

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 17, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE with Boy Scouts Troop #787

ROLL CALL

Roll was called and the following responded: Mayor Gutierrez, Councilors Klassen, Shaffer, Fogle, Taylor, Farley, Clark, Trenary, and McKean.

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. You 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. Please limit your comments to no more than three minutes.

Mayor Gutierrez requested Item #15 move to the start of the meeting.

15. CITY MANAGER

(presenter: Bill Cahill)

DECLARATION OF LOCAL DISASTER EXTENSION

City Manager, Bill Cahill introduced this item and updated Council on the preservation of life and safety, stabilizing infrastructure, and protecting property. This is an administrative action to consider a Resolution extending the City Manager's Declaration of Local Disaster that he issued on September 12, 2013, under C.R.S. Section 24-33.5-709. His Declaration was issued in response to the recent heavy rains and flash flooding in the City and the Front Range that has caused widespread loss of life and injury and substantial damage and destruction of private and public property. Section 24-33.5-709 limits the duration of the City Manager's Declaration of Local Disaster to seven days unless it is continued and renewed by the City Council. The proposed Resolution would extend the Declaration until such time as the City Manager determines that a local disaster no longer exists within the City as a result of these recent rains and flood events. Continuing this Declaration of Local Disaster will support the City's future applications to the Federal Emergency Management Administration ("FEMA") for reimbursement of the City's emergency response and recovery costs as a result of this 2013 Flood. Incident Commander, Randy Mirowski, Public Works Director, Keith Reester, and Water & Power Director, Steve Adams, and Assistant City Manager, Rod Wensing updated Council. **Councilor Shaffer moved to approve Resolution #R-72-**

2013 of the Loveland City Council Extending the Loveland City Manager's Declaration of Local Disaster Issued Under C.R.S. Section 24-33.5-709 for the 2013 Flood. Councilor McKean seconded the motion which carried with all councilors present voting in favor thereof. Council expressed appreciation to City staff and the community volunteers for their support for this disaster over the last six days.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. **Councilor Shaffer moved to approve the Consent Agenda. Councilor Taylor seconded the motion, which carried with all councilors present voting in favor thereof.**

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MINUTES
A motion to approve the September 3, 2013 Regular Meeting minutes was approved.
This is an administrative action to approve the September 3, 2013 Regular Meeting Minutes.

2. **HUMAN RESOURCES** (presenter: Julia Holland)
SETTING SPECIAL MEETING DATE FOR APPOINTED POSITION EVALUATIONS
A motion Setting Special Meeting Date and Time for Appointed Position Evaluations was approved.
This is an administrative action to consider a motion to set a Special Meeting on October 8, 2013 at 5:00 p.m. The purpose of the Special Meeting is to conduct an Executive Session to evaluate performance of Council appointed staff and discussion of two information only items. Budget may be impacted if possible merit increases are granted based on the outcome of the performance evaluations.

3. **HUMAN RESOURCES** (presenter: Julia Holland)
RETIREE MEDICAL PLAN
A motion to approve the continuance of the City's Retiree Medical Plan with an amendment to add a Public Safety component, while still maintaining the "rule of 80" (minimum years of service and age to equal 80) was approved.
This is an administrative action. The approval would renew the plan under a five year window, with the option to review the plan each budget year. Approval of this item would continue the Retiree Medical Plan that provides a high deductible plan for eligible employees. The City would be required to conduct another actuarial study after the five year period for Council to renew. Due to Health Care Reform and the option of State Exchanges it may be practical for Council to discontinue the plan prior to the five year window. Staff will continue to monitor effects of State Exchanges and make necessary recommendations for Council. If Council determines it is in the best interest of the City to close/discontinue the plan, it would be recommended to grandfather current participants and discontinue the eligibility for new participants to enroll in the plan.

4. **DEVELOPMENT SERVICES** (presenter: Alison Hade)
AFFORDABLE HOUSING DESIGNATION - THE EDGE
A motion to adopt Resolution #R-69-2013 Approving an Affordable Housing Designation and Associated Reduction in Development Fees for a Multifamily Development Containing 70 Dwelling Units on Lot 1, Block 1, Waterfall Sixth Subdivision, City of Loveland, Colorado was approved.
An administrative action to adopt a resolution designating The Edge, a proposed 70-unit

apartment complex by the Housing Authority of the City of Loveland, as an affordable housing development. Qualifying a development as affordable will not result in a reduction of fees. Fees will be reduced if building does not begin in the same year in which the qualification occurs. The Edge project will begin as soon as HACOL receives tax credits.

5. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PUBLIC HEARING

ASPEN KNOLLS PUBLIC HEARING CONTINUANCE

A motion to Open the Public Hearing and Continue it to October 1, 2013 at 6:30 p.m., was approved.

1. An Ordinance Vacating All Public Rights-of-Way Located in the Aspen Knolls First and Second Subdivisions, City of Loveland, Larimer County, Colorado

This is a legislative action for adoption of an ordinance on first reading to vacate all public rights-of-way within the Aspen Knolls First and Second Subdivisions.

2. An Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "P-50 - Aspen Knolls" to the City of Loveland

This is a quasi-judicial action for adoption of an ordinance on first reading to rezone the property from P-50 – Aspen Knolls Planned Unit Development (PUD) to DR – Developing Resource.

6. **LIBRARY** (presenter: Marcia Lewis)
ADDITION OF LIBRARY FEES FOR NEW SERVICES

A motion to approve Resolution #R-70-2013 Amending Resolution #R-63-2012 Regarding the 2013 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and Power Department and the Stormwater Enterprise was approved.

This is an administrative action to consider a resolution amending the 2013 Schedule of City Rates, Charges, and Fees (other than Water and Power or the Stormwater Enterprises) previously adopted to add fees for new Library services. New charges for these services will create additional 2013 revenues.

7. **PUBLIC WORKS** (presenter: Ken Cooper)
SALE OF NORTH TAFT PROPERTIES

A public hearing was held and the motion to approve and order published on first reading an Ordinance Authorizing the Sale of 905, 915, 925, 933, and 935 North Taft Avenue Pursuant Section 4-7 of the City of Loveland Municipal Charter was approved.

This is an administrative matter approving the sale of approximately 5.2 acres of City-owned property located at 905, 915, 925, 933, and 935 North Taft Avenue, which were parcels acquired for the Taft Avenue widening project.

8. **PUBLIC WORKS** (presenter: Keith Reester)
SUPPLEMENTAL APPROPRIATION FOR EMERGENCY MOSQUITO SPRAYING

A public hearing was held and the motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Contractual Costs of Emergency Spraying Due to the West Nile Virus was approved.

This is an administrative item. The ordinance appropriates available fund balance in the Mosquito Control Division (part of the Solid Waste Enterprise Fund) to cover four West Nile Virus mosquito sprayings required to safeguard the community. The mosquito control function is funded by a separate fee. The balance used is not from Refuse or Recycling Rate revenue. The appropriation is from the Mosquito Control Division

balance which reduces the flexibility to fund other items within the Solid Waste Enterprise Fund.

9. **POLICE** (presenter: Luke Hecker)
POLICE TEN YEAR STAFF AND RESOURCE PLAN

A motion to approve Resolution #R-71-2013 Adopting the Loveland Police Department Ten Year Public Safety Staff and Resource Plan was approved.

This is an administrative action. This resolution endorses and adopts the Loveland Police Department Ten Year Staff and Resource Plan. The strategic staffing and resource plan is the product of a comprehensive two year, four-phase study that was conducted by the Police Department. Council's adoption of the resolution creates a touchstone during the next ten year budget cycle for the application of available financial resources to fund the Police Department Staff and Resource Plan as a budget priority. Budget impact will be year-to-year, based upon available financial resources and the tier level deployed for hiring Police Department staff.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from 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.*

Fogle: Consensus of Council was to not recommend the Milner-Swartz Farmstead for the Colorado Historical Society Register but to demolish the farm and present a pictorial representation to the CHS and to place a commemorative plaque on the property.

Taylor: Honored staff and citizens that volunteered time and equipment during the 2013 Flood. **Councilor Taylor moved to formally appoint Joan Shaffer as representative and Mayor Gutierrez as alternate to the I-25 Coalition for the City of Loveland. The motion was seconded by Councilor Farley and carried, with all councilors present voting in favor thereof.**

Shaffer: Will attend CDOT Meeting to discuss Flood Impact to Region 4. Attended North I-25 Corridor Coalition where members agreed to work together and not just focus on RAMP

Trenary: Expressed appreciation to all the volunteers at the Disaster Assistance Center (DAC) and the Emergency Operations Center (EOC). Also expressed appreciation to the businesses that have been donating items to keep all volunteers fed.

Clark: Announced the Loveland Public Information Line (970) 962-2020; press #1 for volunteering and information.

Klassen: Acknowledged and gave special recognition to all the kids that volunteered at the DAC.

Farley: Expressed appreciation to Public Information Officer, Tom Hacker, for keeping the website updated; Special appreciation to Councilor Taylor as the "man who walks the talk".

Gutierrez: Expressed appreciation to the Loveland Elks Lodge for the Blood Drive.

c. City Manager Report

Cahill Expressed appreciation to the City Council; Announced Secretary of State, Scott Gessler will be visiting the DAC on September 18, 2013 at 10 a.m.

d. City Attorney Report None

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. 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.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

**10. CITY CLERK (presenter: Terry Andrews)
APPROVAL OF MINUTES**

This is an administrative action to approve the August 27, 2013 Study Session minutes. Councilor Farley was absent. **Councilor Shaffer moved to approve the August 27, 2013 Study Session Meeting minutes. Councilor Trenary seconded the motion which carried with all councilors present, voting in favor thereof. Councilor Farley abstained.**

**11. PUBLIC WORKS (presenter: David Klockemen & Kevin Gingery)
REVISIONS TO SYSTEM INVESTMENT FEES AND STORMWATER UTILITY FEES**

City Engineer, David Klockeman and Stormwater Engineer, Kevin Gingery introduced this item to Council. This is an administrative action to adopt a resolution on first reading that provides funding for the Stormwater Enterprise through a series of rate increases for System Investment Fees (SIF's) and the Stormwater Utility Fee. The presentation and discussion will include existing rates and the potential adjustment to rates going forward; on-going needs, and City Council direction from the December 11, 2012 Study Session. The SIF's (Stormwater's version of Capital Expansion Fees) are collected with each new development to provide regional stormwater facilities the ability to protect the existing downstream property owners. The last adjustment to these fees appeared in 2005. The Stormwater Utility Fee is based on the costs to upgrade the existing Stormwater system that was in place prior to 1987, as well as, maintain all of the public Stormwater facilities across the City. The last adjustment to these fees was in 2002. The proposed rates to the SIF's would balance the costs across the anticipated development within the City's Growth Management Area (GMA), allowing for the anticipated regional improvements to be funded. The proposed rate for the Stormwater Utility Fee would expedite the completion of Master Plan Projects within the area of the City that existed prior to 1986, which current rates would never allow for completion. The Stormwater Utility will be positively affected by additional funding for capital projects. **Councilor Shaffer moved to approve a Resolution #R-66-2013 on first reading Concerning Revisions to the Stormwater Rates for System Investment Fees (SIF's) and the Stormwater Utility Fee for 2014 and Beyond. Councilor Trenary seconded the motion. Discussion ensued. Councilor Farley moved to call the question. Councilor Klassen seconded the motion which carried with all councilors present voting in favor thereof. Roll was called on the original motion, which carried with all councilors present voting in favor thereof.**

12. **PUBLIC WORKS** (presenter: Keith Reester)
PURCHASE AND CONTRACT AWARD FOR SIX SOLID WASTE TRUCKS

Councilor Fogle, citing that the owner of Transwest was a friend of his, recused himself and left the Chambers. Public Works Director, Keith Reester introduced this item to Council. This is an administrative action. The motion allows Public Works/Solid Waste permission to generate, and the City Manager authorization to execute a purchase order for \$1,477,866.00 to purchase (6) Autocar chassis from Transwest, equipped with Parker/Hannifin hybrid drive propulsion drive transmissions. Fuel cost savings: Average Solid Waste truck fuel usage per year is 4,581 gallons (\$14,124). Parker system will yield 30% or greater savings in fuel usage 1375 gallons (30%) (\$4,237) across 6 trucks, \$25,420 in fuel cost savings per year. The funds are available within the Solid Waste Enterprise fund and have been planned in the capital expenditures of the fund, so the impacts are neutral. Funding is included in the 2013 Budget and will be rolled over to 2014. **Councilor Shaffer moved to Award a Contract to Transwest Freightliner, LLC in the Amount of \$1,477,866 for the Acquisition of Six Solid Waste Truck Chassis with a Hydraulic Hybrid System for Delivery in 2014 and to Authorize the City Manager to Execute the Contract on Behalf of the City. Councilor Farley seconded the motion, which carried with all councilors present voting in favor thereof.**

13. **HUMAN RESOURCES** (presenter: Julia Holland)
Healthstat Employee Clinic Update

Human Resources Director, Julia Holland introduced this item to Council. This is an information only item to update Council on the City's Employee Clinic. No Council action was required.

14. **PARKS AND RECREATION** (presenter: Janet Meisel-Burns)
SUPPLEMENTAL APPROPRIATION FOR FULL BUILD OUT CONSTRUCTION AND AMENDMENT TO THE CONTRACT FOR MEHAFFEY PARK

1. Janet Meisel-Burns introduced this item to Council. This is an administrative action. This ordinance will approve a supplemental appropriation for the construction of Mehaffey Park project with an additional \$2,800,000 from the following funds: \$1,300,000 from Parks CEF fund, \$ 1,000,000 from the Conservation Trust Fund (Lottery) and \$500,000 from the Recreation CEF Fund, all parks and recreation dedicated funding sources. Mayor Gutierrez opened the public hearing at 10:32 p.m. Jeanette Pop and Pete LeBlanc, from the Loveland Tennis Association, spoke in support of the additional funds. The public hearing was closed at 10:38 p.m. Brian Peterson from ECI, and Ted Johnson were present to answer questions. **Councilor Shaffer moved to approve and order published on first reading an *Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for the Full Build Out and Construction of Mehaffey Park in the amount of \$2,800,000. Councilor McKean seconded the motion. *The motion was withdrawn and the item was not considered.**

2. Janet Meisel-Burns introduced this item to Council. This is an administrative action. ECI, Site Construction Management, Inc., Logan Simpson Design, Inc. and staff have concluded additional analysis of the competitive bid submittals and have determined a recommended Guaranteed Maximum Price of not to exceed \$ 7,500,000 for GMP #2 for the balance of construction of Mehaffey Park. On August 6, 2013 Council authorized GMP #1 for site work, which is underway. GMP # 2 is the recommended action as approved by the Parks and Recreation Commission and our project team. Supplemental

funding in the amount of \$2,800,000 is required for the construction costs to complete GMP #2. The Mehaffey Park Project has a current budget of \$7,669,500. This additional \$2,800,000 appropriation will take the total construction cost to \$10,669,500. Sufficient funding is currently available in the fund balances to provide funding for this request. It is anticipated that the only short term project impacted would be the extension of 1 year to fund the Phase 2, Loveland Sports Park development. This schedule is in the current 5 and 10 year capital projects funding plan.

2. Councilor Shaffer moved to Authorize the City Manager to Amend the Contract with ECI, Site Construction Management, Inc., as the Construction Manager/General Contractor (CM/GC) for the Guaranteed Maximum Price (GMP#1 & #2) not to Exceed \$7,699,500 for Completion of the Construction of Mehaffey Park. Councilor Klassen seconded the motion which carried with all councilors present voting in favor thereof.

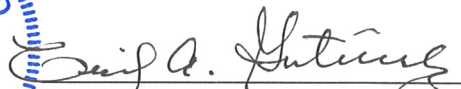
ADJOURNMENT

Having no further business to come before Council, the September 17, 2013 Regular Meeting was adjourned at 11:57 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor

