



FIVE POINTS BUSINESS IMPROVEMENT DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
September 9, 2020
MINUTES

Meeting Held: Wednesday, September 9, 2020 at 2:30 PM,
Virtual meeting held on ZOOM.US

Attendance: The meeting of the Board of Directors of the Five Points Business Improvement District, City and County of Denver, Colorado was called and held as shown above in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

John Pirkopf, Vice President
Nathan Beal, Treasurer
Ryan Cobbins
Haroun Cowans
LaSheita Sayer
Maedella Stiger

Excused Absence
Paul Books, President

BID Staff: Vincent Martinez, Downtown Denver Partnership
Olivia Omega Wallace, Wallace Marketing Group

The meeting was called to order by Board Vice President, John Pirkopf at 2:34 PM.

No potential conflicts related to Agenda items were reported by FPBID Board Members in attendance.

Approval of Board Minutes – August 12, 2020

Ms. Sayer noted that in the discussion of the 5280 Trail by Adam Perkins of the Downtown Denver Partnership, she stated opposition to any Trail designs in the future that will block auto traffic access into the Welton corridor which was not noted in the minutes. Mr. Martinez discussed some language options with Ms. Sayer and will update the minutes to show her comments. With no further discussion, Ms. Sayer motioned to accept the Meeting Minutes with the amended language regarding the 5280 Trail. Mr. Beal seconded. Vote: unanimous in favor, motion passed.

Treasurer's Report – July, 2020

Mr. Beal read the July, 2020 Financial Report to the board. A total of \$14,927 in expenditures were made for the month, which he then listed individually. Final account cash balance at the end of the month totaled \$315,794.

COVID-19 Response - Emergency Action

Mr. Martinez reported that all W-9s from awardees have been received and the last checks will be going out soon. At last month's meeting two applicants were discussed and at that time tabled for later discussion. In both cases the businesses' shared workspace addresses made them ineligible by grant guidelines and as such no further discussion was necessary. There is also about \$4300 available for more funding to those that applied and were eligible. These funds from the GoFundMe campaign will be available in the BID's bank account later in September. Once deposited the funds will be dispersed to the applicants.

New Business

A. Preliminary 2021 Five Points BID Budget and Work Plan

A copy of the Preliminary Budget as presented to the Board is included in Appendix A of this month's notes. Mr. Beal read through the multiple categories of the budget. He then opened the floor for discussion on the budget.

Clarifications were made between funding dedicated to banners on the pedestrian light poles, which is in the Marketing section, and the banners for Xcel poles which are covered in the Capital Expenditures section. The Events/Activation line item will need to be updated to reflect the percentage required of the full budget. Ms. Sayer also noted that the amount dedicated to holiday lighting should be increased based on lighting costs for the last two years. Mr. Martinez noted that this budget essentially does not allow for any growth in decorating beyond what is done now.

Mr. Martinez then explained the procedures for filing the Preliminary Budget and Work Plan. The deadline to submit is September 30th and will require the Board's approval of the budget as is or with any amendments discussed today. The budget can still be amended at any time as needed with approval of the Board. Total budgeted expenditures for 2021 comes to \$244,661

As discussion concluded, Mr. Cobbins made a motion to accept the budget with the following amendments:

- Increase the Events/Activation line item to meet the budgetary percentage commitment as outlined by the BID Board;
- Increase Holiday Lighting line item from \$12,000 to \$15,000

Mr. Cowans seconded the motion. Roll call vote: 5 – 1 in favor, motion passed.

B. Resolution for Public Hearing on proposed 2021 FPBID Budget and Work Plan

After the Board accepted the Preliminary Budget, Mr. Cobbins motioned to pass a resolution setting a Public Hearing for October 14th at 2:30 on to present and discuss the Proposed 2021 FPBID Budget and Work Plan via Zoom. Mr. Cowans seconded the motion. Roll call vote: unanimous in favor, motion passed.

Old Business

A. Legacy Business/Small Business Task Force Update

Mr. Cobbins reported that the task force discussed the number of legacy businesses that are left in the BID and strategies to increase their awareness of BID activities. The task force wants to identify what services are lacking from the BID now that are needed by businesses. An overall goal is to provide services and programs that help grow businesses in Five Points

into legacy businesses. The task force felt that this group did not need to meet on a monthly basis, however that there does need to be an opportunity for business owners to be involved in developing activation ideas that can be taken to the Marketing and Branding Committee for refinement and production. Once programs are developed it will then be important for BID staff and volunteers to make sure that outreach to businesses not only includes messages on social media and email, but that personal connections are made with business owners as well.

*Technology issues then caused the Zoom meeting link to close and official meeting business was disrupted. To be able to address the remaining business, the Board chose to set a Special Meeting to finish the meeting for Friday, September 11, 2020 at 1 PM.

FIVE POINTS BUSINESS IMPROVEMENT DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
September 11, 2020
MINUTES

Meeting Held: Friday, September 11, 2020 at 1:00 PM,
Virtual meeting held on ZOOM.US

Attendance: The meeting of the Board of Directors of the Five Points Business Improvement District, City and County of Denver, Colorado was called and held as shown above in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

John Pirkopf, Vice President

Nathan Beal, Treasurer

Ryan Cobbins

Haroun Cowans

LaSheita Sayer

Maedella Stiger

Excused Absence

Paul Books, President

BID Staff: Vincent Martinez, Downtown Denver Partnership
Olivia Omega Wallace, Wallace Marketing Group

The meeting was called to order by Board Vice President, John Pirkopf at 1:02 PM.

No potential conflicts related to Agenda items were reported by FPBID Board Members in attendance.

As a point of order, the meeting opened with a motion by Mr. Cobbins to adjourn the meeting from Sept. 9th, Mr. Cowans seconded the motion. Vote: unanimous in favor, motion passed.

Mr. Cobbins then made a motion to resume the business of the September Board Meeting with this Special Meeting. Ms. Stiger seconded the motion. Vote: unanimous in favor, motion passed

District Maintenance & Administrative Update

Mr. Martinez reported on the following items

A. Selection of Holiday Lighting Contractor

Staff is making the recommendation to use Two Keys: \$14,450 (\$8,450 purchase, \$6,000 labor & storage) as the contractor to install lighting. Two Keys is not the low BID, however their proposal includes an initial upfront purchase of the lights. Two Keys also stores the lights for the BID in the off-season and there is nothing that requires the use of Two Keys in future years. The lights will remain property of the BID once purchased. Both companies propose using LED lights with larger bulbs in the canopy and small lights around the trunk.

After discussion ended, Mr. Cobbins made a motion to select Two Keys as the contractor to install the holiday lighting this year. Ms. Sayer seconded the motion. Roll call vote 4 – 1 in favor, motion passed. Note: Mr. Beal logged in late to the meeting and missed this vote but joined in the meeting shortly after.

B. Security Committee Update

An introduction meeting between the committee and the Community Resource Officers (CRO) for both DPD's District 2 and 6 is scheduled for Wednesday the 6th. The intent is to not only introduce the Officers to the BID and its mission, but to also to get recommendations to help with the overall feeling of Security in the BID. An initial estimate for a limited scope of work from a local security company came in above current BID resources. The BID is hopeful to be able to address security issues with community driven efforts. Ms. Sayer noted that the BID needs to be more proactive than the utilization of neighborhood watch programs. While physical security walking the sidewalks may be out of reach currently, other options need to be looked at to help create a safe feeling environment, which is a top priority of this BID.

Mr. Cowans noted that they have hired private security as well at the Five Points Plaza. Mr. Martinez will be sharing info on the meeting with the DPD CROs with both Ms. Sayer and Mr. Cowans as well.

MarCom Update

Ms. Wallace continued to work with Redline Arts Gallery on the mural for the Five Points Walkway project and is looking for conceptual approval from the board for the people to be featured on the mural. The people selected for inclusion are: Madam CJ Walker (entrepreneur), Charles Burrell (jazz bassist), India Arie (singer, songwriter), John Mosley (Tuskegee Airman, activist). Ms. Wallace pointed out that this is a Black Lives Matter inspired mural but is not focused on police brutality. Rather, the artist wants to feature stories from Denver and the mural will include the words, "Our stories matter, Our legacy matters, Our lives matter."

Mr. Cowans added that the mural aims to honor those living as well as the legacy and story of black people in Five Points. In five Points when black lives matter is said it means that legacy, the culture, the community.

Ms. Stiger motioned to accept the four individuals presented to be featured on the mural of the Five Points Walkway. Mr. Cowans seconded the motion. Roll call vote, unanimous in favor, motion passed.

New Business

Safe Outdoor Space Initiative Update

Evan Dreyer returned to discuss a potential Safe Outdoor Space in the Five Points BID. Mr. Dreyer introduced Cuica Montoya, Safe Outdoor Space Manager with Colorado Village Collaborative who partnered with him on the presentation. When Mr. Dreyer initially met with the Board in August, a site at 22nd Street and Stout was being discussed internally at the City but was not presented as a possible site at the FPBID Board meeting as they were still working through an initial selection process. That site eventually fell through and did not make it for community input. Since then, Cousins Plaza and a portion of 24th Street, located between Sonny Lawson Park and the Blair Caldwell African American Research Library, did clear an initial technical and regulatory review and the City is preparing to move forward with community engagement opportunities, this is why Mr. Dreyer is reaching out at this meeting.

Mr. Dreyer noted that camping does currently exist at this location. The City is hoping to establish a managed setting to help bring control to what is illegally happening on the streets right now. Mr. Dreyer emphasized that this is a temporary solution and is a direct response to COVID. Once the public health orders are lifted the SOS has a three-week wind down period. All residents will sign an agreement recognizing the 21-day wind down period. Ms. Montoya will be the Manager of the site and work with a crew for 24-hour management. The City will be doing three community outreach sessions next week as well.

Ms. Montoya noted that all tents will be provided by Colorado Village Collaborative. A storage bin will be provided for inside tents and additional outside storage, if needed, will be available. Fire safety guidelines will be followed, however there will only be one point of entry and health screenings will take place at the entry point. Those at high risk or showing symptoms will be referred on to appropriate care facilities. The intent is that the SOS sites will be well-person facilities. CDC guidelines will be followed as well. The 24-hour staffing is meant to limit neighborhood disruption and crisis plans are in place with staff that is trained in conflict resolution and de-escalation practices. At this site they expect to have 33 tents.

The City's Department of Transportation and Infrastructure is permitting the space as a temporary space and it defines removal of the space. CVC will be required to restore the site to original condition upon vacating. A residential use agreement with residents of the SOS will include a good neighbor clause and residents may face removal with possible referral for other services if policies are broken. The CVC plans to have a good neighbor committee that can address issues in real time with area re-sidents. Private funding from a partnership with Interfaith Alliance is the funding source for the site.

Mr. Cobbins voiced opposition to this site as a business owner in the BID. While recognizing individuals plight and need for safe alternatives, Mr. Cobbins noted that this location at the gateway to the City's only Historic Cultural District is inappropriate. He noted capacity challenges his small business is facing and the addition of a camp at the gateway of the district will have a negative impact on his business and the ability to draw people to the district that is needed to sustain businesses on the corridor.

Mr. Dreyer was asked to explain the reasoning for the selection of this site, which is located next to a children's playground, a research library and at a gateway to a commercial and historic cultural district. He was also asked if the Cousins family had been contacted about the selection.

Multiple Board members also voiced opinions that are many other locations in Denver more appropriate for a camp site. It was noted that while camping is occurring in the plaza, many negative incidents have been reported between housed and unhoused neighbors and requests have been made of the City to address the illegal camping. Choosing Five Points as a default location because the activity is already happening was noted as unacceptable because the area has been taking the brunt of this and other areas of the City need to provide options as well. Ms. Stiger also reported that library staff have reported issues with an increase of rodents and pests inside the library, as well as other environmental health issues, as a result of the current activity in the plaza.

Ms. Montoya noted that Five Points was not a default selection and the site was one of 93 sites considered across the city and assured Board members no specific neighborhood was targeted for a site. She also noted that African Americans are disproportionately represented in the unsheltered population. She noted that outreach has been made to Dr. Renee Cousins King, but conversations have not taken place yet.

Mr. Dreyer noted that the City continues to look at potential sites and that the goal is to have three sites in the city. Locations outside of Five Points owned by the City, State and RTD were mentioned as potential sites as well. While this may be the first site, it is not intended to be the only site. Mr. Dreyer added that the location next to a park and library provided opportunities to partner with City agencies to provide additional services and assist in the management of the SOS. Parks has committed one, possibly two, staff member(s) to walk the area and assure illegal camping is not happening outside of the SOS and assure that the park stays inviting to everybody. He noted that Denver libraries have become an effective and the largest provider of human services to those experiencing homelessness. The libraries have a social worker group and peer navigators who can provide additional services to people living in this SOS with the goal of moving them out of an encampment situation and into a pipeline for permanent housing.

Dr. Lisa Calderón spoke on behalf of Councilwoman CdeBaca's office and expressed her surprise with the views expressed by the Board but understands the frustration. Dr. Calderón noted that the SOS is not meant to import homeless but address the needs of those who have been a part of the Five Points neighborhood and now find themselves in unhoused situations. The Councilwoman's office has been working with Curtis Park Neighbors and other organizations and community members for over four months to find a location and to help fight the stigmatization of those experiencing homelessness and particularly against African American unhoused people. More outreach needs to be done and they are working on scheduling a Meeting with Dr. King. The Councilwoman's office agrees that the Five Points neighborhood should not be the sole place for a SOS, and she is asking other councilmembers to offer up locations as well.

With time running out on the scheduled hour, Mr. Pirkopf asked Mr. Dreyer of the direct ask of the BID Board. Mr. Dreyer asked that the concerns posed today be put together in writing and shared with his office so that they can address them. He will also share the information on the upcoming outreach meetings next week for the BID to share with stakeholders so that the conversation on the issue can continue and concerns can be addressed.

With no further business, the meeting adjourned at 2:02 PM.

The forgoing minutes constitutes a true and correct copy of the Five Points Business Improvement District. Approved this 14th day of October, 2020.

FPBID Board President

Attest:

**Appendix A:
Five Points Business Improvement District
FY2021 Preliminary Budget**

	2020 Approved Budget	2020 Actual YTD thru June	2020 Projected Actual	Projected Variance Increase (Decrease)	2021 Preliminary Budget	Variance 2021 Preliminary vs 2020 Projected Increase (Decrease)	% Change from 2020 Projected
Beginning Cash and Fund Balance	\$ 192,773	\$ 262,428	\$ 262,428	\$ 69,655	\$ 109,767	(152,661)	-58.17%
Income and Other Sources of Funds							
Mill Levy Income-FPBID	210,000	163,845	215,000	5,000	220,000	5,000	2.33%
Total Income and Sources of Funds	210,000	163,845	215,000	5,000	220,000	5,000	2.33%
Total Available Resources	\$ 402,773	\$ 426,273	\$ 477,428	\$ 74,655	\$ 329,767	\$ (147,661)	-30.93%
Expenditures							
<i>Maintenance</i>							
General Maintenance Contract	68,474	28,531	68,474	-	66,461	(2,013)	-3.03%
Other Maintenance	4,000	10,630	15,000	(11,000)	6,000	(9,000)	-150.00%
Snow Removal	10,000	8,621	10,000	-	12,000	2,000	16.67%
Utilities	2,500	998	2,000	500	2,000	-	0.00%
Tree & Landscape Maintenance	5,535	6,840	15,000	(9,465)	10,000	(5,000)	-50.00%
Total Maintenance	90,509	55,620	110,474	(19,965)	96,461	(14,013)	-14.53%
<i>Marketing/Branding</i>							
Banners	5,850	1,277	1,277	4,573	5,000	3,723	74.46%
Events/Activation	10,500	10,000	10,000	500	10,000	-	0.00%
Holiday Lighting	8,220	-	12,000	(3,780)	12,000	-	0.00%
Marketing Administration					30,000	30,000	0.00%
Marketing Programs	25,540	16,282	35,000	(9,460)	5,000	(30,000)	-600.00%
Total Marketing/Branding	50,110	27,559	58,277	(8,167)	62,000	3,723	6.00%
<i>Administrative</i>							
General Administration	17,280	9,407	21,996	(4,716)	22,000	4	0.02%
Bank Charges & Fees	100	48	100	-	100	-	0.00%
Dues & Memberships	617	556	556	61	600	44	7.33%
Insurance	3,000	2,728	2,728	272	3,000	272	9.07%
Legal Fees	6,000	1,079	2,500	3,500	3,000	500	16.67%
Total Administrative	26,997	13,818	27,880	(883)	28,700	820	2.86%
Contingency Funds	7,500	-	7,500	-	7,500	-	0.00%
Total Ongoing Expenditures	175,116	96,997	204,131	(29,015)	194,661	(9,470)	-4.86%
<i>Capital Expenditures</i>	100,000	-	94,530	5,470	50,000	(44,530)	-89.06%
Gateway signage (\$30,000)					-	-	0.00%
Xcel Pole Banner Brackets & Banners (\$20,000)					-	-	0.00%
Use of Reserve Funds (Grant fund and Mural)	-	-	69,000	(69,000)		(69,000)	0.00%
Total Expenditures	\$ 275,116	\$ 96,997	\$ 367,661	(92,545)	\$ 244,661	(123,000)	-50.27%
Ending Cash and Fund Balance	\$ 127,657	\$ 329,276	\$ 109,767	\$ (17,890)	\$ 85,106	(24,661)	-28.98%

Appendix B: Letter from Lynne Bruning
RE: Charity House Apartments Parking Variance Request

Paul Books, Chairman
Five Points Business Improvement District Board
Denver, CO 80202

September 9, 2020

Dear Chairman Books and the FPBID board,

On May 19 and July 14, 2020, the Denver Zoning Board of Adjustments denied Charity House Apartments, LLLP located at 3020, 3022, 3026 Welton Street, a parking variance deficient 22 of 27 spaces. Neighbors on the 3000 block of Welton and every BOA board member expressed their support of affordable housing throughout Denver. However, this Project's scale and scope, which provides housing and support services for up to 72 individuals, maximizes the building envelope and appears to be too dense for the zoned lots. As a result the Project isn't supplying enough parking for its employees, staff, and visitors let alone a small percentage of residents.

The immediate neighbors first learned of a possible off-site parking agreement from an article published August 24th by the Denverite. The next day city planner Leah Dawson informed the neighbors that a month to month agreement, which can be terminated by either party at any time, located at 2952 N. Downing Street is under review.

The neighbors submitted a letter to Mayor Hancock the same week expressing concern that a month to month parking agreement is not in alignment with the project's affordable housing funding package provided by Colorado Housing and Finance Authority, which the developer has stated secures the parcel for 99 years. There are also concerns that this project may be slid through the approval process so that the City can reach an affordable housing quota. We requested additional oversight from the Mayor's office.

I don't see how a month to month parking agreement on a non-compliant lot can be enforceable for the lifetime of the Project. If Charity House loses it's off-site parking, it should follow that the project's zoning approval would also be terminated. If this occurs, who is responsible for evicting up to 72 30% AMI residents from a housing project? How would the owner/operator bring the Project into compliance with City zoning when this neighborhood is under rapid development and vacant lots are quickly being developed?

District 9 Council member Candi CdeBaca has supported this Project even though those most impacted, the adjacent and immediate neighbors, did not learn of the Project until just before the BOA Public Hearing on May 14th. The developer did not perform community outreach to the immediate residents on the 3000 block of Welton until July 6th, a week before the second BOA public hearing, effectively omitting neighbor's comments from their application as submitted to the BOA the week prior.

Charity Houses' proposed parking agreement is problematic for the neighborhood's current conditions and may set precedent for future development's parking arrangements. This will impact both the residents and FPBID business owners of upper Welton Street for years to come.

As you may know within 1,500 feet of the project:

There is limited parking due to the City of Denver, Gilliam Youth Center and RTD restrictions;

The approved development of 3030 Welton into a 50-bed hostel provides zero parking spaces;

There are numerous small businesses that require on-street parking for their customers and employees; and

There are multiple affordable housing projects.

If constructed, will Charity House Apartments, LLLP pay into the BID?

Will the BID provide adequate maintenance for the 3000 block of Welton?

Are BID members on upper Welton in support of Charity House?

How might this parking arrangement set precedent for future development along Welton Street?

Thank you for your time and attention to this important development matter which may impact not only the Five Points business owners, but all of Welton Street for years to come. I look forward to a reply at the Board's convenience at lynnebruning@gmail.com.

Respectfully,

Lynne Bruning

2955/2975 Welton

lynnebruning@gmail.com

720-272-0956

Enc: August 28, 2020 letter to Mayor Hancock

PO Box 13545
Denver, CO 80201
lynnebruning@gmail.com

August 28, 2020

Michael Hancock, City of Denver Mayor
1437 Bannock Street #350
Denver, CO 80202

Re: URGENT Charity House Apartments month to month parking agreement

Dear Mayor Hancock,

We are residents of Five Points District 9, which has more affordable housing than any other district in Denver. We support the Board of Adjustment's (BOA) decisions to deny a parking variance deficient 22 of the required 27 spaces to Charity House Apartments, LLLP located at 3020, 3022, 3026 Welton (Project). The Project, as presented to the BOA on May 19th and July 14th and to neighbors on July 6, 2020, is a housing project that would provide 36 one bedroom units at 30% average mean income. During the public hearings BOA board members stated that the project density on this tiny zoning lot was asking too much of the neighbors.

We believe that the Applicant's attempt to secure month to month off-site parking on a non-compliant lot, without striping or accessible spaces, located at 2952 N. Downing is unenforceable for the proposed 25-99 years of the Project's affordable housing restrictions. We ask you to please review the Project with an abundance of consideration as to how this parking agreement which may be canceled by either party at any time, may establish precedent for future parking denials and requests throughout the City.

If the the owner of 2952 N. Downing sells this parcel any time over the next 50 years where will Charity House provide parking for its employees, maintenance workers, support staff, renters and visitors? We are concerned that critical permitting issues may be overlooked so that 'Housing an Inclusive Denver,' and other city departments, can reach affordable housing quotas.

We ask that you review the enclosed parking inventory as presented to the BOA and require the project to obtain a permanent parking solution for the Project's lifetime before Community Planning can continue review of planning documents for the Applicants proposed timeline of breaking ground September 2020.

If the Project was only housing for 30% AMI residents then reduced parking may be adequate. But, according to Charity House's Service Plan the Project is providing supportive services, a leasing office, community rooms and meeting spaces for 30 units reserved for "homeless re-entry/ justice involved" and 6 units reserved for "homeless with behavioral health issues". The

Project will employ 5.75 full-time staff, additional operational and maintenance workers and may have up to 72 residents requiring some parking for themselves, their personal support services and their visitors. The provided on-site parking is inadequate.

Please review this project and ask the appropriate City of Denver departments:

What precedent will this project set for any and all future parking variance denials?

Does this open a loop hole for developers to secure only month to month parking?

Will there be legal action from residents against the city at a later date due to project deficiencies and failure to provide the required parking?

How might this impact land use and development throughout Denver for years to come?

We support affordable housing, but as you can see from the attached parking map there are multiple limitations for this site including geography, Downing Street Station, no parking on the south side of Welton and city parking regulations throughout the neighborhood. During the initial city review process the developer was informed that site limitations would be difficult to accommodate parking and fire requirements,. Additionally, 3030 Welton will be a 50 bed hostel that provides no parking. Our neighborhood is at parking capacity without the undue burden of Charity House.

Simply put, Charity House is attempting to fit a square peg in a round hole.

Is the City reaching their affordable housing goals by allowing a developer to profit from taxpayer funding at the long term expense of the neighboring residences and businesses? A successful project is inclusive and enriching for all parties involved. Would you allow this project with a month to month parking agreement to be built on your street? We look forward to working with you on a solution that satisfies the long term goals of our community, the city and the residents.

The project expects to break ground in early September. Please act quickly.

Thank you for your time and attention. We look forward to learning more about this project.

Regards,

Lynne Bruning 2955/2975 Welton

Myron Melnick 3001 Welton

YoungKi Cho 2815 N. Downing Street

Zachary Willis and Matt Rahill 3019 Welton

Kylan King 3027 Welton

Tess Ellis 3015 Welton

Cc Leah Dawson, Community Planning and Development

Penny Elder, Chair Board of Adjustments

Andrew Webb, Senior City Planner

Laura Aldrete, Executive Director Community Planning and Development

