Property Selection Committee and authorizing the execution of a Request For Proposal ("RFP") for the purchase and redevelopment of these properties.

A motion was made by Mr. Opin, seconded by Mr. Clarke, to refer Legistar item # 25966 and the remainder of the April 18th EDC agenda items to the next Economic Development Committee meeting on May 16, 2012. The motion passed by voice vote..

Registered speaker, Tim Olsen, speaking on his own behalf, agrees the process has been flawed and to do it different next time. He said to just sell the property directly. The process did not draw on the value of the neighborhood and looks like backroom dealing. The neighborhood is looking for the best project.

Registered speaker, Richard Freihoefer, did not wish to speak.

Registered speaker, Brenda Konkel, 30 N Hancock St., said the selection committee meetings were illegal and were the result of bad advice. She quoted J.B. Van Hollen, Attorney General of the State of Wisconsin, on the definition of a government body and the rule or order it was created by. She said staff got bad advice when forming the selection committee. When public members are involved it is not a staff committee. She is glad the process will be different next time.

Mr. Opin asked how this relates to item #3?

Ms. Konkel said she did not register to speak on item # 2, so is speaking now.

Alder Clear asked about the closed session? The committee could have gone into closed session.

Ms. Konkel said even closed session meetings have agendas.

Alder Maniaci is concerned if we accept the office use on this site. Can the EDC comment on the whereas clauses? The resolution calls for a 40 day RFP process. The committee was finished reviewing the Gebhardt and the Rifkin proposal but it took 6 months to review the ULI proposal. She is looking for ideas for the future.

Mr. Opin asked to hear how this applies to Rifkin?

Mr. Olver said there are two issues:

- 1. Rejection
- 2. New RFP & process, reject Rifkin and new RFP?

Right now they do not want to do a new RFP and tie the land up for a speculative developer. They can put up a for sale sign.

Mr. Opin suggests we work with ULI.

Mr. Clarke said the EDC has no information on the Rifkin proposal.

Alder Clear agrees it is untimely to act on this now.

Mr. Olver said the Rifkin proposal is in limbo, they have said they cannot make it work economically, they would not conform to the TIF policy. Staff wants to understand their financials and there is not enough demand to support development on both sides of E. Washington Ave.

(A motion was made by Mr. Opin, seconded by Mr. Clarke, to refer Legistar item # 25966 and the remainder of the April 18th EDC agenda items to the next Economic Development Committee meeting on May 16, 2012. The motion passed by voice vote.)

Alder Maniaci has a problem with for-sale signs.

Mr. Her said the EDC took the lead on land banking and asked that the EDC be allowed to come up with a process to sell the land banked property.

Mr. Zimmerman asked about the Rifkin proposal?

Mr. Olver said it is 100,000 square feet of office with a parking structure in the middle of the block.

Mr. Zimmerman asked if the Rifkin proposal is out, can we go back with a new RFP?

Mr. Olver said we did not know how many proposals we would get in. The RFP told the world it was for sale. The land use on the south side is employment and there is no indication that there is a tenant looking at it.

4 <u>25604</u> Alcohol License Density Ordinance (ALDO) annual review

- 5 <u>25913</u> Update on the Downtown Plan
- 6 <u>17637</u> EDC Chairperson's Report
- 7 <u>21360</u> EDD Director Report
- 8 <u>17643</u> Upcoming Meetings

9 INTRODUCTION OF NEW ITEMS FROM THE FLOOR

ADJOURNMENT

A motion was made by Selkowe, seconded by Clarke, to Adjourn. The motion passed by voice vote and the meeting adjourned at 9:17 pm.