



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**LOVELAND URBAN RENEWAL AUTHORITY**  
**LOVELAND WASTEWATER ENTERPRISE BOARD OF DIRECTORS**  
**Tuesday, December 6, 2016 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:** Mayor Gutierrez  
Mayor Pro Tem Fogle  
Councilors:  
Krenning, Ball, Shaffer, Overcash, Clark, McKean and Johnson.

**COUNCIL ABSENT:** None

**1 INTRODUCTION**

**1.1. CALL TO ORDER**

Mayor Gutierrez called the November 13, 2016 Regular Meeting to order at 6:00 p.m.

**1.2. PLEDGE OF ALLEGIANCE**

**1.3. ROLL CALL**

**2 CONSENT AGENDA**

*Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. Members of the public will be given an opportunity to speak to the item before the Council acts upon it.*

*Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.*

*Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.*

Items removed from Consent Agenda and considered on Regular agenda 5.1: 2.6 and 2.8, Removed by Council

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion approving the Consent Agenda, items 2.1 - 2.15, with the exception of items 2.6 and 2.8.***

CARRIED UNANIMOUSLY.

**2.1. CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the November 8, 2016 Study Session and November 15, 2016 Regular meeting.

***A Motion to Approve the City Council minutes for November 8, 2016 Study Session.***

CARRIED.

***A Motion to approve the City Council minutes for the November 15, 2016 Regular meeting.***

CARRIED.

**2.2. DEVELOPMENT SERVICES  
NAMING OF STREETS CODE AMENDMENT**

This is second reading of an ordinance to modify Section 12.08.160 of the Municipal Code to provide an additional street name category of "agricultural terms" to property within the Millennium Northwest 8th Subdivision. The subdivision is located at the southwest corner of Rocky Mountain Avenue and East 37th Street. The property is currently being planned and developed as a mixed use development themed around a working farm and a farm to table restaurant. The property is also the location for the corporate headquarters of Agrium. The applicant is McWhinney Enterprises. This ordinance was approved unanimously at the November 15, 2016 City Council hearing.

***A Motion to Approve, on Second Reading, Ordinance #6073 Amending Chapter 12.08 Of The Loveland Municipal Code Concerning The Naming Of Streets.***

CARRIED.

**2.3. FINANCE  
PUBLIC HEARING  
2016 BUDGET YEAR-END**

Each year in November, staff brings year-end budget “wrap-up” ordinances to address unresolved budget items remaining at year-end and ensure there are sufficient appropriations available to meet projected expenditures. Items may include simple transfers and administrative corrections or new appropriations (if warranted). These ordinances are necessary to finalize the 2016 budget and ensure that the budget remains balanced. Budget Office staff works with departments to resolve budget items throughout the year. The items included in these ordinances represent items that could not be resolved through preferred methods of being absorbed within existing appropriation or through budget transfers within a given department and single fund. Budget transfers can be made within a given department and single fund without City Council approval, however, the City Charter requires City Council approval of budget transfers between funds.

***1. A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Year-End Appropriations.***

CARRIED.

**2.3.1 ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)**

***LURA 1. A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 Loveland Urban Renewal Authority Budget For Redistribution Of Property Tax.***

***Moved by Director Shaffer, seconded by Director Fogle.***

CARRIED UNANIMOUSLY

**2.3.2 ADJOURN AS THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) AND RECONVENE AS CITY COUNCIL**

**2.4. WATER & POWER  
PUBLIC HEARING  
COL DEDICATION OF RIGHT OF WAY TO LARIMER COUNTY**

The purpose of this item is to dedicate a small portion of land to Larimer County to allow them to expand the right-of-way an additional 2,816

square feet (0.065 acres) of land along North County Road 29 near the Loveland Water Treatment Plant. In order to give or sell property owned by the City of Loveland, City Council approval is required along with the Mayor's signature.

***A Motion to Approve An Ordinance, On First Reading, Approving Dedication Of Right-Of-Way To Larimer County On North County Road 29 Due To Hardening Or Armoring Required In Post 2013 Flood Recovery Efforts.***

CARRIED.

**2.5. DEVELOPMENT SERVICES  
PUBLIC HEARING**

**2 EASEMENT VACATIONS FOR LARIMER COUNTY OFFICES**

This is a public hearing to consider a request for vacating emergency access and utility easements within Lot 1, Anderson Farm Eleventh Subdivision. The easement vacation is in preparation of a new county office building proposed on the lot. The applicant is Larimer County. All City Divisions and all applicable outside City utility providers have reviewed the vacation request and indicated no objections. The Planning Commission supported the vacation of easements at their November 14, 2016 meeting.

***A Motion to Approve An Ordinance, On First Reading, Vacating An Emergency Access Easement And A Utility Easement Located On, Over And Across A Portion Of Lot 1 Anderson Eleventh Subdivision, City Of Loveland, County Of Larimer, State Of Colorado.***

CARRIED.

**2.6. WATER & POWER**

**IGA WITH PRPA FOR FOOTHILLS SOLAR PROJECT**

The purpose of this item is to enter into a Purchase Power Agreement between the City and Platte River Power Authority (PRPA) for the generation of electricity in excess of the 1% of the City's distribution peak as outlined in our existing Power Supply Agreement.

***A Motion to Adopt Resolution R-120-2016 Approving A Power Purchase Agreement Between The City Of Loveland And Platte River Power Authority For The Loveland Foothills Solar Project.***

CARRIED.

**2.7. DEVELOPMENT SERVICES**

This item was considered on the regular agenda 5.1.1

**2.8. ECONOMIC DEVELOPMENT**

This item was considered on the Regular Agenda 5.1.2

**2.9. ECONOMIC DEVELOPMENT  
DDA 2017 BUDGET**

This item is to approve the fiscal year 2017 budget for the Downtown Development Board (DDA). The 2017 budget recommended to Council by the DDA Board is a zero budget. On November 8, 2016, the two ballot issues that were submitted to the voters, a mill levy and debt authority were not approved. Since neither measure passed, there is no anticipated revenue for the DDA in fiscal year 2017. State statute requires approval of a budget each fiscal year by the DDA Board and City Council.

***A Motion to Adopt Resolution R-123-2016, a Resolution Approving the 2017 Loveland Downtown Authority Budget.***

CARRIED.

**2.10. CITY MANAGER**

**2017 COUNCIL, BOARDS AND COMMISSION MEETING DATES**

This is an administrative action pursuant to City Code Section 2.14.020B to set the 2017 Meeting Dates, Times, and Locations for the City Council and for the City's Boards and Commissions.

***A Motion to Adopt Resolution R-124-2016 Adopting The Schedule Of The 2017 Meeting Dates For The Loveland City Council And The City's Boards And Commissions.***

CARRIED.

**2.11. LOVELAND FIRE RESCUE AUTHORITY**

**LFRA EMPLOYEES BENEFITS FUND RESOLUTION APPROVAL**

This item is to approve a 2017 Loveland Fire Rescue Authority (LFRA) supplemental budget appropriation to establish the LFRA Employee Benefits Fund for the purpose of accounting for all employer and employee contributions toward the cost of LFRA employee benefits (medical, dental, vision, short term disability, long term disability, life, accidental death and disability, and flex account administration). As a cost saving measure, the LFRA is separating from the City provided

employee benefits program and will be procuring benefits through the Colorado Employers Benefit Trust. There are no additional contributions required from either the City of Loveland or the Loveland Rural Fire Protection District, and therefore, it does not require a City of Loveland supplemental appropriation.

Funding is included in the 2017 adopted LFRA Operations/General Fund that has been approved by the City of Loveland City Council and will be recognized in the new LFRA Employee Benefits Fund as the employer contributions. This appropriation therefore has no impact on contributions from the City of Loveland or the City of Loveland budget.

***A Motion to Adopt Resolution R-126-2016 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-071 For The Loveland Fire Rescue Authority's 2017 Budget.***

CARRIED.

**2.12. LOVELAND FIRE RESCUE AUTHORITY  
FIRE ENGINE CONTRACT AWARD**

This item is to approve a budgeted, replacement fire engine purchase in excess of \$500,000 as required by municipal code. The engine is being purchased through a cooperative purchasing agreement with the Houston Galveston Area Council (HGAC) for \$526,200. It is a Spartan cab and chassis that is constructed to meet specifications by SVI, Inc. The City has successfully used the cooperative purchasing agreement to buy other apparatus and equipment over the years. The specifications of this engine are consistent with the LFRA engine standardization strategy.

The 2017 budget for the engine replacement is \$684,920. There is additional small equipment required to make the engine service ready that will be purchased separately; and we fully expect that the engine at \$526,200 and the additional equipment will be less than the total 2017 budget appropriation by City Council. The funds to purchase this apparatus will come out of the City Capital Replacement Fund.

***A Motion To Approve An Engine Purchase Contract With SVI, Inc. In An Amount Not To Exceed \$526,200 And To Authorize The City Manager To Execute The Contract.***

CARRIED.

**2.13. FINANCE  
2017 ASPHALT CONTRACT AWARD**

This is an annual approval for pit materials and asphalt products for streets and City parking lots. The approval by Council authorizes the City Manager to award a contract with Coulson Excavating Company, Inc. for \$850,000 for the purchase of various asphalt products for street rehabilitation and patching, and parking lot rehabilitation and patching for a period covering December 17, 2016 thru December 14, 2017. Budget dollars are available in various departments' line items in 2017. There is no minimum guaranteed purchase from contractor; only product needed for projects will be purchased.

***A Motion to Award the Primary Contract for Asphalt Products purchased in 2017 to Coulson Excavating Company, Inc. in an Amount not to exceed \$850,000 and to authorize the City Manager to Execute the Contract for Asphalt Products for Street Rehabilitation, Patching, and Parking Lot Rehabilitation Projects as needed.***

CARRIED.

#### 2.14. FINANCE

##### 2017 TREE TRIMMING CONTRACT AWARD

This is an administrative action to approve a contract with Asplundh Tree Experts Company for \$650,000 for tree trimming in Parks, Golf Courses, Right-of-Ways, facility grounds, around City owned electrical lines, and trimming or removal of trees for Code Enforcement. Budget dollars are available in various department budgets including Public Works, Water & Power, Parks & Recreation, Golf, and Building Division (Code Enforcement).

***A Motion To Award The 2017 Contract For Tree Trimming And Removal Services To Asplundh Tree Experts Company In An Amount Not To Exceed \$650,000 And To Authorize The City Manager To Execute The Contract.***

CARRIED.

#### 2.15. WATER & POWER

##### FIRESTONE TEN YEAR WATER LEASE

Water Resources is bringing forward a lease agreement with the Town of Firestone (Firestone) for City Council consideration. The proposed lease will provide Firestone with up to 300 acre feet (AF) of Windy Gap water annually for a ten year lease period, plus an additional five years if mutually agreeable between the parties, at a lease price of \$750/AF, with an escalator every five years based on the local CBT market and a

minimum increase of 5%, whichever is greater. This water is not currently being used by the City of Loveland and will provide a bridge supply for Firestone while the Northern Integrated Supply Project (NISP) project, in which Firestone is a participant, is being developed. The City retains in its sole discretion the right to use this water in an emergency. The maximum annual lease of this Windy Gap water for the first five years equates to 300 acre feet x \$750 per acre foot for a potential annual revenue source of \$225,000. This revenue would go into the Raw Water Fund, which could go towards helping pay for other projects such as the purchase of additional CBT units, building Windy Gap firming storage or developing downstream storage.

***A Motion to Adopt Resolution #R-119-2016, Approving A 10-Year Lease Of Windy Gap Water To The Town Of Firestone.***

CARRIED.

**3 CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

**4 PUBLIC COMMENT**

***Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.***

Stacy Lynne, Larimer County Resident, expressed concern with Detective Koopman remaining on the police force.

Rev. Dotson, expressed concern regarding the need for a detox center in Loveland. Memorial services for a suicide victim will be held Thursday.

Larry Sarner, Ward 2, asked Council to fill the vacancy in Ward III as quickly as possible and to do so by an election.

**5 REGULAR AGENDA  
PROCEDURAL INFORMATION**

***Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.***



**5.1. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**5.1.1 DEVELOPMENT SERVICES**

**LARIMER COUNTY & CITY IGA AMENDMENT TO POLICE & COURTS EXPANSION**

This resolution approves an addendum to the October 31, 2000 IGA between the City and the County that authorizes expansion of the Police & Courts Building located at 810 East 10<sup>th</sup> Street. The IGA addendum reflects an additional step in facilitating the County's plans to relocate and expand services in Loveland. On November 15, 2016 the Council approved a Resolution exempting the County from capital expansion and other development-related fees for both the new office complex at 1<sup>st</sup> Street and Denver Avenue and the Police & Courts Building expansion. The IGA addendum authorizes the 10,000 square foot expansion at the southeast corner of the Police and Courts Building as depicted in Exhibit A and specifies that the expansion will house criminal justice-related services. Arrangements for the sharing of operating and maintenance costs at the Police & Courts Building are specified in the original IGA. There was no public comment.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

*A Motion to Adopt Resolution 119-2016, approving an Addendum authorizing expansion of the Police and Courts Building Pursuant to the Intergovernmental Agreement Creating the Loveland Larimer Building Authority.*

CARRIED UNANIMOUSLY.

**5.1.2 ECONOMIC DEVELOPMENT**

**SERVICES CONTRACT WITH LOVELAND DOWNTOWN PARTNERSHIP**

This is a resolution to consider approving a renewal of the services contract with the Loveland Downtown Partnership (LDP). City Council has approved the 2017 budget with an appropriation of \$500,000 for the operations and programs of the LDP in 2017. Jacquie Wedding-Scott, LDP Executive Director discussed the 2016 budget and accomplishments; Larry Sarnier, spoke in opposition; Stacy Lynne, spoke in opposition; Roger Weidleman, Ward IV, spoke in support; Bruce Croissant, Ward 1, spoke in support; Jan Flores, Downtown business owner, spoke in support; Barry Floyd, downtown business owner, spoke in support. Council directed the City Attorney to investigate if city funds had been used to support or oppose a ballot item.

Moved by Councilor Shaffer, seconded by Councilor Ball

***Motion to Adopt Resolution R-121-2016 Approving A Services Contract Renewal With The Loveland Downtown Partnership For Implementation Of The Downtown Strategic Plan***

CARRIED UNANIMOUSLY.

**ADJOURN AS CITY COUNCIL CONVENE AS THE CITY OF  
LOVELAND WASTEWATER ENTERPRISE BOARD OF DIRECTORS  
AT 7:27 P.M.**

**5.2. CITY MANAGER  
PUBLIC HEARING  
WASTEWATER TREATMENT PLANT REVENUE BONDS**

To issue debt to provide funding for capital improvements for the Wastewater Treatment Plant Expansion project requires approval of two ordinances, one by the Council acting as the governing body of the Wastewater Enterprise and the other by the Council acting on behalf of the City. This Ordinance is for the Council as the governing body of the Enterprise. This action is being done by the Wastewater Enterprise in accordance with Ordinance No. 4484, which in 1999, established and empowered the Enterprise to execute loans, bonds issues and other financial transactions. At previous study sessions, Council discussed and reviewed the improvements required for the Wastewater Treatment Plan and through the adoption of the capital plan in the 2016 budget supported the plan to issue \$24.9 million of bonds to support components of the project. Design work on the project began in July 2015 and is now 60% complete. Final design will be complete in March 2017. To award the contract, the Wastewater Utility needs to have all parts of the financing available. In addition to the \$24.9 million from the bond, an additional \$12.45 million will be used from Wastewater Utility fund reserves. The City received eleven proposals in response to a Request for Proposals process. A financing proposal from NBH Bank was determined to be the most advantageous. NBH presented a fixed rate financing plan for the full 20 year term, competitive rates, and a flexible draw schedule that will save on interest payments in the first two years. The final rate on the bond will be determined after second reading; at the time of the proposals the rate would have been at 3.20%. Rates have risen since the second week of November. There was not public comment.

Moved by Councilor Shaffer, seconded by Councilor Clark

***A Motion to Approve, On First Reading, An Ordinance Authorizing the Issuance and Sale of the City of Loveland, Colorado, Wastewater Enterprise Revenue Bond, Series 2017, Payable Solely out of the Net Revenues to be Derived from the Operation of the***

***City's Wastewater Enterprise; and Providing other Details concerning the Bond, Including, without limitation, covenants and agreements in connection therewith.***

CARRIED UNANIMOUSLY.

**ADJOURN AS THE WASTEWATER ENTERPRISE BOARD OF DIRECTORS AND RECONVENE AS CITY COUNCIL at 7:35 p.m.**

**5.3. CITY MANAGER  
PUBLIC HEARING**

**WASTEWATER TREATMENT PLANT REVENUE BONDS**

To issue debt to provide funding for capital improvements for the Wastewater Treatment Plant Expansion project requires approval of two ordinances, one by the Council acting as the governing body of the Wastewater Enterprise and the other by the Council acting on behalf of the City. This Ordinance is for the Council as the governing body of the City of Loveland. This action is being done by the Wastewater Enterprise in accordance with Ordinance No. 4484, which in 1999, established and empowered the Enterprise to execute loans, bonds issues and other financial transactions. In a separate action, the City acting as the Board of the Water Enterprise, considered on first reading the terms of the Wastewater Enterprise Revenue Bond, Series 2017. This proposed ordinance indicates the City Council's agreement to and authorization of the bond ordinance. There was no public comment.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion to approve, on First Reading, An Ordinance of the City of Loveland, Authorizing the Terms and Provisions Relating to the Wastewater Enterprise Revenue Bond, Series, 2017, to be Issued by the City of Loveland, Colorado Wastewater Enterprise to Finance Improvements to the City 's Wastewater System including Without Limitation, Covenants and Agreement of the City in Connection Therewith.***

CARRIED UNANIMOUSLY.

**5.4. ECONOMIC DEVELOPMENT  
PULLIAM BUILDING PARTNERSHIP AGREEMENT**

At the October 11, 2016 Council Study Session, the City Council directed staff to negotiate a partnership agreement with the Pulliam Community Building Foundation ("Foundation") to raise funds for the renovation of the Pulliam Community Building and to bring an agreement back before the end of the year. Under the terms of the

agreement, the renovation is split into two phases with the first phase focused on the making the auditorium space leasable for the community. In the first phase, the City would match the private contributions of the Foundation on a ratio of \$3 to \$1, not to exceed \$1.5 million. In phase two, the City would match the contributions on a \$1 to \$1 ratio, not to exceed \$2.5 million. The agreement would be for five years and the funding would be subject to Council appropriation. (Under the proposed agreement and subject to Council Appropriation, the City would be committed to \$4 million over five years to cover the matching requirements from the Foundation. If the Foundation raised the funds under the agreement, the City would receive \$3 million in support of the renovation of the Pulliam Building.) Norm Rehme, spoke in support of the Pulliam Community Foundation. Linda Yeager, downtown business owner, spoke in support; Jackie Marsh, downtown business owner, spoke in support; Rosetta ?,downtown business owner, spoke in support; Roger Weidemann, spoke in opposition.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion to Adopt Resolution R-122-2016 Approving An Agreement Between The City Of Loveland And The Pulliam Community Building Foundation Regarding Matching Contributions For Renovation Of The Pulliam Building.***

CARRIED 8-1: No vote: Clark

**5.5. PUBLIC WORKS  
TRANSIT PROGRAM LAND ACQUISITION AND POSSIBLE EXECUTIVE  
SESSION**

This item provides an update on the relocation of the City of Loveland's North Transit Center from the Orchards Shopping Center to the Loveland Food Share at 2600 N. Lincoln Avenue and provides background information in preparation for a recommended Executive Session this evening to provide direction to staff regarding a longer-term transit center location. Council deferred the Executive Session to the end of the meeting.

**5.6. HUMAN RESOURCES  
PROPERTY AND LIABILITY INSURANCE RENEWAL**

The City's property and liability insurance coverage was taken to market this year, which included a formal request for proposal (RFP) process. As a result of the RFP, Staff is recommending City Council authorize the City Manager to continue the City's Intergovernmental Agreement with CIRSA for 2017 property and liability insurance coverage and establish a purchase order in the amount \$880,520 for premium, claims

administration and payment of estimated claims for 2016 as well as remaining open claims or new claims from prior years. The \$880,520 is within the projected and approved 2017 budget. There was no public comment.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

***A Motion Adopting Resolution 125-2016, Approving the Renewal Property and Liability Insurance Between the City of Loveland and Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2017.***

CARRIED UNANIMOUSLY.

**5.7. LOVELAND FIRE RESCUE AUTHORITY  
FOURTH AMENDMENT TO THE FORMATION AGREEMENT  
ESTABLISHING LFRA**

This item will advance the next planned step in the maturation of the Loveland Fire Rescue Authority associated with property. The fourth amendment to the Loveland Fire Rescue Authority establishing intergovernmental agreement, an omnibus bill of sale for equipment and the leases for the fire training center, administrative and community safety division offices and the stations are submitted for City Council consideration. The agreements primarily address the ownership of property and equipment used to deliver fire rescue services. The City and the Rural District would retain ownership of the stations and the training center, leasing them to the Authority. The equipment and the responsibility for replacing that equipment transfers to the Authority. The agreement also changes the basis of the contribution to the Authority from actual net expenditures to budgeted net expenditures and gives the Authority Board the ability to approve supplemental budget requests if there are no additional contributions required of the governing partners. The fourth amendment, leases and omnibus bill of sale are agreements that clarify the responsibilities for ownership and therefore, replacement, insurance coverage and governing partner contributions to provide fire rescue service to the greater Loveland area. These changes have been in progress throughout the year and have been contemplated in securing insurance quotes and the development of the 2017 budget. There was no public comment.

Moved by Councilor Shaffer, seconded by Councilor McKean

***A Motion to Adopt Resolution R-127-2016 Approving A Fourth Amendment To The Loveland Fire Rescue Authority Formation***

***Agreement Concerning The Lease And Transfer Of Real And  
Personal Property To The Authority.***

CARRIED UNANIMOUSLY.

**5.8. ECONOMIC DEVELOPMENT  
FOUNDRY PROJECT DRA FINANCING PLAN**

The purpose of the review is to discuss the revised financing plan for the Foundry Project in Downtown using the Downtown Urban Renewal plan area in place of the Downtown Development Authority. Under the DRA, the City is investing approximately \$17.6 million for public improvements and for the construction of the City-owned parking structure. Staff will present two alternatives for Council consideration and direction. Consensus of Council was to move forward with Funding Alternate B.

*Information only item.*

**5.9. FINANCE  
OCTOBER FINANCE REPORT**

The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of October 31, 2016. Citywide Revenue (excluding internal transfers) of \$238.2 million is 99.3% of year to date (YTD) budget. Sales Tax collections in the month of October are 3.3% above October in 2015, and 99.6% of the YTD budget. Building Material Use Tax is 112.4% of YTD budget. Sales and Use Tax collections combined are 102.3% of YTD budget. Citywide total expenditures of \$231.6 million (excluding internal transfers) are 72.9% of the YTD budget.

**5.10. CITY MANAGER  
OCTOBER INVESTMENT REPORT**

This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the October monthly report, the estimated yield on the fixed income securities held by USBank was at 1.32%, for total assets the yield was 1.19%. For the year-to-date, total earnings of \$1,788,396 have been posted to City fund accounts. U.S. short-term Treasury interest rates moved higher in October; the portfolio's change in unrealized gain for the year-to-date moved down by about \$500,000. The end of October market value is estimated to be \$217.2 million. The peak amount for the portfolio was reached before the 2013 flood when the market value was estimated to be \$226.3 million.

*A Motion to extend the meeting until 11:00 p.m.*

**6 REPORTS**

**6.1. BUSINESS FROM CITY COUNCIL**

*This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*

There was discussion regarding the election to fill the position in Ward III, vacated by Councilor McKean, effective December 31, 2016. Larry Sarner, expressed concern that the process was going to take that long.

Moved by Mayor Pro Tem Fogle, seconded by Councilor Clark

*A Motion directing Staff to come back with a Resolution on December 13, 2016, calling for a Special Election on April 11, 2017.*

CARRIED 8-1: No vote: Gutierrez.

**6.2. CITY MANAGER REPORT**

None

**6.3. CITY ATTORNEY REPORT**

None

5.5 Transit Program and Land Acquisition Continued.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

*A Motion that the City Council recess into executive session to discuss (1) the City's potential acquisition and development of real property for a future permanent transit center; and (2) related potential negotiations for such acquisition, both as authorized by the following section of the Colorado Open Meetings Law and the City Charter:*

*The acquisition of real property as authorized by C.R.S. section 42-6-402(4)(a) and by Charter section 4-4(C)(2) since, in the judgment of Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage; and Since potential acquisition and development of such real property are matters that may be subject to negotiations, to received reports concerning negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiation concerning those positions and strategies as authorized by C.R.S.*

**section 24-6-402 (4)(e) and Charter section 4-4(c)(1); and To receive possible legal advice from the City Attorney's Office regarding the preceding subjects, as authorized in C.R.S. section 24-6-402(4)(b) and Charter section 4-4(c)(3) at 10:35p.m. .**

CARRIED 6-3: No votes: Krenning, McKean and Overcash

*Council reconvened at 10:57 P.M.*

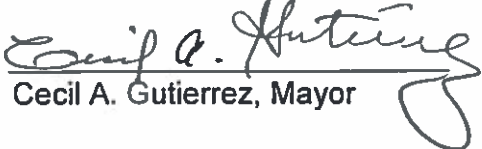
**7 ADJOURNMENT**

**Hearing no further business come before Council, Mayor Gutierrez adjourned the meeting at 10:58 p.m.**

**Respectfully submitted,**



  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor