

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**TUESDAY, JULY 1, 2014**  
**CITY COUNCIL CHAMBERS**  
**500 EAST THIRD STREET**  
**LOVELAND, COLORADO**

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Fogle, Gutierrez, Shaffer, Taylor, Clark, Farley, Mckean, and Trenary responded. Krenning was absent.

**Presentation of the GFOA Distinguished Budget Presentation Award for the 2014 Budget** Mayor presented award. Brent Worthington, John Hartman, Matthew Elliot received the award.

*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. Please limit comments to no more than three minutes.*

**Mayor Gutierrez asked if anyone would like to remove an item from the consent agenda. Councilor Shaffer moved to approve the Consent Agenda as submitted. The motion, seconded by Councilor Farley, carried with all Councilors present voting in favor thereof.**

**CONSENT AGENDA**

1. **CITY CLERK** (presenter: Terry Andrews)  
**APPROVAL OF CITY COUNCIL MEETING MINUTES**
  1. **A Motion to Approve the Council Study Session Minutes for the May 27, 2014 Study Session was approved.**

This is an administrative action to approve the City Council Study Session minutes for the May 27, 2014 Study Session.
  2. **A Motion to Approve the Council Meeting Minutes for the June 3, 2014 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the June 3, 2014 regular Meeting.
  3. **A Motion to Approve the Council Study Session Minutes for the June 10, 2014 Study Session was approved.**

This is an administrative action to approve the City Council Study Session Minutes for the June 10, 2014 Study Session.

2. **CITY MANAGER** (presenter: Bill Cahill)  
**Appointments of Members to the Affordable Housing Commission, the Citizens' Finance Advisory Commission, and the Parks and Recreation Commission**

1. A motion to appoint Jill Angelovic to the Affordable Housing Commission for a term effective until June 30, 2017 was approved.
2. A motion to reappoint Vendia Berg to the Affordable Housing Commission for a term effective until June 30, 2017 was approved.
3. A motion to appoint Rey Liss to the Citizens' Finance Advisory Commission for a partial term effective until December 31, 2015 was approved.
4. A motion to appoint Wendi Croft to the Parks and Recreation Commission for a partial term effective until December 31, 2016 was approved.

This is administrative action recommending the appointment of members to the Affordable Housing Commission, the Citizens' Finance Advisory Commission, and the Parks and Recreation Commission.

3. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)  
**CYNTHIA COURT EASEMENT VACATION**

**A Motion to Approve and Order Published on Second Reading Ordinance #5867 Vacating a Utility and Drainage Easement across Lot 22, Block 1, Mariana Village Second Addition, City of Loveland, County of Larimer, State of Colorado was approved.**

This is a legislative action to consider adoption on second reading of an ordinance vacating a drainage and utility easement. The easement is on a lot occupied by a single family dwelling located at 1119 Cynthia Court, southwest of the intersection of Cynthia Court and Camellia Place. The applicant is James Zack with Adroit Building Services, Inc., on behalf of the property owners. This ordinance was approved unanimously by Council on first reading at the June 3, 2014 regular meeting.

4. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)  
**KERSEY EXEMPTION EASEMENT VACATION**

**A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating Access Easements, Drainage Easements, Emergency Access Easements, and Utility Easements across Lot 1, Amended Parcel 3 of the Kersey Exemption, Larimer County, Colorado, also known as a Portion of Parcel 6, North Boyd Lake Avenue 1st Addition to the City of Loveland, Colorado was approved.**

This is a legislative action to consider adoption of an ordinance on first reading vacating utility, drainage, emergency access and access easements. The easements are on a lot located southeast of the intersection of North Boyd Lake Avenue and Medford Place. A minor subdivision application is being processed to subdivide the lot into two lots. The applicant is Industrial Piping Specialists, Inc., who has also submitted a site development plan application to construct a 22,000 sq. ft. warehouse facility on one of the new lots.

5. **PARKS & RECREATION** (presenter: Gary Havener)  
**BIG THOMPSON RIVER FLOOD GRANT AWARD AND IGA**

**A Motion to Adopt Resolution #R-39-2014 Approving an Intergovernmental Agreement Between the City of Loveland, Colorado and the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for the Big Thompson River Flood Recovery Project was approved.**

This is an administrative action. The City of Loveland applied for and was awarded a GOCO grant for the Big Thompson River Flood Recovery Project. This includes reconstruction of portions of the Loveland Recreation Trail and River's Edge Natural Area trails, pond access points, and wetlands damaged during the 2013 floods. Approval of the attached Resolution authorizes the City Manager to sign the grant agreement with Great Outdoors Colorado and supports the completion of the project. The City of Loveland has been awarded a grant, not to exceed \$281,798.85 from the State Board of the Great Outdoors Colorado Trust Fund for completion of the Big Thompson River Flood Recovery Project. The grant amount includes \$251,543 to complete the Project, and up to \$30,255.85 in contingency funds for unanticipated expenses that may be incurred for Project Completion. The required match for this grant is \$55,000. Budget appropriations for matching funds have been secured from the Open Space Fund 202, as part of the Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Flood Related Projects approved on March 4, 2014.

6. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)  
**SUPPLEMENTAL APPROPRIATION FOR LODGING TAX RESERVES**

**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 for Additional Funding for Way Finding Signage, Event Support, Website Reconstruction and Installing Fiber Optic Communications to the Visitors Center was approved.**

This is an administrative action. On June 18, 2014, the Community Marketing Commission unanimously voted to approve a supplemental appropriation of \$170,000 of Lodging Tax Reserves to support of certain 2014 projects. Support of these programs is consistent with the Destination Loveland Strategic Plan adopted by City Council in 2011. The ordinance is funded with reserves reducing the flexibility to use the reserves for other projects.

7. **FINANCE** (presenter: Brent Worthington)  
**FINANCIAL REPORT FOR MAY 2014**

This is an informational 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 May 31, 2014.

8. **CITY MANAGER** (presenter: Alan Krcmarik)  
**INVESTMENT REPORT FOR MAY 2014**

This is an informational only item. The 2014 budget projection for investment earnings for 2014 is \$2,025,920 which equates to an annual interest rate of 0.94%. For May, the amount posted to the investment account is \$218,199. For the year-to-date, the amount posted is \$763,917. Actual earnings are now below the year-to-date budget projection by \$95,051. Based on the monthly statement, the estimated annualized 1.02% yield on the securities held by US Bank is exactly the same as last month's reading. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair, the portfolio has a significantly lower fund balance than it would otherwise.

9. **PARKS & RECREATION** (presenter: Gary Havener)  
**PARKS & RECREATION MASTER PLAN**

**A Motion to Approve the 2014 Parks and Recreation Master Plan for the City of Loveland was approved.**

This is an administrative action to approve the 2014 Parks and Recreation Master Plan. While the resolution to adopt the 2014 Parks and Recreation Master Plan as a functional component of the City Comprehensive Master Plan will be presented at the July 15,

2014 City Council meeting, it is important to provide the City Council the opportunity to discuss and review the plan prior to the pending retirement of Parks and Recreation Director Gary Havener. The Parks and Recreation Department embarked on an update of its 13 year-old Parks and Recreation Master Plan to coordinate with an update of other City master plans including the City's Comprehensive Master Plan and the capital expansion fee program discussion and review. The process has included an inventory and inspection of existing conditions; a community based outreach/needs analysis based on surveys, questionnaires, group discussions, and assessment of service levels; and recommendations for systems and service improvements including potential schedules and funding sources for implementation.

## **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.*

Odalis Pastrano, 9<sup>th</sup> grade 574 E. 23<sup>rd</sup>, Loveland asked for more running trails.

Jose Pastrano, 8<sup>th</sup> grade 574 E. 23<sup>rd</sup>, asked for more bike lanes on the street.

Mari Pastrano, 7<sup>th</sup> grade 574 E. 23<sup>rd</sup>, asked for a Teen Center in Loveland.

Lexi Hernandez, 9<sup>th</sup> grade 3314 Ridge Dr. asked for running trails.

## **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**

#### **10. FINANCE (presenter: John Hartman)**

##### **CAPITAL PROGRAM 2015-2024**

Budget Officer, John Hartman introduced this item to Council. This is an administrative action. The Capital Program is part of the 2015 Budget development process. The program includes the funding sources available for capital projects and the recommended projects for each year of the ten-year program. The Resolution establishes the planned capital expenditures for the ten-year period. Projects shown in 2015 will be included in the 2015 City of Loveland Budget. Alan Krcmarik and Steve Adams also addressed Council's questions. Mayor Gutierrez asked for public comment.

**Councilor Shaffer moved to Adopt Resolution #R-40-2014 Approving the 2015-2024 Capital Program for the City of Loveland. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.**

#### **11. CULTURAL SERVICES (presenter: Susan Ison)**

##### **RIALTO THEATER CENTER BUSINESS PLAN**

Cultural Services Director, Susan Ison introduced this item to Council. This is an informational only item. This packet includes the first formal Business Plan completed for the Rialto Theater Center (RTC). The RTC has undergone many changes in the past few years—physically and operationally—with the three-story addition to the west and significant changes in the staff. Adapting to these changes and giving the new staff an opportunity to be involved in the development of this important document has delayed

the completion of this report. All areas of operating the RTC were reviewed in the process of developing this Business Plan. The goal to reach Sustainability Plan metrics included an assessment of operating practices of other similar cultural institutions and comparisons of rates and fees. With multiple strategies—increasing rates and fees, diversifying programming, marketing, and development—increased sustainability should be achievable. Whether the market in Loveland will bear these changes as presented is unclear. Continuous evaluation by management and users will be necessary and the ability to make adjustments will be crucial. It is staff's intention is to return as soon as possible with an action to revise rates and fees. Additional revenue is anticipated due to an increase in rates and fees, changes in programming, and new marketing and development efforts. Lise Van Dyne, Rich Harris. Discussion regarding survey questions on the impact of the Rialto to Downtown Business. Council directed Susan to come back with a change in the fee schedule.

**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.*

Trenary: Announced House Bill (HB1443) referring to a legislative action on the health and well-being of Police Officers. Ralph Trenary was asked to serve as a Study group task force member from the Community Municipal League (CML); Announced this Friday, July 4th North Lake Park festivities will begin with the flag raising at Lone Tree School at 10:00 am, followed by the Northern Colorado Trumpet Trio to perform bugle and then the singing of the National Anthem; Attended the CML presentation of Colorado Water plan session; Announced the Colorado Statewide Water Symposium on July 18th at the Embassy Suites.

Farley: Announced Urban Land Institute completed their panel and made a presentation. Councilor Farley expressed appreciation to the volunteers that participated; The final report will be completed 60 to 90 days and the presentation will be posted on the Community Foundation website Loveland, Ft. Collins, and Estes Park.

McKean: Announced the soft opening of River's Edge Natural areas on Thursday, July 3rd at 4 p.m.

Shaffer: Expressed appreciation to the City Clerk's Office for the election effort. Councilor Krenning sent out an email regarding postponing hiring a City prosecutor before the new City Attorney is hired. Consensus was to allow Judy as Acting City Attorney to hire a prosecutor; Attended the I-25 North Coalition at CML regarding 2 sessions about I-25 and E470.

Taylor: Encouraged residents to be safe on July 4th.

Fogle: Also encouraged residents to be safe on July 4th.

Gutierrez: Announced Loveland-Ft. Collins is the "happiest place to live." Kudos to our marketing team; announced Verboten brewery will be filming in the area; Loveland was #7 on the national list for July 4<sup>th</sup> festivities according to Peter Greenburg; Announced Thursday is Concerts at the Lagoon with Mary Louise Lee, July 3, 2014.

## **CITY MANAGER REPORT**

None.


## **CITY ATTORNEY REPORT**

None.

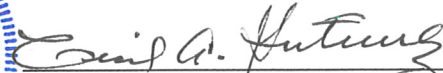
**ADJOURNMENT**

Having no further business to come before Council, the July 1, 2014, Regular Meeting was adjourned at 9:14 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk



  
Cecil A. Gutierrez, Mayor