

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 2, 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, Mayor Gutierrez called the meeting to order, and the following responded: Gutierrez; Clark; McKean; Farley; Shaffer; Trenary; Taylor; Fogle and Krenning.

PROCLAMATION OF HUNGER ACTION MONTH IN LOVELAND. Councilor Farley read the proclamation, which was received by Heather Buoniconti.

PROCLAMATION OF ELKS LODGE #1051 HISTORIC PRESERVATION CELEBRATION. Councilor Krenning read the proclamation, which was received by Rod Johnson and Debbie Davis

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 in the public, Staff and Council would like to remove something from the consent agenda. Councilor Shaffer moved to approve the consent agenda. The motion, seconded by Councilor Farley carried with all councilors voting in favor thereof.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
 APPROVAL OF MEETING MINUTES
 A Motion to Approve the City Council Study Session Minutes for the August 12, 2014 Study Session was approved.
 This is an administrative action to approve the City Council Study Session meeting minutes for the August 12, 2014 Study Session.

2. **PUBLIC WORKS** (presenter: Dave Klockeman)
 SUPPLEMENTAL APPROPRIATION TO UPDATE CDOT TRAFFIC OPERATIONS

CENTER EQUIPMENT

A Motion to Approve and Order Published on Second Reading Ordinance #5878 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Update Equipment at the Traffic Operations Center (TOC) in the City of Loveland was approved.

This is an administrative action. The City has received a Federal grant, not to exceed \$205,000 of the \$247,615 total project cost, through the STP-Metro program to fund the upgrade of equipment at the existing TOC. This item consists of consideration of the second reading of an ordinance to appropriate the necessary funds for this project. The project is funded from federal funds, not to exceed \$205,000, and City of Loveland local match funds, \$42,615, for a total project cost of \$247,615. The City funds are included within the approved 2014 Budget for Public Works Transportation Capital Improvement Projects. This ordinance was approved unanimously on first reading by Council at the August 19, 2014 regular meeting.

3. **PUBLIC WORKS** (presenter: Dave Klockeman)
SUPPLEMENTAL APPROPRIATION FOR ROADWAY WEATHER INFORMATION UPDATES

A Motion to Approve and Order Published on Second Reading Ordinance #5879 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Update the Existing Roadway Weather Information System in the City of Loveland was approved.

This is an administrative action. The City has received a CDOT grant, not to exceed \$304,000 of the \$380,000 total project cost, through the Responsible Acceleration of Maintenance and Partnerships (RAMP) program to fund the expansion and upgrade of the roadway weather information system throughout the City of Loveland. This item consists of consideration of the second reading of an ordinance to appropriate the necessary funds for this project. The project is funded from federal funds, not to exceed \$304,000, and City of Loveland local match funds, \$76,000, for a total project cost of \$380,000. The City funds are included within the approved 2014 Budget for Public Works Transportation Capital Improvement Projects. This ordinance was approved unanimously on first reading by Council at the August 19, 2014 regular meeting.

4. **PUBLIC WORKS** (presenter: Dave Klockeman)
SUPPLEMENTAL APPROPRIATION FOR THE I-25/CROSSROADS ANTI-ICING SYSTEM

A Motion to Approve and Order Published on Second Reading Ordinance #5880 Enacting a Supplemental Budget and Appropriation to the Transportation Fund Capital Program for I-25/Crossroads Anti-Icing System was approved.

This is an administrative action. The City has received a CDOT grant, not to exceed \$200,000 of the \$250,000 total project cost, through the Responsible Acceleration of Maintenance and Partnerships (RAMP) program for the expansion and upgrade of the roadway weather information system throughout the City. This item consists of consideration of the second reading of an ordinance to appropriate the necessary funds for this project. The project is funded from federal funds, not to exceed \$200,000, and City of Loveland local match funds, \$50,000, for a total project cost of \$250,000. The City funds are included within the approved 2014 Budget for Public Works Transportation Capital Improvement Projects. This ordinance was approved unanimously on first reading by Council at the August 19, 2014 regular meeting.

5. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
EASEMENT VACATION FOR RESURRECTION FELLOWSHIP CHURCH
A Motion to Approve and Order Published on Second Reading Ordinance #5881

Vacating an Emergency Access Easement Across Lot 1, Block 1, Kness Addition, City of Loveland, County of Larimer, State of Colorado was approved.

This item is a legislative action to adopt an ordinance on second reading vacating a public emergency access easement on Lot 1, Block 1, Kness Addition to the City of Loveland. The applicant and owner of the property is Resurrection Fellowship Church. This ordinance was approved unanimously on first reading by Council at the August 19, 2014 regular meeting.

6. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
AMENDMENT TO BOYD LAKE VILLAGE CONCEPT MASTER PLAN
A Motion to Approve and Order Published on Second Reading Ordinance #5882 Approving a First Amendment to the Conceptual Master Plan for the Waterfall Fourth Subdivision and the Waterfall Fifth Subdivision, City of Loveland, County of Larimer, State of Colorado, also Known as Boyd Lake Village was approved.

This item is a quasi-judicial action to consider amending the Boyd Lake Village Conceptual Master Plan (the "Master Plan"). The applicant is McWhinney Inc. Currently, the Master Plan designates specific primary and non-primary land uses for each lot so that at build out the project satisfies the zoning requirement that 60% of the land area is developed into primary jobs. There are seven vacant lots remaining in the 32-acre development located on the north side of East Eisenhower Boulevard, south of Boyd Lake. The removal of the specific designations will provide the applicant greater flexibility in locating primary and non-primary jobs on the remaining vacant lots within the development. Development standards contained in the Master Plan will ensure that the mix of primary and non-primary jobs remain in compliance with the zone district requirements. The amendment would not change the designations of existing uses or alter the design standards approved for the development. This ordinance was approved unanimously on first reading by Council at the August 19, 2014 regular meeting.

7. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
AMENDMENTS TO LOVELAND EISENHOWER 1ST SUBDIVISION CONCEPT MASTER PLAN
A Motion to Approve and Order Published on Second Reading Ordinance #5883 Approving a First Amendment to the Conceptual Master Plan and a First Amendment to the Annexation and Development Agreement for the Loveland Eisenhower First Subdivision, City of Loveland, County of Larimer, State of Colorado was approved.

This is a legislative action to amend the annexation and development agreement and a quasi-judicial action to amend the Concept Master Plan for the Loveland Eisenhower 1st Subdivision. The amendments would allow development of 240-368 apartment units in the northeasterly portion of the site as an additional non-primary workplace use under the MAC zoning. With the proposed amendments, the original requirement set forth in the Conceptual Master Plan for a minimum of 23.9 acres of land area and 300,000 square feet of floor area to be developed for primary jobs would still be met. The applicant is Greg Parker representing Loveland Eisenhower Investments, Inc. This ordinance was approved unanimously on first reading by Council at the August 19, 2014 regular meeting.

8. **CITY MANAGER** (presenter: Bill Cahill)
YOUTH ADVISORY COMMISSION MEETING LOCATION CHANGE
A Motion to Approve Resolution #R-61-2014 Amending the Scheduled Meeting Location for the Youth Advisory Commission was approved.

This is an administrative action amending the scheduled meeting location for the Youth Advisory Commission.

9. **FINANCE** (presenter: Brent Worthington)

FINANCIAL REPORT FOR JULY 2014

This is an informational 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 July 31, 2014.

10. CITY MANAGER

(presenter: Alan Krcmarik)

INVESTMENT REPORT FOR JULY 2014

This is an information 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 June, the amount posted to the investment account is \$236,959. For the year-to-date, the amount posted is \$1,219,900. Actual earnings are now above the year-to-date budget projection by \$7,919. Based on the monthly statement, the estimated annualized yield in July on the securities held by US Bank was 0.98%, 0.01% lower than June. Due to the demands for draws from the fund balances to pay for the cost of flood response and project repair and slow reimbursement, the portfolio has a significantly lower fund balance than it would otherwise.

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. Presentation from the Larimer Humane Society **(presenter: Judy Calhoun)**

Judy Calhoun and Keith Meyer from the Larimer Humane Society introduced this item to Council. Directed staff to draft a resolution of support for a future meeting.

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

11. ECONOMIC DEVELOPMENT

(presenter: Betsey Hale)

REGIONAL TOURISM ACT

Economic Development Director, Betsey Hale introduced this item to Council. This is an administrative action. The ordinance provides \$175,000 in funding for consultants to develop the application for the Regional Tourism Authority to the state Economic Development Commission. Funding in the amount of \$125,000 is from the Economic Incentive Fund and \$50,000 is from the Lodging Tax Fund. The ordinance is funded by fund balance reducing the flexibility to fund other projects. The current funding in the Economic Development Incentive Fund is \$1,110,120 and the balance in Lodging Tax Reserves is \$756,730. Mayor Gutierrez opened the public hearing at 8:26 p.m. and with no further public comment, the public hearing was closed at 8:26 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 Consulting Services to Develop the Regional Tourism Authority Application to the State of Colorado Economic Development Commission.

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

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	Day of Service September 13, 2014 from the flood of 2013. Attended a meeting and discussed the river restoration master plan and CDBG Disaster relief. Monday is 1 st meeting for new school year stakeholder meeting.
Farley	Resignation of a Planning Commission member. Interview committee needs to convene and interview and make a recommendation.
Krenning	Asked Staff to look into whether City Council could refund money to a defendant, City Attorney will research the issue; Discussed Militarization of Public Police Department and SWAT, staff will provide matrix used for deployment of SWAT as update.
McKean	Employee evaluations will occur next week and will also conduct an evaluation on acting City Attorney at her request.
Taylor	Planning Commission and City Council Joint Meeting went well and might find this format works with other Boards & Commissions and the School Board.
Clark	Appointed to be on the NCLA- by the Chamber Director; Attended the first meeting which was very informative.
Shaffer	Announced meeting for the North I-25 Coalition is Wednesday, September 3 rd .
Gutierrez	Announced school is in session; Downtown Colorado Inc. Ft. Collins is hosting an event where the Brinkman Project will receive an award from the Governor's; Rocky Mountain National Park 100 years event.

CITY MANAGER REPORT

Bill Cahill
Announced the LFRA would be meeting next week to make the final selection for the Fire Chief. He expected to be able to announce a new Public Works Director as well.

CITY ATTORNEY REPORT

Judy Schmidt
Recruitment update. Vincent Junglas was hired as prosecutor and to support code enforcement; Kent Campbell was filling in fir Sharon Citino; Council will be receiving an update of litigation.

ADJOURNMENT

Having no further business to come before Council, the September 2, 2014, Regular Meeting was adjourned at 9:18 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor

