

MINUTES
LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, APRIL 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, Shaffer, Fogle, Johnson, Ball, Clark, Overcash, and McKean. **Councilor Absent:** Krenning.

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.

Mayor Gutierrez asked if members of the public, staff or Council would like to remove any items from the consent agenda. No items were removed. Councilor Shaffer moved to approve the consent agenda. The motion seconded by Councilor Fogle 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 April 5, 2016 Regular Meeting and the April 12, 2016 Study Session was approved.
This is an administrative action item to approve the City Council minutes for the April 5, 2016 regular meeting and the April 12, 2016 study session.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CULTURAL SERVICES BOARD
A motion to appoint Heather Fortin Rubald to the Cultural Services Board for a partial term effective until December 31, 2018 was approved.
This is an administrative item appointing a member to the Cultural Services Board.

3. **WATER & POWER AND FINANCE** (presenters: Steve Adams and Brent Worthington)
BROADBAND INITIATIVE
A Motion To Approve On Second Reading, Ordinance #6005 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Broadband Initiative was approved.
This is an administrative action item. 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.
4. **DEVELOPMENT SERVICES** (presenter: John Schumacher)
AMENDMENT TO BUILDING CODE LOT LINE CONSOLIDATION REQUIREMENT
A Motion To Approve On Second Reading, Ordinance #6006 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.
5. **FINANCE** (presenter: Matthew Elliott)
ROLLOVER RE-APPROPRIATIONS
A Motion To Approve On Second Reading, Ordinance #6007 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.
6. **FINANCE** (presenter: Matthew Elliott)
ROLLOVER RE-APPROPRIATION FOR AIRPORT PROJECTS
A Motion To Approve On Second Reading, Ordinance #6008 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

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

**7. FINANCE (presenter: Matthew Elliott)
LURA RE-APPROPRIATION FOR THE FAÇADE GRANT PROGRAM**

A Motion To Approve On Second Reading, Ordinance #6009 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

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

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

A Motion To Approve On Second Reading, Ordinance #6010 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 was approved.

This is an administrative action item. 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

9. **LOVELAND POLICE DEPARTMENT** (presenter: Bill Cahill)
APPROPRIATION FOR POLICE OFFICERS
A Motion To Approve On Second Reading, Ordinance #6011 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Three Police Officers was approved.
This is an administrative action item. 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. The first reading of this item was presented at the April 5, 2016, council meeting and passed unanimously.

10. **PUBLIC WORKS** (presenter: Ian McCargar, Town of Windsor)
GRANT OF EASEMENT FOR A RECREATIONAL TRAIL
A Motion to Adopt Resolution #R-26-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Town Of Windsor, Colorado Regarding The Grant Of Easement Rights For A Public Recreational Trail was approved.
This is an administrative action item. This Resolution, IGA and grant of easement is being proposed by the Town of Windsor to allow for a proposed ten-foot wide concrete trail system adjacent to the Highland Meadows Golf Course Subdivision and portions of trail to be constructed within City of Loveland right-of-way to serve as the public sidewalk connection along the east side of Fairgrounds Avenue adjacent to the Highland Meadows Golf Course Subdivision. The proposed trail will substitute for a standard detached sidewalk as required by the Larimer County Urban Area Street Standards.

11. **PUBLIC WORKS** (presenter: Jeff Bailey)
IGA FOR CHIP SEAL MAINTENANCE
A Motion to Adopt Resolution #R-27-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And Larimer County, Colorado Regarding Road Maintenance was approved.
This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Larimer County to provide maintenance and resurfacing of portions of North Taft Avenue aka County Road 17 and South Saint Louis Avenue aka South County Road 13C. This is an IGA for the 2016 calendar year. Funding was approved by City Council as part of the adopted 2016 City Budget on April 5, 2016.

12. **PUBLIC WORKS** (presenter: Jeff Bailey)
IGA FOR COUNTY ROAD 3 CONSTRUCTION AND MAINTENANCE
A Motion to Adopt Resolution #R-28-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And Larimer County, Colorado Regarding Road Construction And Maintenance; And Authorize The City Manager To Execute The Agreement was approved.
This is an administrative action to consider a resolution to approve an Intergovernmental Agreement (IGA) with Larimer County to provide road construction and maintenance on High Plains Boulevard (Larimer County Road 3). This is an IGA for the 2016 calendar year. Funding in the amount of \$150,000 for this project has been programmed in the City Transportation Capital Improvement Plan, approved by City Council as part of the 2015 Rollovers for 211-23-232-1700-49360 EN1502 on April 5, 2016.

13. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTING MEMBERS TO THE DDA BOARD
A Motion to Adopt Resolution #R-29-2016 Appointing Members To The Downtown Development Authority Board was approved.
This is an administrative item appointing Ray Steele, Jr. to the Downtown Development Authority Board for a partial term effective until June 30, 2016.

14. **HUMAN RESOURCES** (presenter: Karen Rees)
EMPLOYEE CLINIC CONTRACT RENEWAL
A Motion to Approve the City Employee Clinic (Healthstat) Contract Renewal Of The Contract Dated May 2, 2014 Between The City And Healthstat, Inc, For Operation Of The City Employee Clinic was approved.
This is an administrative annual process to continue the contract with Healthstat for operation of the Employee Clinic and related services. The agreement may cover operations and services for up to five years. The contract runs from May 1, 2016 to April 30, 2017. Expenditures will be an amount not to exceed \$569,000. Healthstat will provide clinic services to eligible participants during the period as outlined in the contract. The amount of \$569,000 is within the projected and approved 2016 Budget. Staff came before City Council on October 13, 2015 with an update regarding the Healthstat Employee Clinic.

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.

No public comment.

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

15. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
SOUTH CATALYST DEMOLITION CONTRACT
Economic Development Manager, Mike Scholl presented this administrative action item that directs the City Manager to sign the contract with Hudspeth & Associates, Inc. to perform the abatement and demolition for the South Catalyst project. Hudspeth's bid of \$543,820.50 was deemed the most responsive and responsible by staff. Hudspeth is General Abatement Contractor (GAC) based out of Englewood, Colorado. Because the contract exceeds \$500,000 it requires City Council approval. No appropriation is

necessary; funds are already budgeted. Mike gave a status update on the " South Catalyst project". There were no public comments made. Councilor Shaffer moved to authorize the City Manager to Execute the Contract Award For The South Catalyst Project Abatement And Demolition. The motion, seconded by Councilor Johnson, carried with all councilors present voting in favor thereof.

16. **CITY ATTORNEY** (presenter: Tami Yellico)

LARIMER COUNTY ANIMAL SHELTER FEE EXEMPTIONS

City Attorney, Tami Yellico presented this legislative action item that continues to May 3, 2016 the first reading of an ordinance granting a waiver of certain capital expansion fees (CEFs) and other impact fees assessed to Larimer County by the City in the amount of \$366,325.32 for the construction of a new animal shelter in the City and waive the requirement to reimburse such fees to the CEFs by the general fund or other fund. Councilor Clark moved to Continue First Reading of An Ordinance Granting Larimer County an Exemption from Certain Capital Expansion Fees and Other Development Fees for the Larimer County Animal Shelter Project to a future Council Meeting. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.

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.

- Overcash** Reported on the status of the Council Subcommittee appointed to review the evaluation process for Council's direct employees. Probably not a lot of change this year.
- Clark** Loveland Downtown Partnership would like to come to Council at a Study session along with the DDA including a discussion regarding the election.
- Fogle** Attended the Arbor Day events.
- Ball** Reported to Council the progress of the Human Services Commission grant program. Receiving very positive reports from the public on Library services.
- Gutierrez** Letter of appreciation to the Federal reps regarding train horn rule reopening for public review. Letter of appreciation to Governor Hickenlooper for his support for the Windy Gap project, signed by all of Council. Attended the 40th anniversary of Metric Motors in Loveland.

CITY MANAGER REPORT

None

CITY ATTORNEY REPORT

None

ADJOURN

Hearing no further business to come before Council, Mayor Gutierrez adjourned the April 19, 2016 Regular meeting at 6:58 p.m.

Respectfully submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

