

**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**LOVELAND GID BOARD OF DIRECTORS**  
**TUESDAY, JANUARY 19, 2016**  
**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: Councilors Present: Gutierrez, Johnson, Ball, Fogle, Clark, McKean, and Krenning. Councilors Shaffer and Overcash were absent.**

**Mayor Gutierrez read the Proclamation Declaring January 2016 To Honor Martin Luther King, Jr. and Renew Our Commitment to Civil Rights. Franklin Jefferson, Martin Luther King Committee, received the proclamation.**

**Councilor Krenning read the Proclamation Declaring January as Loveland Energy Challenge Month. Olivia Williams, Ponderosa Elementary student and Alicia Neil, 6<sup>th</sup> grader from Lucille Erwin Middle School received the proclamation and identified ways their families addressed energy saving ideas to help in the project.**

*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 members of the public, staff or Council would like to remove something from the consent agenda. Councilor McKean asked for item 8 to be moved to the regular agenda. Councilor Fogle moved to approve the consent agenda with the exception of item 8. The motion seconded by Councilor Johnson, carried with all councilors present voting in favor thereof.**

**CONSENT AGENDA**

- 1. CITY CLERK  
APPROVAL OF MEETING MINUTES**

**(presenter: Terry Andrews)**

**A Motion To Approve The City Council Meeting Minutes For The January 5, 2016 Regular Meeting was approved.**

This is an administrative action to approve the City Council meeting minutes for the January 5, 2016 Regular Meeting.

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

**APPOINTMENTS TO THE POLICE CITIZEN ADVISORY BOARD**

1. Adopt a motion to appoint Mark Kirkpatrick to the Police Citizen Advisory Board for a partial term effective until December 31, 2016 was approved.

2. Adopt a motion to reappoint Beverly Cardarelli to the Police Citizen Advisory Board for a term effective until December 31, 2018 was approved.

3. Adopt a motion to reappoint Tony Adams to the Police Citizen Advisory Board for a term effective until December 31, 2018 was approved.

4. Adopt a motion to reappoint Dennis Soucek to the Police Citizen Advisory Board for a term effective until December 31, 2018 was approved.

This is an administrative item appointing members to the Police Citizen Advisory Board.

**3. DEVELOPMENT SERVICES (presenter: Bob Paulsen)**

**CODE AMENDMENTS ADOPTED BY REFERENCE**

**A Motion To Adopt On Second Reading, Ordinance #5987 Repealing Titles 16, 17, 18 And 19 Of The Loveland Municipal Code And Reenacting And Adopting The Same By Reference was approved.**

This is a legislative action. The primary focus of the amendments is to establish procedures and requirements for the processing of development review applications, including subdivision, annexation and zoning-related applications. The heart of this effort includes two primary components:

1. New chapter 18.39 - Development Application Process and Procedures

2. Expanded chapter 18.46 - Site Development Plan Requirements and Procedures

In addition to the main procedural amendments, the amendments include clarifications and adjustments to portions of each of the four titles. The proposed code amendments are the same as the amendments presented at the City Council study session on November 10, 2015. No concerns were expressed as to the content of the amendments at the study session. On December 15, 2015, City Council unanimously approved this ordinance on first reading. [Link to the Final \(clean\) version of the code provisions](#)

**4. DEVELOPMENT SERVICES (presenter: Alan Krcmarik)**

**SPECIAL IMPROVEMENT DISTRICT (SID#1)**

**A Motion To Adopt On Second Reading, Ordinance #5991 Amending Ordinance No. 4519 And Ordinance No. 5245, Reducing The Principal Amount Of The Assessments And The Rate Of Interest Payable On Installments Of Assessments In Special Improvement District No. 1; Ratifying Action Previously Taken By City Officers In Connection Therewith; And Providing For Other Matters Related Thereto was approved.**

This is an administrative action. The City of Loveland recently completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. Through the refunding, the interest rate on the bonds was lowered from 5.625% to 3.90%. The bonds were sold to First Bank. Due to the refunding, the total amount of debt service to be paid on the new refunding bonds will be lower than the refunded bonds. Some of the savings may be passed along to the property owners that are subject to the specials assessments. The proposed Ordinance provides for the reduction in the assessments. The reduction in the principal amount assessments will be about \$670,400 or about 11.5 percent lower than the prior assessments. On January 5, 2016, City Council unanimously approved this

ordinance on first reading.

5. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)  
**PUBLIC COMMENT**

**VACATION OF EASEMENTS FOR PETCO AT ORCHARDS SHOPPING CENTER**

1. A Motion To Adopt On First Reading, An Ordinance Vacating An Easement Located Within Lots 4 And 5, Replat Of Tract "G" Of Orchards Addition, City Of Loveland, County Of Larimer, State Of Colorado was approved.

2. A Motion To Adopt On First Reading, An Ordinance Vacating A Portion Of A Reciprocal Private Access, Utility And Drainage Easement Located Within Lot 2, Block 1 Of The Orchards Thirteenth Subdivision, City Of Loveland, County Of Larimer, State Of Colorado was approved.

This is a legislative action to adopt two associated ordinances, on first reading, vacating easements within the Orchards Addition and Orchards Thirteenth Subdivision – located east of N. Garfield Avenue and north of E. 29<sup>th</sup> Street. This item is associated with plans to locate a Petco retail store in the Orchards Shopping Center. A small private access, drainage, and utility easement is of no consequence to the City because it is private and includes no public utilities. A larger, triangular shaped easement, however, contains public utilities. In order to vacate this triangular-shaped easement, a new easement will be dedicated and utilities rerouted. The new easement will be dedicated through separate development applications associated with the Petco project which is currently undergoing special review. Staff is recommending approval of both vacation requests.

**ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)**

6. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)  
**PUBLIC HEARING**

**PROPERTY INCLUSION WITHIN THE GID**

A Motion To Adopt On First Reading, An Ordinance Granting A Petition For Inclusion Of The West Fifty Feet Of SW Block 34, Everetts Subdivision, City Of Loveland, County Of Larimer Within The Loveland General Improvement District No. 1 In Loveland, Colorado was approved.

This is a legislative action to consider adoption of an ordinance, on first reading, to include the property legally described as the west 50 feet of the southwest portion of Block 34, Everetts Subdivision, City of Loveland, County of Larimer, State of Colorado in the General Improvement District (GID). This property includes an existing two-story building and a single family home. The owner (Charles Salwei) wishes to renovate the two story building generally located at the northeast corner of N. Jefferson Avenue and E. 3rd Street (348 N. Jefferson Avenue) for additional apartment units and office use.

**ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENE AS CITY COUNCIL**

7. **PARKS AND RECREATION** (presenter: Marilyn Hilgenberg)  
**PUBLIC COMMENT**

**GREAT OUTDOORS COLORADO GRANT**

1. A Motion to Adopt Resolution #R-8-2016 Of The Loveland City Council Approving a Grant Agreement Between the City of Loveland, Colorado and the State Board of the Great Outdoors Colorado Trust Fund for the Ward Trust Property Open Lands Acquisition was approved.

2. Motion to Adopt On First Reading, An Ordinance Enacting A Supplemental

**Budget And Appropriation To The 2016 City Of Loveland Budget for the Ward Trust Property Open Lands Acquisition was approved.**

This is an administrative action. The City applied for and was awarded a Great Outdoors Colorado ("GOCO") grant for the Ward Trust Property Open Lands Acquisition, which includes the acquisition of a 73-acre parcel and associated George Rist Ditch water rights. This is an administrative action to approve the grant agreement and authorize the City Manager to sign the agreement on behalf of the City. In addition, the ordinance appropriates funding for the acquisition of the Ward Trust Open Lands Acquisition. The grant is for an amount not-to-exceed \$500,000. The grant requires that the City and its partners provide the remainder of the funding for this acquisition. A supplemental appropriation for \$2,100,000 from the Open Space Tax Fund is required for this acquisition. In addition, Larimer County has committed matching funds of up to \$250,000 for this project.

8. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)  
**AFFORDABLE HOUSING HARDSHIP WAIVER**  
This item was considered on Regular Agenda.

9. **PUBLIC WORKS** (presenter: Christopher Barnes)  
**FORT COLLINS LONGMONT EXPRESS (FLEX) IGA**  
A Motion To Adopt Resolution #R-10-2016 Approving An Intergovernmental Agreement (IGA) Between The City Of Loveland, Colorado And The City Of Fort Collins, Colorado For Bus Service Between Fort Collins And Longmont was approved.

This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Fort Collins to provide regional bus service between Fort Collins and Longmont along the U.S. Highway 287 corridor. This service is referred to as the Fort Collins-Longmont Express or FLEX route. This IGA covers service for calendar year 2015 and provides the basics for discussion in 2016. Funds for the local match portion of the contract (\$100,000) are budgeted into the annual core transit budget.

10. **CITY MANAGER** (presenter: Bill Cahill)  
**DDA BOARD APPOINTMENTS**  
A Motion To Adopt Resolution #R-11-2016 Appointing Members to the Downtown Development Authority Board was approved.

This is an administrative item to approve the Resolution appointing members to the Downtown Development Authority (DDA) Board. If the Resolution is approved, Joe Goacher will be appointed to a term effective until June 30, 2017 and Jackie Marsh will be appointed to a term effective until June 30, 2016.

11. **CITY MANAGER** (presenter: Bill Cahill)  
**FIX NORTH I-25**

A Motion To Adopt Resolution #R-12-2016 To Approve A Contribution To The Fix North I-25 Business Alliance was approved.

This resolution is an administrative action to contribute \$20,000 for the support of the Fix North I-25 Business Alliance. The request is made by the Loveland Chamber of Commerce; similar requests are being made of other local governments. The funding will be used to support advocacy for improvements of North Interstate 25, which have traditionally been deemed highly important by the City Council.

The proposed contribution is \$20,000, and will decrease the General Fund unassigned balance by that amount when an appropriation request is made. At January 6, the unassigned General Fund balance is \$6,446,959.

12. **CITY COUNCIL LEGISLATIVE REVIEW COMMITTEE** (presenter: Rod Wensing)  
**ADOPTION OF COUNCIL LEGISLATIVE POLICY AGENDA**  
**A Motion To Adopt The Attached 2016 City Council Legislative Policy Agenda was approved.**

This is an administrative action. The Council Legislative Review Committee members Mayor Gutierrez and Councilors Fogle and Shaffer as well as City staff are seeking a motion to approve the attached 2016 Loveland City Council Legislative Policy Agenda and authorize the City Manager and designees to respond promptly, carefully, and appropriately to legislative positions indicated within the Council's Legislative Policy Agenda, as well as other legislative items or action that may adversely impact the interests of the City and its citizens as they arise.

13. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)  
**ENGINE PURCHASE CONTRACT**

**A Motion To Approve An Engine Purchase Contract With SVI, Inc. For \$512,000 was approved.**

This is an administrative action to approve a budgeted, replacement fire engine purchase in excess of \$500,000 as required by municipal code. The engine is being purchased through a cooperative purchasing agreement for \$512,000. It is a Spartan cab and chassis that is constructed to meet specifications. The City has successfully used the cooperative purchasing agreement to buy other apparatus and equipment over the years.

14. **CITY ATTORNEY** (presenter: Tami Yellico)  
**LEE FARM METRO DISTRICT 1-4 SERVICE PLAN**

**A Motion continuing the Public Hearing for the purpose of considering the Consolidated Service Plan for Lee Farm Metropolitan Districts Nos. 1 – 4 to on or about 6:00 p.m. on February 2, 2016 was approved.**

Public notice was published in the Loveland Reporter-Herald and mailed as required by State statute. The published and mailed notice were for a Public Hearing on or about 6:30 on January 19, 2016 for the purpose of considering the Consolidated Service Plan for Lee Farm Metropolitan Districts Nos. 1 – 4. Staff is still completing its review of the Consolidated Service Plan and working with the developer regarding revisions. Staff requests that City Council take the administrative action of continuing the hearing on the record of the January 19, 2016 meeting to February 2, 2016 on or about 6:00 p.m.

#### **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.*

Robin Gephardt, expressed her desire to have the art known as "Iscariot" removed from the corner of 3<sup>rd</sup> and Lincoln. Council directed Ms. Gephardt to the Visual Arts Commission.

#### **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

8. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)  
**AFFORDABLE HOUSING HARDSHIP WAIVER - FAILED**  
This is an administrative action authorizing the Release of a Restriction on Conveyance of Property Recorded with the Larimer County Clerk and Recorder at Reception No. 20120060564 for Lot 4, Block 8, Giuliano First Subdivision, Loveland Colorado Pursuant to Section 16.43.080 of the Loveland Municipal Code due to a hardship. If the waiver is granted, the City would not receive any percentage of net proceeds from the sale of the property.  
**A Motion to Adopt A Resolution Authorizing A Release Of A Restriction On Conveyance Of Property Associated With A Designated Affordable Housing Unit failed, without a second.**
  
15. **CITY ATTORNEY** (presenter: Tami Yellico)  
**PUBLIC HEARING**  
**VAN DE WATER METRO DISTRICT 1-3 REFINANCING**  
City Attorney, Tami Yellico introduced this item to Council. Alan Pogue and Peggy Daswell were also available from VDW to answer questions. This resolution is an administrative action to approve the VDW Metropolitan Districts Nos. 1-3 (the "Districts") issuance of bonds on a date after July 1, 2012 and the question of extending the maturity of a portion of the Districts' current debt by refunding, as both actions require a public hearing and approval of the City of Loveland City Council pursuant to Sections VII.B and VII.E of the Districts' Consolidated Service Plan. **Mayor ProTem Fogle moved to Adopt Resolution #R-13-2016 Approving the Issuance of Bonds and Extension of Debt Maturity for VDW Metropolitan Districts Nos. 1 – 3. The motion, seconded by Councilor Ball, carried with all councilors present voting in favor thereof.**
  
16. **WATER AND POWER** (presenter: Steve Adams)  
**FEMA EMERGENCY ORDINANCE**  
This is an administrative action. Utility Accounting Manager introduced this item to Council. This ordinance re-appropriates funding approved in 2015 for the Solar facility portion of the FEMA Alternate Project. This emergency ordinance is being requested as an acceleration of the normal re-appropriation process so that completion of the Solar facility can stay on schedule. At the July 7, 2015 City Council Meeting, Council approved a supplemental budget appropriation, on second reading, of \$9,068,018 for the substation and Solar facility FEMA Alternate Projects. Of the \$9,068,018, \$5,068,018 was for the Solar facility and came out of the Power Plant Investment Fee (PIF) Fund, which is used for growth-related capital projects. The remaining \$4,000,000 for the substation project will be included with the City's re-appropriation ordinance that is presented to City Council in April 2016. Mayor Gutierrez asked for public comment. **Mayor Pro Tem Fogle moved to Adopt Ordinance #5992 Enacting An Emergency Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For A FEMA Solar Facility Alternate Project. The motion seconded by Councilor Ball carried with six councilors voting in favor and Councilor McKean voting against.**

17. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)  
**DOWNTOWN SOUTH CATALYST RFP UPDATE**  
**POSSIBLE EXECUTIVE SESSION**

This is an administrative action. Economic Development Manager, Mike Scholl introduced this item to Council. Doug Rutledge, from the DDA and Brinkman Partners representatives, Kevin Brinkman and Jay Hardy also present. City Consultant for this Project, Rick Wells was also available. On October 6, 2015 City Council approved a Request for Proposals (RFP) for a development partner for the South Catalyst project. In addition, Council approved a Review Committee that included City Councilors, City staff and downtown stakeholders. After a thorough review, the Review Committee is recommending the City partner with Brinkman Partners from Fort Collins for the South Catalyst project.

The Executive Session may be used to discuss the financial request and conceptual plans that were submitted by both developers under a non-disclosure agreement. Based on the direction provided by Council, staff intends to bring the Exclusive Right to Negotiate (ERN) with the Brinkman Partners back to Council for consideration at the February 2 regular meeting. Mayor Gutierrez asked for public comment. Cornelia Rockwell, 2868 Sally Ann Dr, asked Council to consider the Arts community while moving forward with the design of this project. **Mayor Pro Tem Fogle moved to direct Staff to develop Exclusive Right to Negotiate ERN with Brinkman Partners back to Council for consideration. The motion seconded by Councilor Clark, carried with all councilors present voting in favor thereof.**

18. **ECONOMIC DEVELOPMENT** (presenters: Marcie Erion, Alan Krcmarik and  
**GUIDANCE ON RTA AND EAGLE CROSSING NEGOTIATIONS** Bill Cahill)  
**POSSIBLE EXECUTIVE SESSION**

This is an administrative action. Staff has been working on the RTA since 2014 and recently received approval of the project elements and state increment funding amount. The next step of the process is to negotiate cooperative agreements with the State of Colorado structuring development requirements and municipal financial participation.

Water Valley Company LLC has requested a development agreement be executed including City financial support for the Eagle Crossing mixed used development at Crossroads and I-25. Staff is seeking direction in regards to City participation in the project.

**Mayor Pro Tem Fogle moved that the City Council go into executive session to discuss negotiations concerning the Regional Tourism Act Project and negotiations with the State Economic Development Commission as authorized by Colorado Revised Statutes Section 24-6-402(4)(e) and Loveland Charter Section 4-4(c)(1) concerning a matter that is subject to negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies; and as authorized by Colorado Revised Statutes Section 24-6-402(4)(b) and Loveland Charter Section 4-4(c)(3) to receive legal advice from the City Attorney's Office at 9:15 p.m. The motion seconded by Councilor Clark, carried with six councilors voting in favor and Councilor Krenning voting no.**

**Mayor Pro Tem Fogle moved that the City Council go into executive session to discuss negotiations concerning a request for financial incentives for the Eagle Crossing Development and a potential associated agreement as authorized by Colorado Revised Statutes Section 24-6-402(4)(e) and Loveland Charter Section 4-4(c)(1) concerning a matter that is subject to negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators**

concerning those positions and strategies; and as authorized by Colorado Revised Statutes Section 24-6-402(4)(b) and Loveland Charter Section 4-4(c)(3) to receive legal advice from the City Attorney's Office 9:17 p.m. The motion seconded by Councilor Clark, carried with six councilors voting in favor and Councilor Krenning voting no.

Council reconvened at 10:23 p.m. Council McKean requested that Staff put together information regarding the RTA for a media release.

#### **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.*

**Clark** Councilors Clark, Fogle, Johnson, and Mayor Gutierrez are attending NLC and plan to attend a breakfast with the Youth Advisory Commission (YAC).

**Johnson** Will be attending the "Homeless point in time" Study on January 26, 2016.

**Gutierrez** Indicated that the Affordable Housing Commission (AHC) had begun the process for reviewing their policies.

#### **CITY MANAGER REPORT**

**Bill Cahill** Reminder of two dates:  
City Council Work shop – January 23, 2016 from 8:00 to 5:00  
New Council Orientation – February 6, 2016 from 11:30 to 1:30

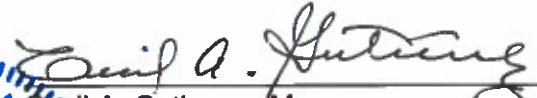
#### **CITY ATTORNEY REPORT**

#### **ADJOURN**

Mayor Gutierrez, after hearing no further business adjourned the January 19, 2016 Regular meeting at 10:26 p.m.

Respectfully submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

