

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, AUGUST 18, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

CALL TO ORDER: Mayor Gutierrez called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was called and the following responded: Gutierrez, Clark, McKean, Farley, Trenary, Fogle, and Taylor. Councilors Shaffer and Krenning were absent.

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 anything from the Consent Agenda. Resident Dan Smith asked for item 6 to be removed. Mayor Pro Tem Clark moved to approve the Consent Agenda with the exception of item #6. 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 MEETING MINUTES
A Motion to Approve the City Council Meeting Minutes for the, July 21, 2015 Regular Meeting and the July 28, 2015 Study Session was approved.
 1. This is an administrative action to approve the City Council meeting minutes for the July 21, 2015 Regular Meeting.
 2. This is an administrative action to approve the City Council meeting minutes for the July 28, 2015 Study Session.

2. **WATER AND POWER** (presenter: Jim Lees)
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR WATER ENTERPRISE
A Motion to Approve and Order Published On Second Reading Ordinance #5953 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Insufficient Funds in the Capital & Operating Budgets was approved.

This is an administrative action. This item describes the reasons and amounts of a Supplemental Appropriation for the Water and Wastewater Utilities due to insufficient funds in the capital budget or the operations and maintenance budget for certain needs outlined below for the current budget year. This Supplemental Appropriation request was presented to the Loveland Utilities Commission (LUC) on June 17, 2015, and the LUC made the recommendation for City Council to approve this Supplemental Budget and Appropriation item. On August 4, 2015, the City Council unanimously approved this ordinance on first reading.

3. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE MITIGATION STRATEGY AND MASTER PLAN

A Motion to Approve and Order Published On Second Reading Ordinance #5954 Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for The Mitigation Strategy and Master Plan was approved.

This is an administrative action to approve on second reading, an ordinance to appropriate the grant proceeds for a Mitigation Strategy and Master Plan. The project is anticipated to cost up to \$167,500, \$165,000 of this total will be reimbursed by a Community Development Block Grant – Disaster Recovery (CDBG-DR) federal planning grant recently awarded to the City of Loveland by the State of Colorado. The City's matching share is \$2,500 maximum. The City will contract with a consulting firm for the project, which is expected to be completed in approximately 12 months. On August 4, 2015, the City Council unanimously approved this ordinance on first reading.

4. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE FAÇADE GRANT PROGRAM

A Motion to Approve and Order Published On Second Reading Ordinance #5955 Enacting A Supplemental Budget And Appropriation To The 2015 Loveland Urban Renewal Authority Budget For The Façade Grant Program In The Downtown Project Area was approved.

This is an administrative action to adopt an ordinance on second reading to appropriate \$76,130 received through the Downtown URA property tax increment to continue the Façade Grant Program. This appropriation commits TIF money to the façade program for 2015 to assist in improving the condition and appearance of downtown buildings by incentivizing façade improvements. On August 4, 2015, the City Council unanimously approved this ordinance on first reading.

5. **FINANCE** (presenter: Brent Worthington)
PUBLIC HEARING
SUPPLEMENTAL BUDGET AND APPROPRIATION FOR PHASE I OF THE CEMETERY MAINTENANCE SHOP

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 Phase I Of The Cemetery Maintenance Shop was approved.

This is an administrative action. The ordinance would appropriate a total of \$118,000 to the 2015 City of Loveland Budget for the design of a replacement Cemetery Maintenance Shop/Office to address safety, ADA and customer service needs at the Loveland Burial Park and Lakeside Cemetery.

6. **ECONOMIC DEVELOPMENT** (presenter: Alan Krcmarik)
PUBLIC HEARING
LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOUNDARIES
This item was moved to the regular agenda.
7. **HUMAN RESOURCES** (presenter: Julia Holland)
CITY ATTORNEY COMPENSATION
A Motion to Adopt Resolution #R-48-2015 Of The Loveland City Council Regarding The Compensation Of The City Attorney was approved.
This is an administrative action regarding compensation for the City Attorney as a result of the six month evaluation.
8. **CITY CLERK** (presenter: Terry Andrews)
MAIL BALLOT ELECTION IGA
A Motion to Adopt Resolution #R-49-2015 Approving And Authorizing The Execution Of An Agreement Between The City Of Loveland And The Larimer County Clerk And Recorder Concerning The Coordinated Mail Ballot Election To Be Held On November 3, 2015 was approved.
This is an administrative action to adopt a resolution authorizing the execution of an agreement between the City of Loveland and the Larimer County Clerk and Recorder concerning the coordinated election to be held on November 3, 2015.
9. **FORT COLLINS-LOVELAND MUNICIPAL AIRPORT** (presenter: Jason Licon)
FEDERAL AND STATE GRANT FOR CONSTRUCTION
A Motion To Adopt Resolution #R-50-2015 Authorizing The City Manager To Execute A Grant Agreement With The State Of Colorado Division Of Aeronautics (CDAG #15-FNL-01) For Construction Of A Storage Building For Snow Removal Equipment was approved.
This is an administrative action to approve the construction of a multi-year federally and state grant-funded, Airport Capital Improvement Project.
1. A Resolution authorizing the City Manager to execute a grant agreement with the State of Colorado Division of Aeronautics (CDAG #15-FNL-01) for construction of a storage building for snow removal equipment was approved.
 2. A Motion to award a contract in the amount of \$1,105,711 to Walsh Construction for the construction of a storage building for snow removal equipment and to authorize the City Manager to execute such contract was approved.
 3. A Motion to authorize the City Manager to execute amendment number six to the contract dated May 14, 2012 with CH2M Hill for construction management services of FAA Project AIP 34 at the Fort Collins - Loveland Municipal Airport at a total cost not to exceed of \$99,983.50 was approved.
10. **FINANCE** (presenter: Brent Worthington)
CDBG DISASTER RECOVERY GRANT
A Motion to Adopt Resolution #R-52-2015 Authorizing the Mayor to Execute the Community Development Block Grant Disaster Recovery Infrastructure Grant Agreement (Project No. R1-40-Alt 122) Between the City of Loveland and the Colorado Department of Local Affairs was approved.
This is an administrative action. The CDBG Disaster Recovery Grant is intended to reimburse the Loveland General Fund for the City's matching portion associated with Emergency Protective Measures required by the aftermath of the September 2013 flood

of the Big Thompson River. Total cost of this project was \$1,934,954.86. FEMA awarded \$1,450,714.86; the State of Colorado awarded \$242,120.00.

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

CDBG DISASTER RECOVERY GRANT

A Motion to Adopt Resolution #R-53-2015 Authorizing the Mayor to Execute the Community Development Block Grant Disaster Recovery (CDBG-DR) Infrastructure Grant Agreement (Project No. R1-40-Alt 123) With the Colorado Department of Local Affairs was approved.

This is an administrative action. The CDBG Disaster Recovery Grant is intended to reimburse the Loveland General Fund for the City's matching portion associated with Emergency Protective Measures required by the aftermath of the September 2013 flood of the Big Thompson River. Total cost of this project was \$419,406.28. FEMA awarded \$314,554.72; the State of Colorado awarded \$52,425.78.

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.

Sgt. Jamison Gartner presented to City Council the route for the US Pro Challenge through Loveland on August 22, 2015. Sgt. Gartner also identified intersections that are directly impacted by the race.

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. **ECONOMIC DEVELOPMENT** (presenter: Alan Krcmarik)

PUBLIC HEARING

LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOUNDARIES

Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. Ordinance #5927, approved by City Council on second reading April 7, 2015, established the Loveland Downtown Development Authority (DDA) and established the legal description of the DDA boundaries. The Larimer County Assessor's Office identified three residential parcels that were split by the DDA Boundary. As only one tax area can be assigned to a single parcel, the DDA boundary needs to be expanded to include the entire parcels or take the parcels out of the DDA legal description. The property owners of the affected parcels declined the option to include their property into the DDA boundaries. Approval of this action would exclude the three residential properties from the legal description of the DDA boundaries. Mr. Smith expressed concern with future plans for the intersection at Hwy. 287 at 29th St. Council directed Mr. Smith to contact Interim Executive Director of the Downtown Development Authority, Jacque Wedding-Scott. Staff will also follow up with Mr. Smith to

see if his concerns for the current configuration can be mitigated. Mayor Gutierrez asked if anyone else would like to speak regarding this issue. **Mayor Pro Tem Clark moved to Approve and Order Published On First Reading An Ordinance Excluding Three Residential Properties from the Boundaries of the Loveland Downtown Development Authority (The "DDA") was approved. The motion seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

**12. ECONOMIC DEVELOPMENT
PUBLIC HEARING**

TERMINATION OF URA DOWNTOWN PLAN

Executive Fiscal Advisor, Alan Krcmarik introduced this administrative item to Council. Termination of the Downtown URA Plan will substantially change the City of Loveland URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan. July 7, 2015, City Council adopted Resolution #R-38-2015 directing the referral of the proposal to terminate the URA Plan to the Planning Commission for review and recommendations as to its conformity with the general plan for the development of the City as a whole. The Planning Commission adopted Resolution #15-03 recommending to City Council the termination of the Downtown URA Plan of Development at the July 13, 2015 meeting. Resolution #R-38-2015, also directed City staff to take such steps required by C.R.S. §31-25-107(7), including giving of notice, so that City Council may conduct a hearing and consider a resolution terminating the URA Plan contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions in the November election. City Council formally adopted the DDA Plan of Development on July 7, 2015, with the recommendation of the Planning Commission. Mayor Gutierrez opened the public hearing at 7:15 p.m. Hearing no public comment Mayor Gutierrez closed the public hearing at 7:15 p.m. **Mayor Pro Tem Clark moved to Adopt Resolution #R-51-2015 Of The Loveland City Council Approving The Termination Of The Downtown Urban Renewal Plan For The City Of Loveland. The motion, seconded by Councilor Farley, carried with all councilors present voting in favor thereof.**

BUSINESS FROM CITY COUNCIL

- Farley: Will be serving as Parade Marshall in the Corn Roast Parade on Saturday, August 22, 2015; attended Night on the Town at Artspace.
- McKean: Would request that Council send a letter to the widow of Scott Ellis, engineer for the reconstruction of Hwy 34 after the flood. Mr. Ellis passed away Monday, August 17, 2015 at the Leadville 100. Also there is some talk of renaming that stretch after Mr. Ellis; Discussion regarding the South Catalyst Project RFP. Staff will be bringing multiple options to Council for discussion at the September 1, 2015 regular meeting of Council.
- Fogle: August 22, 2015, there will be the Duck Race, funds collected go toward several benevolent opportunities: dictionaries for 3rd graders and grants for High School Seniors and starting this year, grants will go for trade school students as well.
- Clark: Transportation items: NI-25 bumper stickers; Asked CC to send a letter of appreciation to Senator Gardner for keeping the three Colorado projects road out in front of the decision makers; expressed interest in serving on the MPO as an alternate in November; HWY 34 drafted a resolution – Council will have a future discussion of whether to support the Resolution.

Taylor: Corn Roast Festival and US pro challenge this weekend.

Trenary: Attended a Habitat for Humanity dedication.

Gutierrez: First meeting of the new Airport Regional Board today; last weekend was the Arts weekend in the City. Three separate events were held all relating to Art. Expressed appreciation to Staff and Volunteers.

CITY MANAGER REPORT

No report

CITY ATTORNEY REPORT

No report

ADJOURNMENT

Having no further business to come before Council, the August 18, 2015, regular meeting was adjourned at 8:18 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor