

2. **LIBRARY** (presenter: Marcia Lewis)
SUPPLEMENTAL APPROPRIATION FOR LIBRARY DATABASE
A Motion to Approve and Order Published on Second Reading Ordinance #5844 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Join the Prospector Database for Regional Library Resource Sharing was approved.
This is an administrative action. The ordinance on second reading appropriates \$37,080 from funds donated by the Kroh Charitable Trust Funds for the Loveland Public Library to join Prospector, a resource sharing database that provides access to over 2 million items through an online catalog of 40 public and academic libraries in Colorado and Wyoming. The ordinance is funded by outside resources donated to the City. This ordinance was approved unanimously on first reading by Council at the February 18, 2014 regular meeting.

3. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
MINOR CODE AMENDMENTS FOR TITLE 18
A Motion to Approve and Order Published on Second Reading Ordinance #5845 Amending Various Sections in Title 18 of the Loveland Municipal Code was approved.
This is a legislative action to adopt an ordinance on second reading amending Title 18 of the Loveland Municipal Code. These amendments correct errors, provide consistency, and clarify use allowances within the zoning code. This ordinance was approved unanimously on first reading by Council at the February 18, 2014 regular meeting.

4. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
MINOR CODE AMENDMENTS FOR LIMITED SIGNAGE NORTH CLEVELAND SUB-AREA
A Motion to Approve and Order Published on Second Reading Ordinance #5846 Amending Sections 18.16.110, 18.48.020, and 18.50.090 of the Loveland Municipal Code to Permit Limited Signage for Home Occupations in the North Cleveland Sub-Area of the R3E Zone District was approved.
This is a legislative action adopting an ordinance on second reading amending Title 18 of the Loveland Municipal Code. The proposed revisions include text adjustments that allow limited signage for home occupations located in the North Cleveland sub-area of the R3E zone district. This ordinance was approved unanimously on first reading by Council on February 18, 2014 at the regular meeting.

5. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
MINOR CODE AMENDMENT FOR VARIANCES BY THE ZONING BOARD OF ADJUSTMENT
A Motion to Approve and Order Published on Second Reading Ordinance #5847 Amending Section 18.60.020 of the Loveland Municipal Code Pertaining to Variances Granted by the Zoning Board of Adjustment was approved.
This is a legislative action to adopt an ordinance on second reading amending the zoning board of adjustment provisions of Title 18. The proposed revisions clarify the powers of the zoning board of adjustment to grant variances, specifying that the board has the power to grant variances to properties in all zoning districts and authorizing the board to grant variances for dimensional and numerical standards. This ordinance was approved unanimously on first reading by Council on February 18, 2014 at the regular meeting.

6. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
VACATION OF EASEMENT FOR MARIANA COVE
A Motion to Approve and Order Published on Second Reading Ordinance #5848 Vacating a Portion of a Drainage and Utility Easement in Lot 7, Block 7, Mariana Cove PUD Subdivision, City of Loveland was approved.
 This is a legislative action to adopt an ordinance on second reading to vacate a 15 foot wide portion of utility and drainage easement along the south side of Lot 7, Block 7, Mariana Cove PUD Subdivision. The owner of the property is Dan Wester. This ordinance was approved unanimously by Council on February 18, 2014 at the regular meeting.
7. **WATER & POWER** (presenter: Melissa Morin)
AMENDMENTS CONCERNING WATER AND WASTEWATER REIMBURSEMENTS AND OVERSIZING
A Motion to Approve and Order Published on Second Reading Ordinance #5849 Amending the Loveland Municipal Code at Chapters 13.04 and 13.08 to Revise the City's Water and Wastewater Reimbursement and Oversizing Policies and to Relocate the Policies from the City's Water and Wastewater Development Standards to the Loveland Municipal Code was approved.
 This is a legislative action. This ordinance on second reading amends the Loveland Municipal Code concerning reimbursements for water and wastewater line extensions, major structures and oversizing of lines. This ordinance was approved unanimously on first reading by Council on February 18, 2014 at the regular meeting.
8. **WATER & POWER** (presenter: Briana Reed-Harmel)
CODE AMENDMENT FOR ELECTRIC LINE EXTENSION
A Motion to Approve and Order Published on Second Reading Ordinance #5850 Amending the Loveland Municipal Code at Chapter 13.12 Regarding Electricity to Adopt an Electric Line Extension Policy and to Clarify Existing Electric Service Requirements was approved.
 This is a legislative action. This ordinance on second reading amends the Municipal Code concerning electric line extensions and oversizing of lines. This ordinance was approved unanimously on first reading by Council on February 18, 2014 at the regular meeting.
9. **PARKS & RECREATION** (presenter: Brian Hayes)
SALE OF A PORTION OF LONG VIEW FARM OPEN SPACE
A Motion to Approve and Order Published on Second Reading Ordinance #5851 Authorizing the Conveyance of the City of Loveland's one Sixth Fee Title Interest in a Portion of Long View Farm Open Space to the State of Colorado, Approving an Amendment to the Related Declaration of Covenants, Conditions and Restrictions, and Granting an Adjacent Temporary Easement to Permit Access and Work by the Colorado Department of Transportation was approved.
 This is an administrative action. The ordinance on second reading authorizes the City to convey its 1/6 interest and grant a temporary easement to the State for road and drainage improvements at the intersection of U.S. Highway 287 and S.H. 392 (Carpenter Road), and to modify the associated covenants to allow for the improvements. The Colorado Department of Transportation (CDOT) is in the process of planning and designing a project at the intersection of U.S. Highway 287 and S.H. 392 (Carpenter Road) in order to provide a more efficient turning radius and as part of that project will be improving drainage. The State is seeking to purchase land that is jointly owned by the City, Larimer County and Fort Collins for these improvements and seeks a temporary easement for access and construction of the improvements. Open Lands Sales Tax

Fund 202 will receive approximately \$177.67 in net proceeds from the sale of the small corner of the Long View Farm Open Space. This ordinance was approved unanimously on first reading by Council at the February 18, 2014 regular meeting.

10. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION FOR 2014 FLOOD RELATED PROJECTS
A Motion to Approve and Order Published on Second Reading Ordinance #5852 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Flood Related Projects was approved.

This is an administrative action. The ordinance on second reading appropriates funding for engineering costs to determine the scope of several projects and the cost to repair several facilities from damage that occurred as a result of the 2013 Flood. The total appropriation net of transfers is \$10,494,930. Depending on the final determinations from FEMA on eligible costs, and other grant opportunities that may arise, the City's share of these costs will be between \$1,000,000 and \$1,800,000. The appropriation uses existing balance within several funds as the funding source. This reduces the ability to fund future projects in the short term. Over the long term, most of these costs will be reimbursed through insurance payments or FEMA and State distributions. When these reimbursements are received, the fund balances will increase allowing for use on other projects. This ordinance was approved unanimously on first reading by Council on February 18, 2014 at the regular meeting.

11. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
SUPPLEMENTAL APPROPRIATION FOR THE HOUSE OF NEIGHBORLY SERVICE AND LOVELAND COMMUNITY HEALTH CENTER (SUNRISE)

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Reappropriate Funding Approved in 2013 for Incentives Under the House of Neighborly Service Incentive and Fee Waiver Agreement and the Loveland Community Health Center Incentive and Fee Waiver Agreement was approved.

This is an administrative action. The ordinance reappropriates funding approved but not completed in 2013, in the amount of \$593,500 for two one-time projects. The two projects are incentive agreements with the House of Neighborly Services (\$500,000) and Loveland Community Health Center (Sunrise) (\$93,500). The funding for the appropriation is from fund balance in the Council Reserve due to the projects not being completed in 2013. The appropriation of this fund balance reduces the flexibility to fund other projects. No specific projects are known to be affected.

12. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION FOR POLICE OVERTIME EXPENSES
A Public Hearing was held and a 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 2013 Police Overtime Expenses for Special Investigations was approved.

This is an administrative action. The ordinance, on first reading, appropriates \$36,620 in police seizure revenues received in 2013 that were not appropriated at the time of adoption of the 2013 Budget and ratifies the expenditure of such funds for police overtime costs incurred and paid in 2013. The appropriation is necessary so that 2013 expenses do not exceed the appropriated amount in the Police Seizure and Forfeiture Fund. The revenue in the ordinance has been received to cover the expenses.

13. **PUBLIC WORKS** (presenter: Eric Lessard)
RENEWAL CONSTRUCTION CONTRACT WITH MOUNTAIN CONSTRUCTORS, INC.
A Motion to Renew a Construction Contract with Mountain Constructors, Inc., in the Amount of \$516,000 to Complete Stormwater Maintenance Projects Under Project No. SW1201 for 2014 Stormwater Maintenance Projects and to Authorize the City Manager to Execute the Contract was approved.
 This is an administrative action to approve a construction contract renewal with Mountain Constructors, Inc., in the amount of \$516,000 for Stormwater Maintenance Projects under Project No. SW1201 in 2014. This is a planned maintenance contract funded by the Stormwater Utility's Capital Improvement Project Fund appropriated in 2014.
14. **WATER & POWER** (presenter: Larry Howard)
CODE AMENDMENT REGARDING BARNES DITCH & CHUBBUCK DITCH WATER RIGHTS
A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Amending the Loveland Municipal Code at Section 19.04.080 Concerning the City's Acceptance of Barnes Ditch and Chubbuck Ditch Water Rights was approved.
 This is a legislative action. This ordinance on first reading amends the Loveland Municipal Code at Section 19.04.080 to remove references to the Barnes and Chubbuck ditches in conformance with the terms of a settlement agreement between the City of Loveland and the Greeley Loveland Irrigation Company. There is no budget impact to the City.
15. **FINANCE** (presenter: Brent Worthington)
FINANCIAL REPORT- JANUARY 2014
 This item was removed from the Consent Agenda to the Regular Agenda.
16. **CITY MANAGER** (presenter: Alan Krcmarik)
INVESTMENT REPORT- JANUARY 2014
 This item was removed from the Consent Agenda to the Regular Agenda.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

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

1. **Larimer County Annual Report on the Community** (presenter: Commissioner Tom Donnelly)
 This item was postponed and tentatively scheduled for the April 1, 2014 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.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

16. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT- JANUARY 2014
 Executive Fiscal Advisor, Alan Krcmarik presented this item to Council. This is an information only item. According to the 2014 budget projections, the budget estimate for investment earnings for 2014 is \$2,025,920. For January, the amount posted to the investment account is \$249,128. Actual earnings are above the year-to-date budget projection by \$68,506. Based on the monthly statement, the estimated annualized 1.02% yield on the securities held by US Bank was down from last month's reading of 1.07%. The annual target earnings rate (determined by the revenue projection for 2014 divided by the 2013 ending market value of \$215.1 million) is 0.94% for 2014. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair, the portfolio currently has a significantly lower fund balance than it would otherwise. Loveland Resident, George Cornelius spoke regarding the investment policies of the City. The recommendation was to send this issue to Citizens' Finance Advisory Commission (CFAC).
15. FINANCE (presenter: Brent Worthington)
FINANCIAL REPORT- JANUARY 2014
 Financial Director, Brent Worthington introduced this item to Council. This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending January 31, 2014. Councilor Trenary highlighted numbers from the Flood. Councilor Clark requested an update on the Rialto from staff.
17. CITY CLERK (presenter: Terry Andrews)
APPROVAL OF CITY COUNCIL MEETING MINUTES
 1. This is an administrative action to approve the City Council minutes from the February 4, 2014 regular meeting. Councilor Trenary was absent.
Councilor Shaffer moved to Approve the City Council Meeting Minutes for the February 4, 2014 Regular Meeting. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof. Councilor Trenary abstained.
 2. This is an administrative action to approve the City Council minutes from the February 18, 2014 regular meeting. Councilors Krenning and Clark were absent.
Councilor Shaffer moved to Approve the City Council Meeting Minutes for the February 18, 2014 Regular Meeting. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof. Councilors Krenning and Clark abstained.
18. PARKS & RECREATION (presenter: Janet Meisel-Burns)
SUPPLEMENTAL APPROPRIATION FOR MEHAFFEY PARK PHASE 2 AND AMENDMENT TO THE CONSTRUCTION CONTRACT
 1. Parks & Recreation Director, Gary Havener introduced this item to Council. This is an administrative action. Approval of an appropriation ordinance on first reading for Phase 2 construction of Mehaffey Park per master plan design. A total appropriation of \$3.1 million from the following funds: \$1.6 million from Parks CEF fund, \$ 1.0 million from the Conservation Trust Fund (Lottery) and \$500,000 from the Recreation CEF Fund. These are dedicated funding sources for parks and recreation purposes and have current balances exceeding requested appropriations. Mayor Gutierrez opened the public hearing at 7:42 p.m. and with no further public comment the public hearing was closed at 7:43 p.m.
Councilor Shaffer moved to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for the Full Build Out and Construction of Mehaffey Park.

Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

2. This is an administrative action. ECI, Site Construction Management, Inc. and staff have reviewed and evaluated the additional costs for construction caused by the delay of Phase 2 and determined that the additional costs of approx. \$300,000 is reasonable and recommends approval of the contract amendment. The additional cost in part, is caused by the 4 months of additional general conditions (\$120,000) to extend construction of the project to February of 2015. There is also an increase due to material costs for both steel and concrete for the construction of the major facilities in phase 2, the skate park, tennis/pickle ball courts, basketball courts and restroom. The Mehaffey Park Project Phase 1 has a current budget of \$7,669,500. An additional \$3.1 million appropriation will take the total construction cost to \$10,769,500, including the City held contingency of \$384,500. 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, reflected in the 10 year capital plans. Current projected cash flow and funding needed for flood relief does not anticipate a need for designation or use of the requested fund sources to meet flood related repairs and restoration work.

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 #5) of not to Exceed \$10,385,000 for Full Construction of Mehaffey Park. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof.

19. **FINANCE** (presenter: John Hartman)
CITIZENS' FINANCE ADVISORY COMMISSION APPOINTMENT

This is an administrative action recommending the appointment of David Hallet to the Citizens' Finance Advisory Commission. At the February 4, 2013 Council meeting, the appointment of Mr. Hallet was deferred pending staff returning with additional information to allegations made in two emails to a City Councilor. This item supplies that information.

Councilor Shaffer moved to appoint David Hallet to the Citizen's Finance Advisory Commission for a term effective until December 31, 2016. Councilor Farley seconded the motion which carried with all councilors voting in favor. Councilors McKean and Fogle abstained.

20. **CITY COUNCIL**
APPOINTMENT OF PLANNING COMMISSIONER

Discuss and decide the method of interview of applicants and recommendation to fill the vacancy on the Planning Commission. This item is placed on the agenda at the request of four City Council members. Applications have been closed and the applicants are: Alexi Grewal, Jeremy Jersvig, and Bob Massaro. **Councilor Clark moved to identify the Planning Commission Interview Team for this position consists only of the Planning Commission Chair, Vice-Chair and staff liaison. Councilor Taylor seconded the motion which carried with all councilors present voting in favor.**

21. **HUMAN RESOURCES** (presenter: Karen Rees)
DISCUSSION REGARDING THE RECRUITMENT PROCESS FOR THE CITY ATTORNEY AND THE APPOINTMENT OF AN ACTING CITY ATTORNEY

Actions to Fill a Vacancy in the Office of City Attorney

Acting Human Resource Director, Karen Rees introduced this item to Council. City Attorney John Duval gave notice of his resignation on February 19, 2014, and has

expressed the intent to stay on as City Attorney through April 1, 2014. Council will need to establish a hiring process and appoint an Acting City Attorney effective April 2, 2014. Staff recommends retaining an executive recruiter because an outside recruiter can streamline the hiring process for Council and provide high-quality, pre-screened candidates reducing a considerable amount of time spent by Council and staff. The Council will also need to appoint an Acting City Attorney effective April 2, 2014, until a new City Attorney is hired. The City's 2014 adopted Budget does not include funding for the costs of the recommended action. However, salary savings from the unfilled position are expected to be sufficient to cover costs.

1. Councilor Shaffer moved to approve a Motion Directing Staff to Solicit Proposals from Executive Recruiters for the Council's Consideration. Councilor McKean seconded the motion which carried with eight councilors voting in favor and Councilor Krenning voting against.

2. At 9:09 p.m. Councilor Shaffer moved that the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(b), 4(e) and 4(f), and City Charter Sections 4-4(c)(1), (c)(3), (c)(5) and (c)(6). This executive session will concern personnel matters related to City Attorney, John Duval's announced resignation effective April 2, 2014. These matters will include the appointment of an Acting City Attorney and other matters personal to particular employees relevant to this announced resignation, but will not include discussion of the process to be followed in hiring a new City Attorney. And to the extent these personnel matters will be subject to future negotiation, to determine negotiation position, developing negotiation strategy, and to instruct negotiators concerning such positions and strategy. And, as needed, to receive legal advice from the City Attorney's Office concerning these matters. Councilor Farley seconded the motion which carried with all councilors present voting in favor.

Council reconvened at 9:48 p.m.

3. Councilor McKean moved to instruct staff to bring a resolution appointing Judy Schmidt as the Acting City Attorney to the March 18, 2014 meeting. Councilor Fogle seconded the motion which carried with all councilors present voting in favor.

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.*

Council discussed the ipads. Consensus of Council is to consider a Windows based product - Outlook;

Krenning: Asked for Council support to conduct a meeting with Liquor Licensees. Consensus of Council was to hold a meeting on March 31, 2014; Staff was directed to set up the meeting location. Councilor Krenning will send the invitation to Council for review. Staff will create the mailing labels.

Clark: Announced Dancing with the Stars fundraising event raised \$50,000.

Shaffer: Announced North I-25 Elected Meeting Wednesday, March 5, 2014 at the Weld County Service Center at 6:30 p.m; Metropolitan Planning Organization meeting Thursday, March 6, 2014 at 5 p.m. at the Weld County Building in Greeley with Don Hunt, head of CDOT; Expressed thanks to Bill Cahill for the US 287 Coalition meeting; Will attend National League of Cities Conference to attend specifically to hear about train horn noise.

Fogle: Announced Historic Preservation Commission meeting on Thursday, March 6th at 3:00 p.m. at the Odd Fellows Hall regarding Historic Downtown Loveland with merchants and property owners Downtown to

Gutierrez: discuss Historic Downtown description.
Introduced Steve Adams to make his announcement of Electricity Resources.

CITY MANAGER REPORT

Study Session for March 11, 2014 is cancelled.

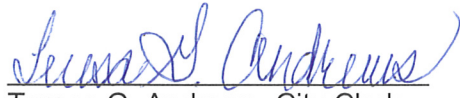
CITY ATTORNEY REPORT

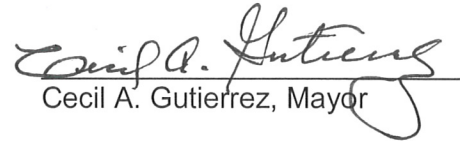
None.

ADJOURNMENT

Having no further business to come before Council, the March 4, 2014 Regular Meeting was adjourned at 10:37 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor



