

in the City Manager's Conference Room and to Conduct an Executive Session at that Meeting for the Purposes of Interviews for the Presiding Municipal Judge and Personnel Discussions Related to the Recruitment of the Position. Council may consider direction to Staff in open session. Council waives the requirement of notice of the meeting delivery to their homes. This item was approved.

This is an administrative action to set a Special Meeting and to conduct an Executive Session for the purposes of interviews and personnel related discussion for the Presiding Municipal Judge position.

3. **PARKS & RECREATION** (presenter: Janet Meisel-Burns)
CONTRACT AWARD FOR RIVER'S EDGE NATURAL AREA RECONSTRUCTION

A Motion to Award a Construction Contract for the River's Edge Natural Area Reconstruction Project to Territory Unlimited in an Amount not to Exceed \$696,918 and to Authorize the City Manager to Execute the Contract on Behalf of the City was approved.

This is an administrative action seeking approval of a motion to award a construction contract to Territory Unlimited for a total cost of \$696,918.00, and authorize the City Manager authority to sign the contract. This contract would retain the services of Territory Unlimited as the general contractor to complete the construction of the River's Edge Natural Area Project. The contract cost is the base bid amount of \$666,632.50 along with an addition of \$30,285.50 due to an increase in the amount of hazardous mitigation work included in the request for bids as an add alternate. The additional work is due to the severe flood damage from the September 2013 Flood event. Funding for the construction is fully appropriated in the 2015 Open Lands Fund 202 Budget. Full reimbursement of all costs is anticipated. The City anticipates a 75% FEMA reimbursement and a 12.5% State of Colorado reimbursement for the project from Public Assistance grants. In addition, the City received \$148,718 from CIRSA and a GOCO grant was awarded in April 2014 to assist with the additional 12.5% remaining to cover the City's share of the construction costs. The City will be fronting the initial costs of construction and will file for reimbursement once the project is completed.

4. **PUBLIC WORKS** (presenter: Lorna Holmes)
SUPPLEMENTAL APPROPRIATION FOR FAB BUILDING REMODEL

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 2015 City of Loveland Budget for Fire Administration Building (FAB) Remodel was approved.

This is an administrative action. The ordinance on first reading appropriates funds for design and construction on the Fire & Administration Building remodel project to create a Development Center in the amount of \$1,200,000. City Council discussed this topic at a study session on January 27, 2015. The project will be funded by reserves in the amount of \$1,116,000 from Fund Balance in the General Fund and \$84,000 from the Fund Balance in the General Government Capital Expansion Fee Fund. Both funds have adequate balances. Current balance in the General Fund is \$5,828,741 and in the General Government CEFs is \$6,963,658.

5. **PUBLIC WORKS** (presenter: Dave Klockeman)
SUPPLEMENTAL APPROPRIATION FOR RAILROAD AVENUE FLOOD REPAIRS

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 2015 City of Loveland Budget for Flood Related Transportation Repairs for Railroad Avenue was approved.

This is an administrative action. The City has received a federal grant through the Colorado Department of Transportation (CDOT) in the amount up to \$4,311,935.00 to fund

flood related transportation repairs in the City of Loveland. This item consists of consideration of the first reading of an ordinance to appropriate the federal funds for the Railroad Avenue project included in the intergovernmental agreement previously approved by City Council. The project is funded from federal funds, State matching funds in the amount of \$448,172.50 and City of Loveland local match funds in the amount of \$448,172.50. The City funds are included within the approved 2014 Budget for the Public Works Department for Street Rehabilitation Projects, anticipated to be included in the rollovers at a future City Council meeting.

6. **CITY MANAGER** (presenter: Bill Cahill)
SUPPLEMENTAL APPROPRIATION FOR LINCOLN HOTEL SETTLEMENT AGREEMENT

This item was removed to the regular agenda.

7. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
VACATION OF RIGHT-OF-WAY WITHIN THE ORIGINAL TOWN OF LOVELAND

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating a Portion of a Public Right-of-Way Located within the Original Town of Loveland, City of Loveland, County of Larimer, State of Colorado was approved.

This is a legislative action to consider adoption of an ordinance on first reading vacating a small portion (6") of public right-of-way within the Original Town of Loveland Addition. The right-of-way to be vacated is on E. 4th Street, adjacent to the front of the Arcadia Hotel. The purpose of the vacation is to accommodate stabilization of the building foundation and the addition of a new brick façade. The subject portion of right-of-way does not include any public utilities and is so negligible in scope that there will be no impacts to the sidewalk along E. 4th Street for pedestrian movement.

8. **CULTURAL SERVICES** (presenter: Rich Harris)
AMENDING RIALTO THEATER BOX OFFICE FEES

A Motion to Approve Resolution #R-20-2015 Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and Power Department and the Stormwater Enterprise with Respect Only to the Rialto Theater Box Office Ticket Fees was approved.

This is an administrative action. The resolution addresses the fees for the Rialto Theater Center Box Office. At the February 3, 2015, City Council meeting, Councilors directed Cultural Services to return with a modified fee structure for the Box Office that covers direct costs, but does not function as a profit-making enterprise.

9. **FINANCE** (presenter: Marc Kahn)
AMENDMENT TO CITY GENERAL RATES, FEES, AND CHARGES

A Motion to Approve Resolution #R-21-2015 Amending Resolution #R-68-2014 and the 2015 Schedule of Rates, Charges and Fees for City Services with Regard to the Development Services, Library, and Public Works Rates, Charges, and Fees. This item was approved.

This is an administrative action to adopt a resolution amending the 2015 Schedule of Rates, Charges, and Fees for City services, other than services provided by the Water and Power Department and the Stormwater Enterprise. The amendment would correct five errors. Development Services had three fees that were inadvertently left off the initial 2015 Schedule of Rates, Charges, and Fees. The resolution would correct Major Amendment Fee (\$500) and Minor Amendment Fee (\$300) to the Conceptual Master Plan and add the Major Home Occupation Fee (\$50). The resolution would also remove the \$2.00 Library Department Fee for Temporary Internet Use Library Card Fee. Furthermore, the resolution would correct the Public Works Fees for Inspection of Streets for a Single

Family Unit from \$150 to the correct amount currently being charged of \$75.

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

FINANCIAL REPORT FOR JANUARY 2015

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 January 31, 2015.

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.

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

6. **CITY MANAGER** (presenter: Bill Cahill)

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FOR LINCOLN HOTEL SETTLEMENT AGREEMENT

Councilors Farley and Fogle recused themselves from the discussion of this item. Bill Cahill presented this item to Council. This is an administrative action to consider on first reading an ordinance appropriating \$220,000 to fund the City's contribution to the cost of fire sprinkler improvements to the Lincoln Hotel as contemplated by a Settlement Agreement with Lincoln Hotel, LLC. The Settlement Agreement was entered into on October 21, 2014 to resolve an appeal to City Council of the Fire Marshall's Order to Correct significant fire code violations in the building. Mayor Gutierrez opened the public comment at 6:40 p.m. and with no further public comment the public hearing was closed at 6:40 p.m.

Councilor Shaffer moved to approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Lincoln Hotel Settlement Agreement. Councilor Trenary seconded the motion which carried with all councilors present (6) voting in favor.

11. **PUBLIC WORKS** (presenter: Dave Klockeman)

SUPPLEMENTAL APPROPRIATION FOR BOISE AVENUE EXTENSION PROJECT

City Engineer, Dave Klockeman introduced this item to Council. This is an administrative action. At the January 6, 2015 City Council Meeting, City staff was directed to design and construct interim improvements to the Boise Avenue Extension Project in 2015. This item includes an additional appropriation request of \$400,000 for 2015 from Street Capital Expansion Fee reserves as well as an update on the project status showing the schedule for completing the design and construction in 2015. The total cost for the interim project is estimated at \$1,600,000. In addition to the approximately \$300,000 available in the 2014

Boise Avenue project budget (planned to be rolled over in March), \$290,000 is appropriated in the Fiscal Year 2015 Budget for starting amount of \$590,000. Funding not yet assigned to specific projects in 2014 due to delays in re-prioritizing the Transportation Capital Improvement Program in the amount of \$610,000 increases the available funding to \$1,200,000. CEF revenue is estimated to have come in at about \$400,000 over budget projections in Fiscal Year 2014. Applied to the Boise Avenue project, total identified funding would be the needed \$1,600,000. Mayor Gutierrez opened the Public hearing at 7:22 p.m. With no further public comment, the public hearing was closed at 7:30 p.m.

Councilor Shaffer moved to approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Boise Avenue Extension Project. Councilor Farley seconded the motion which carried with all councilors present voting in favor.

**13. HUMAN RESOURCES (presenter: Julia Holland)
EXECUTIVE SESSION REGARDING REVIEW OF CANDIDATE APPLICATIONS FOR
THE MUNICIPAL JUDGE POSITION**

Councilor Shaffer moved that the City Council go into executive session as authorized by the Colorado Open Meetings Law in CRS § 24-6-402(4)(b), (4)(e), (4)(f) and (4)(g) and by City Charter Sections 4-4(c)(1), (c)(3), (c)(5) and (c)(6).

This executive session will concern the review of applications, application materials, and letters of reference for applicants for the position of Presiding Municipal Judge and is authorized by the following sections of the Colorado Revised Statutes and the City of Loveland Charter:

- **Personnel matters to include review, evaluation, consideration of applications, letters of reference, and deliberation regarding candidates for the position of Presiding Municipal Judge as authorized by CRS § 24-6-402(4)(f) and Charter Section 4-4(c)(5); and**
- **To consider applications and materials related to candidates for the position of Presiding Municipal Judge, which are documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, as authorized by CRS § 24-6-402(4)(g) and Charter Section 4-4(c)(6); and**
- **Since these personnel matters may be the subject of future negotiations, to determine negotiation positions, develop negotiation strategy and to instruct negotiators concerning such positions and strategy as authorized by CRS § 24-6-402(4)(e) and Charter Section 4-4(c)(1); and**
- **As needed, to receive legal advice from the City Attorney's Office as authorized in CRS § 24-6-402(4)(b) and Charter Section 4-4(c)(3).**

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

Council went into Executive Session at 7:47 p.m.

**12. CITY CLERK (presenter: Terry Andrews)
MICHAELS DEVELOPMENT COMPANY**

This is an administrative action, calling for an Executive Session per 24-6-402 C.R.S. At the February 24, 2015 Study Session, City Council discussed the Michaels Corporation Development aka the "South Catalyst Project". After the discussion, Council directed staff to come back with a motion calling for an Executive Session on March 3, 2015 for consideration. The purpose of the Executive Session: (1) the City's acquisition of real property in Downtown Loveland for the South Catalyst Project and related negotiations with the potential developer, The Michaels Corporation; and (2) negotiations with Larimer

County concerning a potential agreement for the disposal and redevelopment of a portion of said real property.

Councilor Shaffer moved that City Council to go into Executive Session to Discuss (1). the City's Acquisition of Real Property in Downtown Loveland for the South Catalyst Project and Related Negotiations with the Potential Developer, The Michaels Corporation.

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

Councilor Shaffer moved to approve (2). Negotiations with Larimer County Concerning a Potential Agreement for the Disposal and Redevelopment of a Portion of Said Real Property, both as Authorized by the Following Sections of the Colorado Open Meetings Law and the City Charter.

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

Council went into Executive Session at 8:08 p.m.

Council came out of Executive Session at 10:16 p.m.

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.

CITY MANAGER REPORT None.

CITY ATTORNEY REPORT None.

ADJOURNMENT

With no more business to come before this Council, Mayor Gutierrez adjourned the March 3, 2015 meeting at 10:17 p.m.

Respectively Submitted,



Teresa G. Andrews, City clerk



Cecil A. Gutierrez, Mayor

