

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, MARCH 17, 2015
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

Roll was taken and the following responded: Gutierrez; Clark; Farley; Shaffer; Trenary; and Fogle. Councilors Taylor and Krenning were absent.

Mayor Pro Tem Clark read the **PROCLAMATION DECLARING MARCH 19, 2015 AS COLORADO'S CHILDREN'S DAY** which was received by Joe Chaplin.

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 wished to remove any items from the Consent Agenda. Mayor Pro Tem Clark asked for item 13 to be removed from the consent agenda. Councilor Farley seconded the motion which carried with all councilors present voting in favor.

CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

1. **A Motion to Approve the City Council Meeting Minutes for the February 17, 2015 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the February 17, 2015 Regular Meeting.

2. **A Motion to Approve the City Council Meeting Minutes for the February 24, 2015 Study Session was approved.**

This is an administrative action to approve the City Council meeting minutes for the February 24, 2015 Study Session.

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

APPOINTMENTS TO THE CITIZENS' FINANCE ADVISORY COMMISSION, CULTURAL SERVICES BOARD AND DISABILITIES ADVISORY COMMISSION

1. **A Motion to Appoint John Case to the Citizens' Finance Advisory**

\$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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

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

A Motion to Approve and Order Published on Second Reading Ordinance #5919 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 second 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. This ordinance was approved unanimously on first reading by Council at the March 3, 2015 regular meeting.

7. **CITY CLERK** (presenter: Terry Andrews)

SPECIAL MEETING REGARDING SALES TAX ON FOOD FOR HOME CONSUMPTION

A Motion calling for a Special Meeting to be held at 6:30 p.m., in the Council Chambers on March 24, 2015, Immediately Following the Study Session. The purpose of the special meeting is to discuss and give Staff direction regarding sales tax on food for home consumption. This meeting may include action, including consideration of ordinances and/or resolutions relative to sales tax on food for home consumption. Council agrees to waive their right for notice delivered to their homes. This action was approved.

This is an administrative action. At the regular meeting on February 17, 2015, City Council directed Staff to schedule adequate time and provide information for discussion regarding the sales tax on food for home consumption "(sales tax on food)", within the City of Loveland. Staff has been asked to prepare ordinances for Council consideration at the meeting. The City Charter requires Council to receive notice at their place of residence, unless they waive the requirement.

8. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)
IGA FOR THE COLORADO PRO CHALLENGE (CYCLING) ORGANIZING COMMITTEE

A Motion to Adopt Resolution #R-22-2015 Approving an Intergovernmental Agreement for the Creation of the Northern Colorado Pro Challenge Local Organizing Committee was approved.

This is an administrative action to approve a resolution establishing the Northern Colorado USA Pro Challenge (Cycling) Local Organizing Committee (LOC) which is the public entity responsible for planning, funding, promoting and conducting the Loveland-Windsor-Fort Collins stage of the August 2015 bike race. This IGA is very similar to the IGA approved in 2013. The changes in this agreement include in-kind contributions from the Town of Windsor and Estes Park is no longer a partner in the event.

9. **FIRE RESCUE AUTHORITY** (presenter: Mark Miller)

13. **CITY ATTORNEY** (presenter: Tami Yellico)
SUPPLEMENTAL APPROPRIATION FOR PULLIAM BUILDING QUIET TITLE
This item was moved to the Regular Agenda.

14. **CITY MANAGER** (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR JANUARY 2015
This is an information only item. The budget projection for investment earnings for 2015 is \$1,759,080. The portfolio's January beginning balance equates to an annual interest rate of 0.84%. For January, earnings of \$155,823 were offset by the maturity of a premium bond, leading to the net posting of \$54,055. Because of the huge drop in interest rates, the unrealized loss position switched to a gain of \$254,219. Based on the monthly statement, the estimated annualized yield in January on the securities held by US Bank was 1.05%. Due to draws from fund balances to pay for the cost of scheduled capital projects, flood response, and project repair, the portfolio is about \$8.5 million lower than December 2013 and \$19.5 million lower than the pre-flood peak.

END OF CONSENT AGENDA

CITY CLERK READ THE TITLES OF THE 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

13. **CITY ATTORNEY** (presenter: Tami Yellico)
SUPPLEMENTAL APPROPRIATION FOR PULLIAM BUILDING QUIET TITLE

This is an administrative action to consider an ordinance on first reading making a supplemental appropriation in the amount of \$30,000 to fund the quiet title action pertaining to the Pulliam Community Building. The funding for the appropriation of \$30,000 is from fund balance in the General Fund. The General Fund balance is \$5,791,750. City Attorney, Tami Yellico gave Council an update on the status of this process. Mayor Gutierrez asked for public comment at 6:48. There were no public comments. **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 Payment of Legal Fees and Costs in Connection with the Quiet Title Action on the Pulliam Building was approved. The motion seconded by Mayor Pro Tem Clark, carried with all councilors present voting in favor thereof.**

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

Authority in the City of Loveland, Colorado. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.

Councilor Shaffer move to Approve Resolution #R-26-2015 Establishing the Number of Members of the Board and Appointing a Councilmember to the Board of the Loveland Downtown Development Authority (the "DDA"). The motion, seconded by Councilor Farley carried with all Councilors present voting in favor thereof. Mayor Gutierrez asked for nominations for Council Liaison appointment to the DDA. Councilor Farley nominated John Fogle, the nomination was seconded by Councilor Trenary. A vote was taken and all voted in favor of the nomination.

18. **CITY ATTORNEY** (presenter: Tami Yellico)
EXECUTIVE SESSION REGARDING PANHANDLING CODE PROVISIONS AND COMMERCIAL SOLICITATION CODE PROVISIONS. Councilor Shaffer moved that City Council go into executive session to receive legal advice from the City Attorney's Office regarding municipal code provisions and potential code modifications to the commercial solicitation ordinance at Chapter 5.1 of the Loveland Municipal Code and to the panhandling ordinance at Chapter 9.30 of the Loveland Municipal Code as authorized by C.R.S. §24-6-402(4)(b) and Charter Section 4-4(c)(3), at 7:40 p.m. The motion, seconded by Councilor Fogle, carried with all councilors present voting in favor thereof. Council reconvened at 8:34.

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 Attended dedication of Habitat for Humanity on Saturday; Attended National League of Cities (NLC): the City may need to look at cell tower zoning provisions.
- Fogle Attended events with the Youth Advisory Commission (YAC); Attended NLC, a lot of discussion regarding Community Broadband. The City will need to move forward with bringing a preemption of Senate Bill 152 before the voters, if we are going to pursue establishing Community broadband utility.
- Clark Attended NLC and serves as Council liaison to the YAC and was very proud of them at the conference.
- Shaffer Attended NLC mostly transportation sessions. Expressed appreciation for the supervisors of the YAC that attended the conference.
- Farley Requested the City Manager work with the YAC to reserve the Devereaux Room for their annual recruitment.
- Gutierrez Announced Meals on Wheels month; Attended NLC: reminded the President's Staff of the "train horn noise" rule needing more scrutiny; a tool for Community Engagement (passed along to the City Manager); also commended the YAC; Met with the Department of Energy; moving Staff Evaluations from October to The Spring. Consensus of Council was to move the City Manager's evaluation to May 2016 and then conduct the evaluations for all three City Council employees in May in the future.

CITY MANAGER REPORT