

1 CITY OF LITTLETON, COLORADO

2
3 Resolution No. 69

4
5 Series, 2016

6
7 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
8 LITTLETON, COLORADO, APPROVING THE FIRST AMENDMENT
9 TO THE AGREEMENT BETWEEN THE BOARD OF COUNTY
10 COMMISSIONERS OF THE COUNTY OF DOUGLAS AND THE
11 LITTLETON POLICE DEPARTMENT.

12
13 WHEREAS, DOUGLAS COUNTY developed a web-based interactive software
14 program called SOTAR™ to manage and exchange information regarding sex offenders; and

15
16 WHEREAS, although the PARTIES entered into an Agreement granting the
17 USER access to the SOTAR™ SYSTEM, there are now certain FBI Criminal Justice
18 Information Services (CJIS) Security Policies that must be adhered to when accessing the
19 SOTAR™ SYSTEM for LEA purposes: and

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21 WHEREAS, effective upon the execution of this Amendment, the USER agrees
22 to adhere to the security protocols as outlined in the amendment to the agreement.

23
24 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
25 THE CITY OF LITTLETON, COLORADO, THAT:

26
27 The First Amendment to the Agreement between the Board of County
28 Commissions of the County of Douglas and the Littleton Police Department is approved.

29
30 INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the
31 City Council of the City of Littleton, Colorado, on the 20th day of December, at 6:30 p.m. at the
32 Littleton Center, 2255 West Berry Avenue, Littleton, Colorado.

33 ATTEST:

34
35 _____
36 Wendy Heffner
37 CITY CLERK

35 _____
36 Bruce O. Beckman
37 MAYOR

38
39 APPROVED AS TO FORM:

40
41 _____
42 Kenneth S. Fellman
43 ACTING CITY ATTORNEY

LITTLETON POLICE DEPARTMENT:

Bruce Beckman
Mayor

Date: _____

ATTEST:

Wendy Heffner
City Clerk

Date: _____

APPROVED AS TO LEGAL FORM:

Kenneth S. Fellman
Acting City Attorney

Date: _____

FISCAL IMPACTS:

King Soopers has repaid the portion of the payment made in error.

The finance department has budgeted \$26,850 for the 2016 incentive payment and anticipates the 2017 incentive payment to be \$28,190.

STAFF RECOMMENDATION:

Staff recommends approval.

PROPOSED MOTION:

I move to approve the resolution adopting the first amendment to the Redevelopment Assistance Agreement with Dillon Companies, Inc., a Kansas corporation (D/B/A King Soopers), to address a scrivener's error.

1 CITY OF LITTLETON, COLORADO

2
3 Resolution No. 72

4
5 Series, 2016

6
7 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
8 LITTLETON, COLORADO, A RESOLUTION ADOPTING THE FIRST
9 AMENDMENT TO THE REDEVELOPMENT ASSISTANCE
10 AGREEMENT WITH DILLON COMPANIES, INC., A KANSAS
11 CORPORATION (D/B/A KING SOOPERS), ADDRESSING A
12 SCRIVENER’S ERROR
13

14
15 WHEREAS, the city council approved a redevelopment assistance agreement
16 with King Soopers dated September 17, 2013 (the “Agreement”); and
17

18 WHEREAS, the Agreement contained a scrivener’s error that did not reflect the
19 agreement reached by the parties and approved by the city council; and
20

21 WHEREAS, the parties desire to execute an amendment to correct the scrivener’s
22 error.
23

24 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
25 THE CITY OF LITTLETON, COLORADO, THAT:
26

27 Section 1. The first amendment to the redevelopment assistance agreement
28 between the City of Littleton and Dillon Companies, Inc., a Kansas corporations, a copy of
29 which is attached hereto, is hereby approved and the Mayor is authorized to affix his
30 signature thereto.
31

32 INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the
33 City Council of the City of Littleton, Colorado, on the 20th day of December, 2016, at 6:30 p.m.
34 at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado.

35 ATTEST:

36
37 _____
38 Wendy Heffner
39 CITY CLERK

Bruce O. Beckman
MAYOR

40
41 APPROVED AS TO FORM:

42
43 _____
44 Kenneth S. Fellman
45 ACTING CITY ATTORNEY

FIRST AMENDMENT TO REDEVELOPMENT ASSISTANCE AGREEMENT

THIS FIRST AMENDMENT TO REDEVELOPMENT ASSISTANCE AGREEMENT ("Amendment") is made by and between the CITY OF LITTLETON, a Colorado home rule municipality (the "City"), and DILLON COMPANIES, INC., a Kansas corporation ("King Soopers").

WHEREAS, King Soopers and the City entered into that certain Redevelopment Assistance Agreement dated September 17, 2013 (the "Agreement"); and

WHEREAS, the Agreement contained a scrivener's error that did not reflect the agreement reached by the parties and approved by the City's governing body; and

WHEREAS, the parties desire to execute this Amendment to correct the scrivener's error.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Section 1.b.2 of the Agreement is hereby amended and restated in its entirety, effective September 17, 2013, to read as follows: After such amount has been collected and retained by the City, the City shall thereafter rebate to King Soopers fifty (50) percent of any further retail sales tax collected for that respective year.
2. The Agreement, as amended herein, remains in full force and effect and constitutes a legally binding obligation of the parties.

IN WITNESS WHEREOF, the parties have executed this Amendment this ___ day of ___, 2016.

KING SOOPERS:

DILLON COMPANIES, INC., a Kansas corporation

By: _____
Name: Dennis R. Gibson
Title: Vice President



CITY:

CITY OF LITTLETON, a Colorado home rule municipality

ATTEST:

Approved as to Form:

Wendy Heffner, City Clerk

Kristin Schledorn, City Attorney

King Soopers
9/17/13

**REDEVELOPMENT ASSISTANCE AGREEMENT
FOR DILLON COMPANIES, INC., A KANSAS CORPORATION,
DOING BUSINESS AS KING SOOPERS
IN THE CITY OF LITTLETON, COLORADO**

THIS AGREEMENT ("Agreement") is made and entered into as of the 17TH day of September, 2013, between the CITY OF LITTLETON, a Colorado home rule municipality (the "City"), and DILLON COMPANIES, INC., a Kansas corporation ("King Soopers").

WHEREAS, the City wishes to provide certain business assistance in connection with King Soopers' redevelopment and construction of a new, approximately 77,200 square foot store at 100 W. Littleton Boulevard, Littleton, Colorado (the "Project"); and

WHEREAS, King Soopers plans for the Project to generate new sales tax revenue, and create new jobs in the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by retaining and expanding this store within the City.

NOW THEREFORE, in consideration of the mutual promises set forth below, the City and King Soopers agree as follows:

1. Building and Plan Review Waiver and Sales and Use Tax Rebates.

Acknowledging the economic benefits to the City with the proposed redevelopment of the Project, the City agrees to the following waivers and rebates:

a. Building and Plan Review Waiver and Use Tax Rebate:

1. The City shall waive one-half (1/2) of the building and plan review permit fees associated with the initial building permit(s) for the Project; and
2. For the first year of operation after issuance of a temporary certificate of occupancy for the Project, the City shall rebate one-half (1/2) of the use tax collected in accordance with Chapter 9 of Title 3 of the Littleton Municipal Code.
3. In no event shall the amount of the building and plan review permit fee waived, and the use tax rebated, pursuant to this paragraph 1(a) collectively exceed \$118,681.

b. Sales Tax Rebate:

1. For the first six years of operation after issuance of a temporary certificate of occupancy for the Project, the City shall collect and retain, from the retail sales collected and attributable to retail sales occurring at the Project, an amount equal to the annual average of the previous five years of sales tax collected.
 2. After such amount has been collected and retained by the City, the City shall thereafter rebate to King Soopers 100 percent of any further retail sales taxes collected for that respective year.
- c. Notwithstanding the foregoing, the waivers and rebates provided for in this paragraph 1 shall not cumulatively exceed \$500,000, nor shall they continue for a period longer than six years following issuance of a temporary certificate of occupancy for the Project.

2. Payment of Rebates. The sales and use tax rebates shall be paid by the City in annual installments, for the previous 12 months, and shall be made on or before January 31st. No interest shall be paid on amounts subject to rebate.

3. Entire Agreement. This instrument shall constitute the entire agreement between the City and King Soopers and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

4. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if King Soopers has not completed the Project (as evidenced by the issuance of a temporary certificate of occupancy) within 12 months following commencement of construction, subject to delays due to force majeure events including earthquake, flood, fire, storm, natural disaster, act of God, war, terrorism, armed conflict, labor strike, lockout, boycott or other similar events beyond the reasonable control of King Soopers, provided King Soopers gives prompt written notice thereof and takes all steps reasonably necessary to mitigate the effects of the force majeure event; or King Soopers should fail to comply with any City code, after written notice of such failure and expiration of a 30 day cure period.

5. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales tax revenues in excess of the sales revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the

City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales tax revenues of the City.

6. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, or any other constitutional or statutory provisions, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council, in its sole discretion. King Soopers understands and agrees that any decision of City Council to not appropriate funds for payment shall be without penalty or recourse to the City and, further, shall not affect, impair, or invalidate any of the remaining terms or provisions of this Agreement.

7. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with the City of Littleton City Charter and the City of Littleton Municipal Code. In the event of a dispute concerning any provision of this Agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experienced mediator or panel of mediators for the purpose of resolving such dispute. In the event such dispute is not fully resolved by mediation or otherwise within 60 days after a request for mediation by either party, then either party may commence legal proceedings regarding the dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Arapahoe County, Colorado.

8. Legal Challenge: Escrow. The City shall have no obligation to make any rebate payment hereunder during the pendency of any legal challenge to this Agreement. The parties will cooperate in defending the validity or enforceability of this Agreement against any challenge by any third party.


9. Assignment. This Agreement is personal to King Soopers. King Soopers shall not assign any of the obligations, benefits or provisions of the Agreement in whole or in any part without the expressed written authorization of the City Council. Any purported assignment, transfer, pledge, or encumbrance made without such prior written authorization shall be void.

10. No Joint Venture. Nothing in this Agreement is intended or shall be construed to create a joint venture between the City and King Soopers.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written above.


KING SOOPERS:

DILLON COMPANIES, INC., a Kansas corporation

By: 
Name: RUSSELL J. DISPENSE
Title: VICE PRESIDENT

CITY:


CITY OF LITTLETON, a Colorado home rule municipality


Debbie Brinkman, Mayor

ATTEST:


City Clerk

Approved as to Form:


City Attorney



City Council Communication

Date	Agenda No.	Subject
9/17/2013	8(a)	Resolution approving a redevelopment assistance agreement with Dillon Companies, Inc., a Kansas Corporation (d/b/a King Soopers), for the redevelopment and construction of a new, larger store at 100 W. Littleton Boulevard, Littleton, Colorado

Presented By: Michael Penny, City Manager

POLICY QUESTION:

Does Council support the proposed development incentive proposal for King Soopers

BACKGROUND:

Kings Soopers has been evaluating options for the store located at the Southeast corner of Littleton Blvd. and Broadway. The current facility is 49,667 square feet. The options evaluated were closing the store and relocating at a different location, keeping the existing store and expanding into the old Walgreens space (23,123 square feet) or a complete demo and rebuild including the old Walgreens space.

After more than a year of analysis and discussions, the recommendation is to demolish the existing store including the old Walgreens location and rebuild a new store at 77,200 square feet. This store will be the same square footage as the new King Soopers in Englewood at Belleview and Federal.

In addition to the physical expansion of the building, staff expects the redevelopment to include over a million dollars in drainage and water quality improvements as well as parking lot improvements. Much of the infrastructure improvements will have a public benefit to it.

STAFF ANALYSIS:

The incentive package is for a maximum of \$500,000 over a six year period. The incentive includes a 50% reduction in development fees up-to \$118,681 and the remaining in sales tax sharing for up to six years beginning at the first full year of the new store being opened. The resolution matches the incentive value which Englewood negotiated with King Soopers. Per Council direction on incentives, the City will retain the sales tax base which we've collected historically and then we will share the new revenue on a 50/50 split up to the sixth year. At that point, the city will collect 100% of the sales tax collected. This results in no net revenue loss during the agreement period.

FISCAL IMPACTS:

The gross impact over a six year period is a maximum of \$500,000. \$118,681 in fee reduction and \$381,319 in sales tax share back.

Date	Agenda No.	Subject
9/17/2013	8(a)	Resolution approving a redevelopment assistance agreement with Dillon Companies, Inc., a Kansas Corporation (d/b/a King Soopers), for the redevelopment and construction of a new, larger store at 100 W. Littleton Boulevard, Littleton, Colorado

STAFF RECOMMENDATION:

The significant investment being made by King Soopers will have positive ramifications on this area of town. Staff believes that this will be the start of a significant redevelopment of the area. Therefore the benefit of seeing this new store built is well beyond just the grocery value. This project has not received final approval from Corporate King Soopers. Part of the final decision will be based upon Council's action on the incentive proposal. Staff recommends Council approve this resolution.

PROPOSED MOTION:

I move to approve the resolution authorizing a development incentive package for King Soopers.

Attachments:

Resolution 38

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CITY OF LITTLETON, COLORADO

Resolution No. 38

Series, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, APPROVING A REDEVELOPMENT ASSISTANCE AGREEMENT WITH DILLON COMPANIES, INC., A KANSAS CORPORATION (D/B/A KING SOOPERS), FOR THE REDEVELOPMENT AND CONSTRUCTION OF A NEW, LARGER STORE AT 100 W. LITTLETON BOULEVARD, LITTLETON, COLORADO.

WHEREAS, the successful attraction and retention of high quality development to the City of Littleton provides employment opportunities, community service delivery, and increased revenue for citizen services and therefore serves an important public purpose; and

WHEREAS, it is important for the City of Littleton to attract new sales tax revenue in the City and remain competitive with other local governments in creating assistance for redevelopment of existing space in the City; and

WHEREAS, King Soopers plans to demolish a 49,650 square foot store and reconstruct a 77,200 square foot store at 100 W. Littleton Boulevard in Littleton; and

WHEREAS, on May 7, 2013, the Council adopted the Economic Plan (the "Economic Plan"), which encourages the use of incentives for redevelopment projects such as this; and

WHEREAS, there has been proposed a Redevelopment Assistance Agreement between the City and Dillon Companies, Inc., a Kansas corporation, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the City Council finds that the proposed Redevelopment Assistance Agreement is consistent with and in furtherance of the Economic Plan of the City, and desires to approve the Agreement and authorize its execution and implementation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

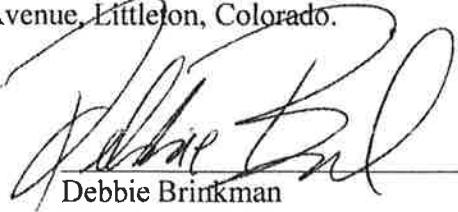
The proposed Redevelopment Assistance Agreement between the City of Littleton and Dillon Companies, Inc., a Kansas corporation, a copy of which is attached hereto as Exhibit A, is hereby approved and the Council President is authorized to affix her signature thereto.

Resolution No. ___
Page 2 of 2

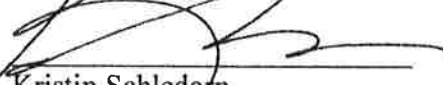
47 INTRODUCTION, READ AND ADOPTED at a regularly scheduled meeting of the
48 City Council of the City of Littleton, Colorado, on the 17th day of September, 2013, at 7:00
49 p.m. at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado.

50 ATTEST:

51 
52 Wendy Heffner
53 Wendy Heffner
54 CITY CLERK


Debbie Brinkman
PRESIDENT OF CITY COUNCIL

55
56 APPROVED AS TO FORM:

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58 Kristin Schledorn
59 Kristin Schledorn
60 DEPUTY CITY ATTORNEY

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- e) [Ordinance 25-2016](#) An ordinance on second reading approving a rezoning and an amended Riverside General Planned Development Plan located at 5000 and a portion of 4900 South Prince Street
- Mayor Pro Tem Brinkman moved and Council Member Valdes seconded to approve on second reading the ordinance approving the rezoning and general planned development plan for Platte 56.**
- Council Member Hopping moved and Mayor Pro Tem Brinkman seconded to amend the motion to limit the riverfront height to 42 feet for less visual impact, plus the portal. The vote is 3-3, with with Mayor Beckman and Council Members Cole and Clark voting no. The amended motion fails.**
- The vote on the main motion is 4-2, with Mayor Beckman and Council Member Clark voting no. The motion carries.**
- Aye:** 4 - Mayor Pro Tem Brinkman, Council Member Cole, Council Member Hopping and Council Member Valdes
- Nay:** 2 - Mayor Beckman and Council Member Clark
- Absent:** 1 - Council Member Cernanec
- f) [Ordinance 27-2016](#) An ordinance on second reading amending Title 10 of the City Code concerning the definitions of Group Home for Persons with Handicaps, Handicap and Assisted Living Facility and to add supplementary standards for group homes for persons with disabilities.
- Mayor Pro Tem Brinkman moved and Council Member Clark seconded to approve on second reading Ordinance 27-2016, amending Title 10 of the City Code concerning the definitions of group home for persons with handicaps, handicap, and assisted living facility and to add supplementary standards for group homes for persons with disabilities. The vote is 6-0. The motion carries unanimously.**
- Aye:** 6 - Mayor Pro Tem Brinkman, Mayor Beckman, Council Member Clark, Council Member Cole, Council Member Hopping and Council Member Valdes
- Absent:** 1 - Council Member Cernanec

8. Public Comment

Scott Kyser - Littleton Crossing / not in favor
Deanna Cook - Littleton Crossing / not in favor
Don Bruns - Platte River Management Plan / not in favor (Mr. Bruns' handout is included in meeting documents/packet on pages 327 and 328)
Pat Dunahay - South Park
Kal Murib - Littleton Crossing / not in favor
Marty Brzeczek - Urban Renewal
Carol Brzeczek - Urban Renewal
Pam Chadbourne- Littleton Crossing / in favor

9. Comments / Reports

- a) City Manager
- b) Council Members
- c) Mayor

10. Adjournment

Mayor Beckman adjourned the meeting at 10:26 p.m.

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.



File #: ID# 16-295, **Version:** 1

Agenda Date: 12/20/2016

Subject:

Certification of the December 6, 2016 regular meeting minutes

Presented By: Wendy Heffner, City Clerk

RECORDING SECRETARY'S CERTIFICATION:

I hereby certify that I have reviewed the video recording for the December 6, 2016 regular meeting of the Littleton City Council and that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording

PROPOSED MOTION:

I move to approve, based on the city clerk's certification, the December 6, 2016 video as the minutes for the December 6, 2016 regular meeting of the city council.



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Minutes - Final

City Council

Tuesday, December 6, 2016

6:30 PM

Council Chamber

Regular Meeting

1. Roll Call

Present: 7 - Mayor Pro-Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Clark, Council Member Cole, Council Member Hopping and Council Member Valdes

2. Pledge of Allegiance

3. Approval of Agenda

Mayor Pro Tem Brinkman moved and Council Member Valdes seconded to move items 6(h), (i), (j), and (k) before items 6(a), (b), (c), (d), (e), (f), and (g). City Council discussed the motion. The vote is 5-2, with Council Members Clark and Cole voting no. The motion carries.

Aye: 5 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Hopping and Council Member Valdes

Nay: 2 - Council Member Clark and Council Member Cole

4. Public Comment

Public Comment on Consent Agenda and General Business items

John Watson - Urban Renewal / Opposed

Kyle Schlachter - Urban Renewal / In favor

Carolyn Bradish - Urban Renewal / In favor

Jonathan Spencer - Urban Renewal / In favor

5. Consent Agenda Items

Council Member Cernanec moved and Council Member Cole seconded to approve consent agenda items 5(a), 5(b), and 5(c). The vote is 6-1, with Council Member Clark voting no. The motion carries.

Aye: 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes

Nay: 1 - Council Member Clark

- a) [Ordinance 38-2016](#) An ordinance on second reading amending Ordinance No. 95 Series of 2015 known as the Annual Appropriation Bill for all municipal purposes for the fiscal year beginning January 1, 2016 and ending December 31, 2016.
Approved
- b) [Resolution 68-2016](#) A resolution, as the governing body of the Littleton Stormwater and Flood Management Utility Enterprise, amending the 2016 budget
Approved
- c) [ID# 16-280](#) Motion to approve the settlement agreement for Kasko, LLC v. City of Littleton
Approved

6. Ordinances for Second Reading and Public Hearing

- h) [Ordinance 19-2016](#) An ordinance on second reading repealing the city's Santa Fe Urban Renewal Plan

Public Hearing:

Jon Spencer - Do not repeal
Robin Schwartzbacker - Repeal
Carol Fey - Repeal
Patrick Fitzgerald - Repeal
Jeanie Erickson - Repeal
Gloria Shone - Repeal
Sherri Chisholm - Repeal
Paul Bingham - Repeal
Frank Atwood - Repeal
Marty Brzecezck - Repeal
Jose Trujillo - Repeal
Carol Pinigis/Kim Sayers - Repeal
Joseph Barrentine - Repeal
Laurette Barrentine - Repeal
Anne Ricker Cunningham - Do not repeal
Linda Knufinke - Repeal
Donald Genna - Repeal
Lou Sullivan - Repeal
Jerry Hill - Repeal
Pam Chadbourne - Repeal
Kim Sayers - Opposed to Columbine Square URP
Carol Pinigis - Opposed to Columbine Square URP
Charles Hardy - Repeal
Lisa Sangree - Repeal

6(h) Council Member Clark moved and Council Member Cole seconded to approve the ordinance on second reading repealing the Santa Fe Plan. The vote is 4-3, with Mayor Pro Tem Brinkman and Council Members Cernanec and Hopping voting no. The motion carries.

Aye: 4 - Mayor Beckman, Council Member Clark, Council Member Cole and Council Member Valdes

Nay: 3 - Mayor Pro Tem Brinkman, Council Member Cernanec and Council Member Hopping

i) [Ordinance 17-2016](#) An ordinance on second reading repealing the city's Littleton Boulevard Urban Renewal Plan

Public Hearing:

Paul Bingham - Repeal

John Spencer - Do not repeal

Ann Ricker Cunningham - Do not repeal

Linda Knufinke - Repeal

Pam Chadbourne - Repeal

Carol Pinigis - Repeal

Kim Sayers - Repeal

Carol Brzeczek - Repeal

Barbara Bailey - Repeal

Council Member Clark moved and Council Member Cole seconded to approve the ordinance on second reading repealing the Littleton Blvd plan. The vote is 4-3, with Mayor Pro Tem Brinkman and Council Members Cernanec and Hopping voting no. The motion carries.

Aye: 4 - Mayor Beckman, Council Member Clark, Council Member Cole and Council Member Valdes

Nay: 3 - Mayor Pro Tem Brinkman, Council Member Cernanec and Council Member Hopping

j) [Ordinance 18-2016](#) An ordinance on second reading repealing the city's North Broadway Urban Renewal Plan

Public Hearing:

Carol Pinigis - Repeal

Kim Sayers - Repeal

Linda Knufinke - Repeal

Robin Schwartzbacker - Repeal

Patrick Fitzgerald - Repeal

John Spencer - In Favor of Urban Renewal / Do not repeal

Jerry Hill - Repeal

Council Member Clark moved and Council Member Cole seconded to approve the ordinance on second reading repealing the North Broadway plan. The vote is 4-3, with Mayor Pro Tem Brinkman and Council Members Cernanec and Hopping voting no. The motion carries.

Aye: 4 - Mayor Beckman, Council Member Clark, Council Member Cole and Council Member Valdes

Nay: 3 - Mayor Pro Tem Brinkman, Council Member Cernanec and Council Member Hopping

- k) [Ordinance 03-2016](#) An ordinance on second reading abolishing the Littleton Invests for Tomorrow Urban Renewal Authority pursuant to C.R.S. § 31-25-115(2)

Public Hearing:

*Carol Pinigis - Abolish LIFT
Kim Sayers - Abolish LIFT
Don Bruns - Abolish LIFT
Jim Popfreis - Abolish LIFT
David Shahan - Abolish LIFT
Carol Carson - Abolish LIFT
Cheryl Bruns - Abolish LIFT
Carol Fey - Abolish LIFT
Jeanie Erickson - Abolish LIFT
Sherri Chisolm - Abolish LIFT
Barbara Bailey - Abolish LIFT
Colleen Evans - Don't abolish LIFT
Jessica Thomas - Don't abolish LIFT
Jon Hiddel - Columbine Square
Kay Watson - Don't abolish LIFT
Linda Knufinke - Abolish LIFT
Travis Nicks - Abolish LIFT
Paul Bingham - Abolish LIFT
Carl Chang - Columbine Square owner
Jessica Flecieta - Representing Columbine Square owner
Carol Brzeczek - Abolish LIFT
Pam Chadbourne - Abolish LIFT
Jerry Hill - Abolish LIFT
Marty Brzeczek - Abolish LIFT*

Council Member Clark moved and Council Member Cole seconded to approve ordinance abolishing the Littleton Invests for Tomorrow Urban Renewal Authority pursuant to C.R.S. § 31-25-115(2). The vote is 3-4 with Mayor Pro Tem Brinkman and Council Members Cernanec, Valdes and Hopping voting no. The motion fails

Aye: 3 - Mayor Beckman, Council Member Clark and Council Member Cole

Nay: 4 - Mayor Pro Tem Brinkman, Council Member Cernanec, Council Member Hopping and Council Member Valdes

- a) [Ordinance 29-2016](#) An ordinance on second reading approving an amendment to the agreement with Cunningham Fire Protection District (CFPD) to provide emergency dispatch services

Council Member Cernanec moved and Council Member Brinkman seconded to approve the ordinance on second reading amending the agreement with Cunningham Fire Protection District for emergency dispatch services. The vote is 7-0. The motion carries unanimously.

Aye: 7 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Clark, Council Member Cole, Council Member Hopping and Council Member Valdes

- b) [Ordinance 24-2016](#) An ordinance on second reading approving the modification of the Term of the Master Services Agreement with Comcast Cable Communications Management, LLC, for telecommunications connectivity services.
- Council Member Cernanec moved and Council Member Hopping seconded to approve on second reading the ordinance to modify the term of the Master Services Agreement with Comcast Cable Communications Management, LLC, for telecommunications connectivity services. The vote is 7-0. The motion carries unanimously.**
- Aye:** 7 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Clark, Council Member Cole, Council Member Hopping and Council Member Valdes
- c) [Ordinance 37-2016](#) An ordinance on second reading approving an amendment to the 2012 master lease purchase agreement between the City of Littleton and JP Morgan Chase Bank, NA for the lease/purchase of a fire platform truck
- Council Member Cernanec moved and Council Member Cole seconded to approve the ordinance on second reading approving an amendment to the 2012 master lease purchase agreement between the City of Littleton and JP Morgan Chase Bank, NA, for the lease/purchase of a fire platform truck. The vote is 6-1 with Council Member Clark voting no. The motion carries.**
- Aye:** 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes
- Nay:** 1 - Council Member Clark
- d) [Ordinance 35-2016](#) An ordinance on second reading approving a five-year agreement with Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation.
- Council Member Cernanec moved and Council Member Cole seconded to approve the ordinance on second reading approving a five-year agreement with Advanced Data Processing, Inc., a subsidiary of Intermedix Corp. The vote is 6-1 with Council Member Clark voting no. The motion carries.**
- Aye:** 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes
- Nay:** 1 - Council Member Clark
- e) [Ordinance 32-2016](#) An ordinance on second reading, adopting the 2017 Littleton Emergency Medical Transportation Enterprise Fund budget
- Council Member Cernanec moved and Council Member Valdes seconded to approve the ordinance on second reading adopting the 2017 Littleton Emergency Medical Transportation Enterprise Fund budget. The vote is 7-0. The motion carries unanimously.**
- Aye:** 7 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Clark, Council Member Cole, Council Member Hopping and Council Member Valdes

- f) [Ordinance 33-2016](#) An ordinance on second reading, adopting the 2017 Littleton Sewer Utility Enterprise Fund budget

Council Member Cernanec moved and Council Member Hopping seconded to approve on second reading the ordinance adopting the 2017 Littleton Sewer Utility Enterprise Fund budget. The vote is 6-1 with Council Member Clark voting no. The motion carries.

Aye: 6 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Cole, Council Member Hopping and Council Member Valdes

Nay: 1 - Council Member Clark

- g) [Ordinance 34-2016](#) An ordinance on second reading adopting the 2017 Littleton Stormwater and Flood Management Utility Enterprise budget.

Council Member Cernanec moved and Council Member Cole seconded to approve on second reading the ordinance adopting the 2017 Littleton Stormwater and Flood Management Utility Enterprise budget. The vote is 7-0. The motion carries unanimously.

Aye: 7 - Mayor Pro Tem Brinkman, Council Member Cernanec, Mayor Beckman, Council Member Clark, Council Member Cole, Council Member Hopping and Council Member Valdes

7. General Business

8. Public Comment

9. Comments / Reports

- a) City Manager
- b) Council Members
- c) Mayor

10. Adjournment

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.



Staff Communication

File #: Ordinance 38-2016, **Version:** 2

Agenda Date: 12/20/2016

Subject:

An ordinance on second reading amending Ordinance No. 95 Series of 2015 known as the Annual Appropriation Bill for all municipal purposes for the fiscal year beginning January 1, 2016 and ending December 31, 2016.

Presented By: Tiffany Hooten, Assistant Finance Director

POLICY QUESTION:

Does city council support an amendment to the 2016 annual appropriation for the City of Littleton?

BACKGROUND:

These funds are recommended to be increased:

General Fund - \$908,040

The General Fund increase is comprised of the following.

- Contract City Attorney services and personnel recruitment - \$45,000. The city has contracted for city attorney services while also recruiting for this vacant position. This is the additional amount needed for these costs.
- Police Investigation - \$500,000. This increase is related to the current missing person investigation.
- Sales Tax Increment - \$210,040. The city provides sales tax increment financing to the urban renewal authority, Littleton Invests for Tomorrow. This is the amount of sales tax increment in 2016.
- Incentive agreements - \$78,000. The city council approved incentive agreements in 2013 and 2014 with local businesses. This is the amount of the incentive agreements for 2016.
- Transfer to Geneva Village Fund - \$75,000. Emergency gas line repairs were needed at Geneva Village. This is a transfer from the General Fund to the Geneva Village Fund for those repairs.

Consolidated Special Revenue Fund - \$35,000

The community room audio system is in need of an upgrade. There have been several instances in which the quality of the sound system has been impaired. The city is soliciting requests for proposals to upgrade the microphone in the community room. These upgrades will be paid from the available fund balance of PEG funds which can only be used to acquire equipment for cable television programming.

Grant Fund - \$88,000

The city received a grant of \$88,000 from the Federal Transit Administration through the Colorado Department of Transportation for the purchase of two buses for the Omnibus program which was approved by city council on February 16, 2016. The required city match of \$22,000 will be paid from the fleet vehicle replacement line item as part of the original appropriation in the Capital Projects Fund. This request represents the grant portion.

Open Space Fund - \$149,000

The city received a grant from Arapahoe County Open Space of \$148,587 with a city match required of \$50,000 for the Centennial Academy of Fine Arts playground renovation. This is for the pass through amount as the city has a financial interest and is required to report the pass through as expenditure. The city's match of \$50,000 was paid to Littleton Public Schools in 2014.

Geneva Village - \$75,000

During 2016, it became evident that there was an emergency need to repair gas lines at Geneva Village. These repairs were completed; however, a transfer from the general fund is needed to maintain an adequate reserve in the fund for minor repairs throughout the year.

STAFF ANALYSIS:

Amending the annual appropriation bill is a typical process that the city conducts every year.

FISCAL IMPACTS:

The 2016 budget appropriation is recommended to increase by \$1,255,040.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance on first reading amending the 2016 budget.

PROPOSED MOTION:

I move to approve on second reading the ordinance amending Ordinance No. 95 Series of 2015 known as the Annual Appropriation Bill for all municipal purposes for the fiscal year beginning January 1, 2016 and ending December 31, 2016.

1 CITY OF LITTLETON, COLORADO

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3 ORDINANCE NO. 38
4 Series, 2016

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6 INTRODUCED BY COUNCILMEMBERS

7
8 AN ORDINANCE OF THE CITY OF LITTLETON,
9 COLORADO, AMENDING ORDINANCE NO. 95 SERIES
10 OF 2015 KNOWN AS THE "ANNUAL APPROPRIATION
11 BILL" FOR ALL MUNICIPAL PURPOSES OF THE CITY
12 OF LITTLETON, COUNTIES OF ARAPAHOE,
13 JEFFERSON AND DOUGLAS, STATE OF COLORADO,
14 FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016
15 AND ENDING DECEMBER 31, 2016.
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18 WHEREAS, Ordinance No. 95, Series of 2015 established the annual
19 appropriation for municipal purposes for the City of Littleton, Colorado, as amended by
20 Ordinance No. 106, Series of 2015;

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22 WHEREAS, appropriations have theretofore been made for the expenditures of
23 monies pursuant to said budget; and

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25 WHEREAS, the necessity of receiving and expending additional monies from the
26 various funds could not have been reasonably anticipated during the time of adoption of the
27 budget and appropriation of funds in accordance therewith;

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29 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
30 THE CITY OF LITTLETON, COLORADO, THAT:

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32 Section 1: The budget of the City of Littleton for the fiscal year beginning
33 January 1, 2016, and ending December 31, 2016, is hereby amended by additions to the
34 following funds:

<u>FUND</u>	<u>EXPENDITURE</u>
General Fund	\$ 908,040
Consolidated Special Revenue Fund	\$ 35,000
Grants Fund	\$ 88,000
Open Space Fund	\$ 149,000
Geneva Village Fund	<u>\$ 75,000</u>
Total	\$ 1,255,040

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45 Section 2: The provisions of the annual appropriations Ordinance No. 95,
46 Series of 2015, as amended by Ordinance No. 106, Series of 2015, are hereby amended with the
47 total of all fund expenditures amended to \$91,436,570.
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INTRODUCED, AS A BILL at the regularly scheduled meeting of the city council of the of the City of Littleton, Colorado, on the 6th day of December, 2016, passed on first reading by a vote of 6 FOR and 1 AGAINST; and ordered published by posting at the Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 20th day of December, 2016, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of ___ FOR and ___ AGAINST on the 20th day of December, 2016 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Bruce O. Beckman
MAYOR

APPROVED AS TO FORM:

Kenneth S. Fellman
ACTING CITY ATTORNEY