

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, APRIL 5, 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, Fogle, Johnson, Ball, Clark, and Overcash. Councilor Shaffer arrived at 6:47 P.M. Councilors Absent: McKean and Krenning.

A proclamation declaring April 15, 2016 as Arbor Day was read by Mayor Pro Tem Fogle and accepted by Parks' Forestry Specialist, Rob MacDonald.

A proclamation declaring April 18, 2016 as Colorado's Children's Day was read by Councilor Overcash and accepted by Michael Selbert. Mr. Selbert announced festivities would be held on April 18, 2016 between 1 and 4 p.m. in the Civic Center Complex.

A proclamation declaring April as Fair Housing Month was read by Councilor Johnson and accepted by Martin Luther King Jr. Committee members, Rev. Laurel Liefert and Trish Murtha.

A proclamation declaring April 10-16, 2016 as Week Of The Young Child was read by Councilor Dave Clark and accepted by Shanda Schlangenhoff and Lamb Caro.

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. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

Councilor Clark asked for Items 3 and 4 to be moved to the Regular Agenda and Councilor Overcash asked for Item 9 to be moved to the Regular Agenda. Mayor Pro Tem Fogle moved to approve the consent agenda with the exception of items 3, 4 and 9. The motion seconded by Councilor Clark 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 City Council Minutes For the March 15, 2016 Regular Meeting and the March 22, 2016 Study Session was approved.
This is an administrative action item to approve the City Council minutes for the March 15, 2016 regular meeting and the March 22, 2016 study session.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE SENIOR ADVISORY BOARD
 1. **Adopt a motion to reappoint Julie Demaree to the Senior Advisory Board for a term effective until December 31, 2018 was approved.**
 2. **Adopt a motion to reappoint Marigail Jury to the Senior Advisory Board for a term effective until December 31, 2018 was approved.**
 3. **Adopt a motion to reappoint Richard Zlamany to the Senior Advisory Board for a term effective until December 31, 2018 was approved.**This is an administrative action item appointing members to the Senior Advisory Board.

3. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC COMMENT
LARIMER COUNTY ANIMAL SHELTER FEE EXEMPTIONS
This item was considered on Regular Agenda.

4. **WATER & POWER AND FINANCE** (presenters: Steve Adams and Brent Worthington)
PUBLIC COMMENT
BROADBAND INITIATIVE
This item was considered on Regular Agenda.

5. **DEVELOPMENT SERVICES** (presenter: John Schumacher)
PUBLIC COMMENT
AMENDMENT TO BUILDING CODE LOT LINE CONSOLIDATION REQUIREMENT
A Motion To Approve On First Reading, An Ordinance Amending Paragraph U. Of Section 15.10.020 Of The Loveland Municipal Code To Permit Property Owners With Residential Property Or Structures Thereon That Cross Interior Lot Lines To Construct Additions And Certain Accessory Structures was approved.
This is a legislative action item. This proposed amendment to the 2012 International Residential Code (IRC) aligns the City's pre-1967 land subdivision practices with the current IRC requirements for fire safety and separation by allowing residential property owners, under certain conditions, the ability to renovate, increase, or add to residential property that spans multiple lot lines without consolidating the multiple lots into a single lot, thereby saving property owners several thousand dollars in each instance.

6. **FINANCE** (presenter: Matthew Elliott)
PUBLIC COMMENT
ROLLOVER RE-APPROPRIATIONS
A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 City Of Loveland Budget For Projects Appropriated But Not Completed In 2015 was approved.
This is an administrative action item. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total net expenditures (total expense less transfers)

included in the ordinance is \$46,676,794. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

7. **FINANCE** (presenter: Matthew Elliott)
PUBLIC COMMENT

ROLLOVER RE-APPROPRIATION FOR AIRPORT PROJECTS

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 Ft. Collins-Loveland Municipal Airport Budget To Appropriate Funds For Projects Approved But Not Completed In 2015 was approved.

This is an administrative action item. The ordinance re-appropriates funding approved in 2015 for capital, one-time or on-going projects and equipment not completed or received prior to the end of the fiscal year. The total request is for \$1,354,013. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

ADJOURN THE LOVELAND CITY COUNCIL AND CONVENE AS THE LOVELAND URBAN RENEWAL AUTHORITY

8. **FINANCE** (presenter: Matthew Elliott)
PUBLIC COMMENT

LURA RE-APPROPRIATION FOR THE FAÇADE GRANT PROGRAM

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Re-Appropriation To The 2016 Loveland Urban Renewal Authority Budget To Re-Appropriate The Façade Grant Program Approved In 2015 But Not Completed was approved.

This is an administrative action item. Reserves in the amount of \$88,630 are re-appropriated for the Façade Grant Program. The projects or programs requested in the ordinance were appropriated in 2015. Funding for these projects or programs is available due to the appropriations lapsing at the end of 2015. Any appropriation that lapses at the end of the year returns to the source of funding as fund balance in their respective fund. The re-appropriation of these projects and programs does not have an impact on the 2016 budget because the 2016 budget was based upon the assumption that all 2015 appropriations would be fully spent by the end of 2015.

ADJOURN THE LOVELAND URBAN RENEWAL AUTHORITY AND RECONVENE AS THE LOVELAND CITY COUNCIL

9. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
HABITAT FOR HUMANITY FEE WAIVERS
This item was considered on Regular Agenda.

10. **CULTURAL SERVICES** (presenter: Susan Ison)

VISUAL ARTS COMMISSION MEETING SCHEDULE

A Motion to Adopt Resolution #R-23-2016 Amending The Scheduled Meeting Times Of The City Of Loveland Visual Arts Commission was approved.

This is an administrative action item. City Council liaison, Leah Johnson, is unable to attend Visual Arts Commission meetings at the regularly scheduled second Thursday of the month, 5:00PM at the Museum. This Resolution changes the regular meeting date to the first Thursday of the month, 5:00 PM at the Museum.

**11. PUBLIC WORKS (presenter: Jeff Bailey)
STREET RESURFACING CONCRETE**

A motion approving the 2016 Street Resurfacing Concrete Rehabilitation Program was approved.

This is an administrative action item. Extension of an existing Contract for Concrete Rehabilitation for the 2016 Street Resurfacing Program to JAG's Enterprises, Inc., of Greeley, Colorado in the amount of \$700,000.00 and Authorization for City Manager to execute the contract. The contract documents for the 2015 Street Resurfacing Concrete Rehabilitation Program included a clause to allow the extension of the contract for three additional years in one-year periods, if beneficial to both parties. 2016 is the first extension year for the TA contract which covers our concrete maintenance needs in advance of our asphalt paving operations of City streets.

**12. PUBLIC WORKS (presenter: Jeff Bailey)
STREET RESURFACING ASPHALT PAVING**

A motion approving the 2016 Street Resurfacing Program, Asphalt Paving Schedule was approved.

This is an administrative action item. Extension of an Asphalt Maintenance Contract for Asphalt Paving for the 2016 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$1,270,000.00 and Authorization for City Manager to execute the contract. The contract documents for the 2014 Street Resurfacing Program included a clause to allow the extension of the contract for three additional years in one-year periods, if beneficial to both parties. 2016 is the second extension year for the AP contract which covers our asphalt paving and maintenance of City streets.

**13. FINANCE (presenter: Brent Worthington)
FEBRUARY 2016 FINANCIAL REPORT**

This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims as of February 29, 2016. Citywide Revenue (excluding internal transfers) of \$40,314,370 is 88.1% of year to date (YTD) budget or \$5,464,474 under the budget. Sales Tax collections are 101.2% of the YTD budget or \$87,621 over budget. Building Material Use Tax is 130.4% of YTD budget, or \$89,245 over budget. Sales and Use Tax collections combined were 105.3% of YTD budget or \$431,121 over budget. When the combined sales and use tax for the current year are compared to 2015 for the same period last year, they are higher by 12.7% or \$964,260.

**14. CITY MANAGER (presenter: Alan Krcmarik)
FEBRUARY 2016 INVESTMENT REPORT**

This is an information only item. The budget projection for investment earnings for 2016 is \$2,229,818. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the February monthly statement, the estimated yield on the fixed income securities held by USBank was at 1.29%, for total assets the yield was 1.17%. For January and February, total earnings of \$186,110 were posted to City fund

accounts; the year-to date target was \$364,987. U.S. short-term Treasury interest rates fell slightly in February; the portfolio's change in unrealized gain for the year-to-date was \$1.65 million. The end of January portfolio market value is estimated to be \$212.7 million. The total amount of the portfolio is lower than the end of 2015 by \$4.5 million. The peak amount for the portfolio was reached before the 2013 flood when it had estimated market value of \$226.3 million.

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.

Bruce Croissant, 1629 Jackson Ave., expressed concern regarding the Planning Commission interpretation of a sign code definition regarding "measurement of 500 feet abutting". Mr. Croissant also identified concern with the lack of "citywide" (all 4 Wards and party affiliation) representation on the Planning Commission. Mayor Gutierrez indicated he would request four councilors to support a discussion of the sign code issue to be placed on a future agenda.

Dr. Victoria Gardner, 2731 Lynn Ct., expressed concern regarding discarded items located in the dumpsters in "multiple unit" rental locations. Ms. Gardner suggested the City provide "donation stations" for people to place "gently used" items for pick up by not for profit organizations.

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

3. CITY ATTORNEY (presenter: Tami Yellico)

LARIMER COUNTY ANIMAL SHELTER FEE EXEMPTIONS

City Attorney, Tami Yellico introduced this administrative action item to waive certain capital expansion fees (CEFs) and other impacts fees assessed to Larimer County by the City in the amount of approximately \$369,365.32 for the construction of a new animal shelter within the City and not to require reimbursement of such fees to the CEFs by the general fund or other fund. Larimer County Attorney, George Hass gave Council the rationale for the County's position. There were no public comments made. **Councilor Clark moved to continue the first reading consideration of an Ordinance Granting Larimer County An Exemption From Certain Capital Expansion Fees And Other Development Fees For The Larimer County Animal Shelter Project item to April 19, 2016. The motion seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof. Council directed Staff to review the "impact" to determine if each of the fees were justified, and to verify whether the impact fees**

and roadway improvements were included in the proposed budget for the ballot issue.

4. **WATER & POWER AND FINANCE** (presenters: Steve Adams and Brent Worthington)

BROADBAND INITIATIVE

Water and Power Director, Steve Adams introduced this administrative action item to Council. The City of Loveland Broadband Project Team is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland. We are requesting an appropriation of \$250,000 for the 2016 budget from the General Fund. This initial budget is intended to cover expenses for broadband studies, community engagement, marketing and other items that may be needed for the initial broadband initiative. This supplemental appropriation is shown as a negative budget impact as no 2016 Budgeted funds were identified for this item pending the outcome of the community vote on Broadband ballot issue. Now with the release of a consultant Request for Proposal (RFP) staff has taken some time to prepare some estimated costs for upcoming tasks anticipated for the next phase of work on the community issue. The remaining unassigned General Fund balance will be \$6,446,959 if approved. There were no public comments made. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Broadband Initiative. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

9. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
HABITAT FOR HUMANITY FEE WAIVERS

Community Partnerships Manager, Alison Hade introduced this administrative action item to Council. Loveland Habitat for Humanity is requesting a waiver of development fees totaling \$127,032.50 for the construction of five homes to be built in 2016. This amount is for five dwellings. \$65,000 was appropriated in the 2016 Budget to backfill enterprise fees waived by the proposed resolution. This request is estimated to require \$47,041 in backfilled fees. An additional amount, not to exceed \$145,000, in development and capital expansion fees would also be waived by the resolution and not backfilled. This is normal and customary. There were no public comments made. **Councilor Shaffer moved to Adopt Resolution #R-22-2016 Waiving Certain Development Fees For Construction Of Five Residences By Loveland Habitat For Humanity. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

15. **FINANCE** (presenter: Matthew Elliott)
NEW APPROPRIATIONS

Senior Budget Analyst, Matthew Elliot introduced this administrative action item to Council. Since the adoption of the 2016 Budget, several issues and new projects have emerged that require increased appropriations. This ordinance addresses those issues. \$18,793 in revenue and \$523,710 in unassigned General Fund balance, \$40,000 of unassigned fund balance in the Conservation Trust Fund, \$17,000 of unassigned fund balance in the PEG Fee Fund, \$400,000 of unassigned fund balance in the Open Lands Capital Expansion Fee Fund, & \$92,000 in refunds and \$110,000 of unassigned fund balance in the Employee Benefits Fund are available for appropriation. If the request is approved there will be \$5,923,249 remaining in unassigned General Fund balance, \$3,512,439 remaining in unassigned Conservation Trust Fund balance, \$106,479 in unassigned PEG Fee Fund

balance, \$1,571,726 in unassigned Open Lands Capital Expansion Fee Fund balance, & \$3,390,000 in unassigned Employee Benefits Fund balance. There were no public comments made. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Projects Or Programs Not Anticipated At The Time Of Adoption For The 2016 Budget.** The motion, seconded by Mayor Pro Tem Fogle carried with all councilors present voting in favor thereof.

16. **LOVELAND POLICE DEPARTMENT** (presenter: Bill Cahill)
APPROPRIATION FOR POLICE OFFICERS

City Manager, Bill Cahill introduced the administrative action item to Council. City Council approved the addition of three (3) officers funded by existing appropriations. The Council did not accept proposed budget changes at the February 29 meeting, so staff are now returning with a different combination of budget changes based on the February 29 Council direction. A total of \$253,350 in reductions are made in 2016, with \$215,600 from the Police Department and \$37,750 from other departments whose services will not be affected by the changes. Future budget year needs for the positions are met through the continuing parts of the reductions and General Fund revenue growth. There were no public comments made. **Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Three Police Officers.** The motion, seconded by Mayor Pro Tem Fogle carried with all councilors present voting in favor thereof.

17. **CITY MANAGER** (presenter: Bill Cahill)
SUPPORT FOR I-25 MATCH FUNDS

City Manager, Bill Cahill introduced the administrative action item to adopt a resolution to support applications for federal funding of I-25 improvements by providing \$1,000,000 in local match funds. The funding, provided from the General Fund unassigned balance, would help in attracting significant grant funding to complete a \$230 million package of improvements to north I-25. Federal grant applications for TIGER funds and FASTLANE funds are being prepared by CDOT and the North Front Range Metropolitan Planning Organization (NFRMPO) respectively, and are due before the end of April. Local matching funds are required for each. If the applications are not successful, then no Loveland funding will be drawn upon. The \$1,000,000 funding for the local match would only be used if one or more of the grant applications are successful. This action is not an appropriation in itself. If successful, then the matching funds would not need to be appropriated until 2017. The unassigned General Fund balance at April 5, 2016 is \$6,696,959. There were not public comments made. **ORIGINAL MOTION: Councilor Shaffer moved to Adopt Resolution #R-24-2016 for Financial Match Support for North I-25 TIGER and FASTLANE Grant Applications.** Councilor Johnson seconded the motion. **AMENDED MOTION: Councilor Clark moved to amend the resolution regarding the matching dollar amount from the City of Loveland support from for this project "\$1 million over a three year period" to "\$2 million over a three year period".** The motion, seconded by Councilor Ball, carried with all Councilors voting in favor thereof. **ORIGINAL MOTION AS AMENDED: Roll was called on the amended Resolution, which passed with all councilors present voting in favor thereof.**

18. **CITY MANAGER** (presenters: Jeff Bailey and Bill Cahill)
SUPPORT FOR QUIET ZONE LOCAL MATCH FUNDS

City Manager, Bill Cahill introduced the administrative action item to adopt a resolution to authorize City application for federal TIGER grant funding of a Quiet Zone by providing \$1,500,000 in local match funds for a \$5 million federal grant. The funding, provided from the General Fund unassigned balance, is necessary to the submittal of a federal applications for TIGER funds for a Quiet Zone. If the application is not successful, then no Loveland funding will be drawn upon. The \$1,500,000 funding for the local match would only be used if the TIGER grant application is successful. This action is not an appropriation in itself. If successful, then the matching funds would not need to be appropriated until 2017. The unassigned General Fund balance at April 5, 2016 is \$6,696,959. Public Comments: Transportation Advisory Board member, Bruce Croissant indicated the Board was in support of the Grant application and will be drafting a letter for support; Roger Weidelman, spoke in opposition to the Resolution; Gary LuIndquist, 833, W. 10th St spoke in support; Traudle Renner, 418 W. 12th St, spoke in support. **Councilor Shaffer moved to Adopt Resolution #R-25-2016 For Financial Match Support For TIGER Grant Application For Quiet Zone. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor.** Council directed Staff to place a link to the "Train Horn Rule" to encourage the public to make comments. By a consensus of Council, a letter will be sent, thanking Federal Delegation for their assistance in having the "Rule" reopened by the Federal Railway Administration "FRA".

**19. HUMAN RESOURCES (presenter: Karen Rees)
DISCUSSION OF EVALUATION PROCESS OF DIRECT REPORTS TO COUNCIL**

This is an administrative action item to discuss/determine the evaluation process for the City Manager, City Attorney and Presiding Municipal Judge for 2015 performance and a possible executive session to discuss personnel matters, including performance, salary, and benefits of the City Manager, the City Attorney, and the Municipal Judge as authorized by § 24-6-402(4)(f) of the Colorado Revised Statutes and Charter Section 4-4(c)(5). **Consensus of Council was to create a subcommittee to review and make recommendations to the entire council on the evaluation process. That Subcommittee is made up of the following Council members: Don Overcash, Dave Clark, Rich Ball and Leah Johnson. The Subcommittee name Councilor Overcash as the "unofficial" chair.**

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.

- Johnson** Attended the first North Front Range Waste-shed Planning Coalition Policy Group meeting and was voted Chair of the Group.
- Fogle** Commended the Planning Department on the progress they are making on "updating" and addressing issues. Encouraged City Council to support the department during this process.
- Shaffer** Asked Staff to look into a more detailed on the "guide" for Channel 16 to help viewers to know when "City" programs will be broadcast.
- Ball** Visited the new Comcast/Xfinity facility at Centerra, located next door to Barnes and Noble.
- Gutierrez** At least four councilors supported a discussion regarding the definition of "directly abut" be brought back for discussion on a future agenda. Staff will notify Planning Commission members when it is scheduled on an agenda; Mayor Gutierrez has been working with Betsey Markey, on Small Business Assistance programs, by putting her in contact with Loveland representatives; Staff will be presenting an update to Council on the

GONOCO application process at the May 3, 2016 regular Council Meeting.

CITY MANAGER REPORT

Cahill Police Chief Recruitment update. The Public land City Council should not expect an offer to be made for at least two and three weeks.

CITY ATTORNEY REPORT


None

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the April 5, 2016 Regular meeting at 9:47 p.m.

Respectfully submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor



