

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 5, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:00 p.m. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Gutierrez, Fogle, Krenning, Ball, Overcash, Clark and McKean. Councilor Shaffer. Councilor Johnson was absent

SPECIAL AGENDA ITEMS:

1. CITY COUNCIL (presenter: Tami Yellico)

COUNCIL MEETING RULE CHANGE

Council Discussion ensued: Consensus of Council was to strike the last sentence in section "g". To add a provision for consideration where 10 members of the public (name, address and phone number) may petition the City Manager to place a topic on the next available Study session with support of at least 2 City Council members. **CONTINUED RESOLUTION: Councilor Krenning moved to continue the Resolution Rescinding All Prior Resolutions Concerning The Rules Of Procedure For The City Council Of The City Of Loveland, Colorado And Adopting Consolidated Rules Of Procedure; with the requested amendments to the July 19, 2016 meeting. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

2. HUMAN RESOURCES (presenter: Julia Holland)

SALARY INCREASES FOR MUNICIPAL JUDGE

This is an administrative action regarding compensation of the Municipal Judge. At the direction of City Council, the salary for the Municipal Judge shall receive a three and one-half percent (3.5%) merit increase beginning on July 1, 2016. There was no public comment. **Councilor Shaffer moved to approve Resolution #R54-2016 Of The Loveland City Council Regarding compensation of the Municipal Judge, Gerrellen Joneson. Increase of 3.5% to the current salary of \$100,006. The motion, seconded by Councilor Krenning, carried with all councilors present voting in favor thereof.**

3. HUMAN RESOURCES (presenter: Julia Holland)

SALARY INCREASES FOR CITY ATTORNEY

This is an administrative action regarding compensation of the City Attorney. At the direction of City Council, the salary for the City Attorney shall receive a three and one-half percent (3.5%) merit increase beginning on July 1, 2016. Bob Van Gorder, Ft. Collins resident, spoke in opposition to the resolution. **Councilor Shaffer moved to approve Resolution #R55-2016 Of The Loveland City Council Regarding compensation of the City Attorney Tami Yellico. Increase of 3.5% to the current salary of \$161,870. The motion, seconded by Councilor Krenning, carried with all councilors present voting in favor thereof.**

4. **HUMAN RESOURCES** (presenter: Julia Holland)

APPOINTMENT OF CITY MANAGER

This is an administrative action to adopt the resolution confirming the appointment of Steve Adams as City Manager effective July 1, 2016 and to authorize the Mayor to execute an employment agreement on terms and conditions consistent with Council's direction. The City Manager appointment was made by motion on June 28, 2016. Bruce Croissant, 1625 Jackson Ave, expressed concern with the firing of past city manager, Bill Cahill. Larry Sarnar, Ward II resident, asked questions regarding the severance package for the new city manager. **Councilor Shaffer moved to approve Resolution #R56-2016 confirming the appointment of Steve Adams as City Manager for the City of Loveland and approving an Employment Agreement effective July 1, 2016. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

CONSENT AGENDA

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 Shaffer moved to approve the Consent Agenda with the exceptions of items 10, 13 (Resident, Larry Sarnar), 15, and 21 (Councilor Overcash), which will be considered on the Regular Agenda. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.

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

APPROVAL OF MEETING MINUTES

A Motion To Approve City Council Minutes For the May 17, 2016 and June 7, 2016 Regular Meetings and the May 24, 2016 and June 14, 2016 Study Sessions and the June 16, 2016 Special Meeting was approved.

This is an administrative action item to approve the City Council minutes for the May 17, 2016 and June 7, 2016 Regular Meetings; the May 24, 2016 and June 14, 2016 Study Sessions; and the June 16, 2016 Special Meeting.

6. **CITY MANAGER** (presenter: Steve Adams)

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

- 1. Adopt a motion to reappoint Will Gresham to the Affordable Housing Commission for a term effective until June 30, 2019 was approved.**
- 2. Adopt a motion to reappoint Barbara Irelan to the Affordable Housing Commission for a term effective until June 30, 2019 was approved.**
- 3. Adopt a motion to reappoint Diann Rice to the Affordable Housing Commission for a term effective until June 30, 2019 was approved.**

4. **Adopt a motion to appoint Gil Barela to the Affordable Housing Commission for a partial term effective until June 30, 2018 was approved.**
5. **Adopt a motion to appoint Jerry Beers as an alternate member on the Affordable Housing Commission for a term effective until June 30, 2017 was approved.**
6. **Adopt a motion to reappoint Amy Olinger to the Human Services Commission for a term effective until December 31, 2019 was approved.**
7. **Adopt a motion to appoint Maren Soreide to the Human Services Commission for a term effective until December 31, 2019 was approved.**
8. **Adopt a motion to reappoint Stan Taylor to the Human Services Commission for a term effective until December 31, 2019 was approved.**
9. **Adopt a motion to reappoint David Schneider to the Loveland Utilities Commission for a term effective until June 30, 2019 was approved.**
10. **Adopt a motion to reappoint Randy Williams to the Loveland Utilities Commission for a term effective until June 30, 2019 was approved.**
11. **Adopt a motion to reappoint Bruce Croissant to the Transportation Advisory Board for a term effective until June 30, 2019 was approved.**
12. **Adopt a motion to reappoint Lou Price to the Transportation Advisory Board for a term effective until June 30, 2019 was approved.**

This is an administrative action item appointing members to Affordable Housing Commission, Human Services Commission, Loveland Utilities Commission and Transportation Advisory Board.

7. **CULTURAL SERVICES** (presenter: Bryan Zellmer)
SUPPLEMENTAL APPROPRIATION FOR CULTURAL DONATIONS

A Motion To Approve On Second Reading, Ordinance #6020 Enacting a Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Foote Lagoon Concert Series, The Rialto Theater Center Arts & Education Programs And The Rialto Theater Center Cinema Series was approved.

This is an administrative action item. Donations have been received from Kaiser Permanente to fund the Foote Lagoon Series (\$20,000) and the Iva McKee Charitable Trust to fund the Arts & Education Programs (\$28,000) and the Cinema Series (\$12,000). The ordinance was approved unanimously on first reading by City Council on June 7, 2016.

8. **MUNICIPAL COURT** (presenter: Geri Joneson)
COURT SURCHARGE FEES

A Motion To Approve On Second Reading, Ordinance #6021 To Amend Chapter 1.12.010, Subsection C, Of The Loveland Municipal Code To Include Municipal Court Justice Programs As A Recipient Of 30% Of The Total Surcharge Collected was approved.

This is an administrative action item. In February, a committee reviewed the use of a surcharge that has funded Alternative Dispute Resolution Programs and more recently, Traffic Safety and Enforcement Programs. The committee agreed that Municipal Court Justice Programs were valuable sentencing alternatives that benefit offenders and the community. It was further agreed that funding could be achieved by allocating 30% of the total annual surcharge to Municipal Court Justice Programs. The remaining 70% would be allocated to Traffic Safety and Enforcement. This would be a simple redistribution of funds with no financial consequence nor impact to the budget. The ordinance was approved unanimously on first reading by City Council on June 7, 2016.

9. **PUBLIC WORKS** (presenter: Jeff Bailey)
SUPPLEMENTAL APPROPRIATION BYRD DRIVE

A Motion To Approve On Second Reading, Ordinance #6022 Enacting A

Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Byrd Drive Roadway Connection was approved.

This is an administrative action item. City Council approval is necessary to appropriate the funds to authorize the use of City of Loveland and Colorado Department of Transportation (CDOT) funds to construct the missing segment of Byrd Drive between Crossroads Blvd and Earhart Road. Council approved the Intergovernmental Agreement (IGA) at the May 6, 2016 Council Session which accepted the CDOT funds and conditions to be used to construct the missing segment of roadway. The ordinance was approved unanimously on first reading by City Council on June 7, 2016.

10. **CITY CLERK** (presenter: Terry Andrews)
DDA ELECTION
This item was considered on the Regular Agenda

11. **CITY CLERK** (presenter: Terry Andrews)
PUBLIC COMMENT
CODE AMENDMENT TO INCREASE TASTING DAYS
A Motion To Approve On First Reading, An Ordinance Amending Section 8.08.030(K) Of The Loveland Municipal Code To Increase The Number Of Days Tastings Are Permitted was approved.
This is a legislative action item to consider amending Section 8.08.030(K) of the Loveland Municipal Code to increase the frequency and total number of tastings a retail liquor store or liquor-licensed drug store can conduct sample tastings. The increase would move from fifty two tastings yearly, for no more than two times between Monday and Saturday, to one hundred and four tastings, for no more than four times between Monday and Saturday.

12. **CULTURAL SERVICES** (presenter: Susan Ison)
PUBLIC COMMENT
SUPPLEMENTAL APPROPRIATION FOR RIALTO AND MUSEUM PROGRAMS
A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Rialto Theater Cinema Series Program And Also The Loveland Museum/Gallery's Education, Classes And Programs was approved.
This is an administrative action item. A donation of \$14,201 has been received by the Rialto Theater from the Backstage Rialto to expand the theater's Cinema Series Program. Also, an appropriation of \$8,000 to fund the Cherry Pie Celebration, Halloween Fun Festival and the Lone Tree School programs. The City has received donations in the amount of \$14,102 to support the Rialto Theater Cinema Series and \$8,000 is anticipated to be generated from the Museum events. Thus, there is no impact on unassigned General Fund balance.

13. **INFORMATION TECHNOLOGY** (presenter: Bill Westbrook)
PUBLIC COMMENT
SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC
This item was considered on the Regular Agenda

14. **PARKS AND RECREATION** (presenter: Molly Elder)
PUBLIC COMMENT
SUPPLEMENTAL APPROPRIATION FOR MEHAFFEY DOG PARK
A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget To Fund Safety Repairs At Mehaffey Dog Park was approved.
This is an administrative action item. The ordinance provides \$41,000 from the General

Fund to support emergency repairs made to the Mehaffey Dog Park to address safety concerns. The funding for the requested appropriation is from unreserved fund balance in the General Fund. The appropriation of this fund reduces the flexibility to fund other future events or projects.

15. **PUBLIC WORKS** (presenter: Jeff Bailey)

PUBLIC COMMENT

IGA WITH CDOT FOR HIGHWAY 34 AND BOYD LAKE AVE CONSTRUCTION

This item was considered on the Regular Agenda.

16. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)

2016 MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

A Motion To Approve Resolution R-47-2016 Adopting 2016 Larimer County Multi-Jurisdictional Hazard Mitigation Plan was approved.

This is an administrative action item. Emergency Managers throughout Larimer County have collaborated to develop a single county wide Hazard Mitigation Plan (HMP) for responding to disasters and preventing losses in future occurrences. The plan includes requirements set forth by the Federal Emergency Management Agency (FEMA) and the Colorado Division of Homeland Security and Emergency Management in order for the City and Larimer County to be eligible for funding and technical assistance from state and federal hazard mitigation programs.

The impact on the budget for the adoption of the HMP is neutral; however, FEMA requires the City to have a current HMP in order to receive many types of FEMA-funded grants.

17. **ECONOMIC DEVELOPMENT** (presenter: Susan Grafton)

BUSINESS ASSISTANCE FOR GENESIS HOSPITALITY

A Motion To Adopt Resolution R-48-2016 Approving The Terms And Conditions Of The Genesis Hospitality Corporation Business Assistance Agreement was approved.

This is an administrative action item. This is an administrative action. On May 24, 2016, Genesis Hospitality appeared before Council in study session requesting business assistance. The company plans to expand their current facility with construction of a new manufacturing facility next to their existing plant on Medford Drive. Attached for Council review is the proposed Business Assistance Agreement providing for a maximum of \$100,000 in permit fee waivers and construction use tax.

18. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)

GATORWEST ADDITION ANNEXATION

A Motion To Adopt Resolution R-49-2016 Finding a Certain Petition for Annexation Known as Gatorwest Addition, Filed June 20, 2016, to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of Section 31-12-107(1), C.R.S.; and Establishing a Date, Time, and Place for a Hearing to Determine Whether the Proposed Annexation Complies with the Applicable Requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is Eligible for Annexation to the City of Loveland, Colorado was approved.

This is a legislative action item to set a public hearing date of August 16, 2016 for the consideration of an annexation of 2.3 acres to be known as the Gatorwest Addition. The property is located at 5100 Granite Street, and also has frontage on the west side of N. Garfield Avenue, roughly half way between W. 50th Street and Ranch Acres Drive. Included with the annexation proposal is a request to zone the property B-Developing Business. The applicant is M. Bryan Short with Gatorwest, LLC.

19. **WATER AND POWER** (presenter: Greg Dewey)
LETTER OF UNDERSTANDING WITH CDOT FOR USE OF IDYLWILDE
A Motion To Adopt Resolution R-50-2016 Approving A Letter Of Understanding (LOU) Between The Colorado Department Of Transportation And The City Of Loveland was approved.
 This is an administrative action item. A Letter of Understanding (LOU) to establish mutual collaboration between the Colorado Department of Transportation (CDOT) and the City of Loveland (City) regarding the status and condition of the Idylwilde parking lot on completion of U.S. Highway 34 reconstruction.
 The letter of understanding is intended to assure that CDOT will not create more work or expense for the City in meeting the final U.S. Forest Service requirements for reclamation.
20. **WATER AND POWER** (presenter: Lindsey Bashline)
ENERGY IGA WITH PLATTE RIVER AND OTHER MUNICIPALITIES
A Motion To Adopt Resolution R-51-2016 Approving An Intergovernmental Agreement Among The Town Of Estes Park, The City Of Fort Collins, The City Of Longmont, The City Of Loveland, And Platte River Power Authority For Demand Side Management And Distributed Energy Resource Program Partnership was approved.
 This is an administrative action item. An Intergovernmental Agreement (IGA) for Demand Side Management (DSM) and Distributed Energy Resource (DER) Program Partnership has been mutually drafted by the staff of Platte River Power Authority (PRPA) and the Municipalities of Estes Park, Fort Collins, Longmont and Loveland. The PRPA Board of Directors unanimously adopted the IGA at the May 26, 2016 meeting and the Loveland Utilities Commission unanimously voted to recommend that Council approve the IGA at the June 15, 2016 meeting.
 DSM and DER programs are currently budgeted for in the Water and Power budget. The IGA does not necessarily increase DSM or DER program costs, but it does provide a mechanism for increasing DSM and DER programming (thereby increasing costs). No DSM or DER programs would be contracted for in excess of funds appropriated and budgeted in the Water and Power budget.
21. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
HSG AND CDBG RECOMMENDED ALLOCATIONS
This item was considered on the Regular Agenda
22. **FINANCE** (presenter: Theresa Wilson)
MAY 2016 FINANCIAL REPORT
 This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending May 31, 2016.
23. **CITY MANAGER** (presenter: Alan Krcmarik)
MAY 2016 INVESTMENT REPORT
 This is an information only item. The budget projection for investment earnings for 2016 is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the May monthly report, the estimated yield on the fixed income securities held by USBank was at 1.26%, for total assets the yield was 1.11%. For the year-to-date, total earnings of \$861,530 have been posted to City fund accounts. U.S. short-term Treasury interest rates rose again in May; the portfolio's change in unrealized gain for the year-to-date was down to \$1.42 million. The end of May portfolio market value is estimated to be \$217.8 million. The total market value of the portfolio is now higher than

the end of 2015 by about \$400,000. The peak amount for the portfolio was reached before the 2013 flood when it had an 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.

Stacy Lynne, Larimer County Resident, expressed concern regarding City Employee Detective Brian Koopman; John Meadors, spoke in support of Ms. Lynne's comments; Michelle DeMarco, Ft. Collins resident, asked why they were not informed of the "Brady Cop" list designation at the time of their case; Greg Larette, Limon, CO expressed concern with the Loveland Police Department; Colorado residents: Victoria Albright, Rosemary Van Gorder, Richard Nelson spoke in support of Ms. Lynne's comments this evening. Linda Bidlake, Ward 1 resident, expressed concern regarding the use of illegal fireworks in the City of Loveland.

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

**10. CITY CLERK (presenter: Terry Andrews)
DDA ELECTION**

This is a legislative action item needed to allow the City to conduct a special election on November 8, 2016 as a coordinated election with the Larimer County Clerk and Recorder. The ordinance was approved unanimously on first reading by City Council on June 7, 2016. Mr. Sarner was not present for this consideration. **Councilor Shaffer moved to Approve On Second Reading, Ordinance #6023 Calling for a Special Election To Be Held November 8, 2016 Which Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder and, To The Extent Necessary To So Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern was approved. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.**

**13. INFORMATION TECHNOLOGY (presenter: Bill Westbrook)
SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC**

This is an administrative action item. Information Technology is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland and internal traffic & IT operations. We are requesting an appropriation of \$86,515 for the 2016 budget from the Fiber Network Fund. This appropriation is intended to cover

expenses for a physical inventory of eleven miles of City owned fiber infrastructure consisting of 67 splice hand holes and 464 slack (pull) hand holes, in coordination with a separate Platte River Power Authority funded project to perform a physical inventory of all fiber assets owned by PRPA. The partner performing this project will be Backbone Fiber, LLC, who is contracted with the City to perform fiber services including installation, splicing, maintenance, and researching and gathering of information for the City owned fiber network. The project will start immediately upon budget approval and is expected to last up to four months. Public Comment: Larry Sarnar, Ward 2, asked for clarification of what would be inventoried and why the general fund was paying for it. **Councilor Shaffer moved to approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Inventory Of City Owned Fiber Optic Assets. The motion, seconded by Councilor Overcash, carried with all councilors present voting in favor thereof.**

15. **PUBLIC WORKS** (presenter: Jeff Bailey)
IGA WITH CDOT FOR HIGHWAY 34 AND BOYD LAKE AVE CONSTRUCTION

This is an administrative action item. City Council approval is necessary to finalize the submitted IGA amendment and to authorize the use of the Federal Hazard Elimination funds that were recently awarded to upgrade the intersection. Overall funding approval will be required once this project is competitively bid and a contractor is selected to complete the work.

Project Funds

CDOT & FHWA HES Grant = \$495,000 (appropriated in August 2013)

Local Contribution (design, signal equipment and roadway construction) = \$1,800,000 (appropriated in October 2015).

CDOT FASTER Safety Mitigation funds = \$900,000

Approval of this item will allocate funds for the construction of this project (EN1302) and allow an agreement to be in place for reimbursement of construction costs. Patrick Dougherty, business owner and resident in the vicinity of this intersection, spoke in support of this project. **Councilor Shaffer moved to Adopt Resolution R-46-2016 Approving An Amendment To An Intergovernmental Agreement Between The City Of Loveland, Colorado And The State Of Colorado, Acting By And Through The Colorado Department Of Transportation, To Upgrade The Intersection Of U.S. Highway 34 And Boyd Lake Avenue In The City Of Loveland. The motion, seconded by Councilor Clark, carried with all councilors present voting in favor thereof.**

Councilor Shaffer moved to Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Upgrades To The Intersection Of U.S. Highway 34 And Boyd Lake Avenue. The motion, seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof. Council Direction was to schedule a follow up item on a study session agenda, regarding other needs for this project.

21. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
HSG AND CDBG RECOMMENDED ALLOCATIONS

This is an administrative action item. The Human Services Commission and Affordable Housing Commission considered 51 grant requests totaling \$1.38 million, and recommended funding 42 with allocations of \$550,411 for human services and \$299,516 for affordable housing and public facilities. The attached staff report describes how the commissions made their decisions. Public Comment: Glorie Magrum, Director of the House of Neighborly asked Council to spend more resources toward in the area of "Homeless" people within the City of Loveland; Marcy Yoder, United Way, spoke in

support of the resolution. Consensus of Council was to place the discussion regarding the rising “homeless” population at a future Study Session. Councilor Shaffer moved to Adopt Resolution R-52-2016 Approving the 2016 Grant Funding Recommendation of the Loveland Human Services Commission and the Loveland Affordable Housing Commission. The motion seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.

(7:25) 24. **YOUTH ADVISORY COMMISSION** (presenters: Beth Gudmestad & YAC Members)
ELECTRONIC SMOKING DEVICE RESTRICTIONS

This is a legislative action item providing two alternative and mutually exclusive ordinances to prohibit the use of electronic smoking devices in public places. The Youth Advisory Commission Ordinance seeks to treat all emissions from electronic smoking devices the same as conventional tobacco smoke and the Council Directed Ordinance seeks to prohibit emissions from electronic smoking devices only within City buildings. Public Comment: Roger Gomez, property owner in the City of Loveland, spoke in opposition of option 1; Andy Gomez, Vapor Store Owner, spoke in opposition of Option 1; Katherine York, Denver Vapor store owner, spoke in opposition of option 1, but supported option 2; Corey York, spoke in opposition; Lauren spoke in support of option 1; Lisa Lake, Larimer County Vape Store owner, spoke in opposition; Roger Weidlemann, spoke in support of option 1; Scotty Tanner, Denver Vapor store owner, spoke in opposition; Monica Van Dreska, Denver Store Owner, spoke in opposition. **OPTION 1: Councilor Shaffer moved to approve on first reading, An Ordinance Amending Chapter 7.40 Of The Loveland Municipal Code To Address The Use Of Electronic Smoking Devices In Indoor Areas Within City Owned Facilities. The motion was seconded by Councilor Ball. CALL FOR THE QUESTION: Councilor Krenning moved to Call the question. The motion, seconded by Councilor McKean, failed with four councilors voting favor and Councilors Clark, Ball, Shaffer and Fogle voting against.**

Councilor Krenning moved to extend the meeting until 11:00 p.m. The motion seconded by Mayor Pro Tem Fogle, carried with all councilors present voting in favor thereof.

ORIGINAL MOTION: Roll was called on the original motion, which failed with three councilors voting in support and Councilors Clark, McKean, Shaffer, Overcash and Krenning voting against.

Councilor Shaffer moved to extend the meeting until 11:30 p.m. The motion seconded by Councilor Ball, carried with five councilors voting in favor and Councilors Fogle, Clark and McKean voting no.

OPTION 2: Councilor Shaffer moved to approve on first reading, An Ordinance Amending Chapter 7.40 Of The Loveland Municipal Code To Address The Use Of Electronic Smoking Devices In Indoor Areas Within City Owned Facilities. The motion was seconded by Mayor Pro Tem Fogle.

AMENDMENT: Councilor Krenning moved to amend the motion to include Parks and Open Space to Indoor areas. The motion, seconded by Mayor Pro Tem Fogle, failed with four councilors voting in favor and Councilors McKean, Shaffer, Overcash and Clark voting against.

ORIGINAL MOTION: Roll was called on the original motion, which carried with all councilors present voting favor thereof.

25. **CITY ATTORNEY** (presenter: Tami Yellico)
SALES TAX EXEMPTION ON PRESCRIPTIONS FOR ANIMALS

This is a legislative action item to consider amending Sections 3.16.010 and 3.16.020 of the Loveland Municipal Code to specifically exempt Prescriptions for Animals from the City's sales tax. Consensus of Council was to mirror the State and County regulations for the definition used in taxing veterinary prescriptions and retail products. Councilor

Shaffer moved to approve on first reading, An Ordinance Amending Sections 3.16.010 and 3.16.020 of the Loveland Municipal Code Creating a New Sales Tax Exemption Regarding Prescriptions for Animals. The motion was seconded by Councilor McKean. **AMENDMENT:** Mayor Pro Tem Fogle, moved to amend the ordinance by mirroring State and County regulations of the definition used in taxing veterinary prescriptions and retail products. The motion carried with all councilors present voting in favor thereof. **ORIGINAL MOTION AS AMENDED:** Roll was called on the original motion, as amended, which carried with all councilors present voting in favor thereof.

Councilor Krenning moved to extend the meeting until 12:30 a.m. The motion seconded by Councilor McKean, failed with four councilors voting in favor and Councilors Overcash, Fogle Ball and Shaffer voting against.

Councilor McKean moved to extend the meeting until 12:00 a.m. The motion seconded by Councilor Krenning, carried with seven councilors voting in favor and Councilor Krenning voting against.

26. **PUBLIC WORKS** (presenters: Leah Browder, Steve Southard and Tim Brown)
GOLF CAR CODE AMENDMENT

This is a legislative action item. During the City Council Meeting on March 15, 2016 it was requested that bollards within a City emergency access path be adjusted to allow privately-owned golf carts to travel to The Olde Course. In order to implement the City Council's preferred approach as interpreted by staff, as simple an amendment as possible to the Municipal Code to allow golf car travel to Loveland's municipal golf courses is recommended. Estimated costs to adjust bollard locations are \$5,000. These funds will be identified within the Public Works Project Engineering budget. Should funding be required to secure an alternate entry point to replace the currently used private Vista Verde gate access, a supplemental appropriation may be necessary. Staff will look at the Councilor Shaffer moved to Approve On First Reading, An Ordinance To Amend The Loveland Municipal Code With Respect To The Authorization And Regulation Of Golf Cars On Certain Public Streets Within The City Of Loveland. The motion was seconded by Councilor Krenning. **CALL THE QUESTION:** Councilor Ball moved to call the question and end debate. The motion, seconded by Councilor Krenning, carried with all councilors present voting in favor thereof. **ORIGINAL MOTION:** Roll was called on the original motion, which carried with all councilors present voting in favor thereof.

27. **CITY ATTORNEY** (presenter: Tami Yellico)
LITIGATION REGARDING UTILITY EASEMENTS

This is an administrative action item. City Council may be asked to consider formal action by motion, to direct staff with regard to litigation and/or a potential Executive Session, to consider possible litigation and/or negotiation for utility easement quiet title actions. Roger Gomez, explained the issue regarding utilities located on his property. Agreements were issued v. easements. Councilor Shaffer moved that the City Council go into executive session to received legal advice and to determine negotiating positions, develop negotiation strategy and to instruct negotiators with regard to litigation the City could initiate regarding City utility easements west of Wilson Avenue and specifically at 3510 W. Eisenhower as authorized by the following section of the Colorado Open Meetings Law and the City Charter: to received legal advice from the City Attorney's Office as authorized in CRS § 24-6-402(4)(b) and Charter Section 4-4(c)(3); and to discuss future negotiations, to determine negotiation positions, develop negotiation strategy and to instruct negotiators concerning such positions

and strategy as authorized by CRS § 24-6-402(4)(e) and Charter Section 4-4(c)(1) at 11:50 p.m.

Councilor Clark moved to extend the meeting until 12:30 a.m. The motion seconded by Mayor Pro Tem Fogle, carried with seven councilors voting in favor and Councilor Krenning voting against.

28. **CITY ATTORNEY** (presenter: Tami Yellico)
BUCK 2ND LLP NEGOTIATION DIRECTION

This is an administrative action to allow for receiving legal advice and to discuss matters subject to negotiation. In Executive Session, City Council can provide guidance regarding negotiations concerning the lawsuit of Buck 2nd v City of Loveland and Giuliano & Father Construction v City of Loveland for the purpose of negotiations, possible settlement, or court ordered mediation. Councilor Shaffer moved that the City Council go into executive session to received legal advice and to determine negotiating positions, develop negotiation strategy and to instruct negotiators with regard to litigation Buck 2nd LLC v City of Loveland and Giuliano & Father Construction, Inc. and Giuliano Addition, LLLP v City of Loveland as authorized by the following section of the Colorado Open Meetings Law and the City Charter: to received legal advice from the City Attorney's Office as authorized in CRS§24-6-402(4)(b) and Charter Section 4-4(c)(3); and for the purpose of settlement negotiations, to determine negotiation positions, develop negotiation strategy and to instruct negotiators concerning such positions and strategy as authorized by CRS § 24-6-402(4)(e) and Charter Section 4-4(c)(1) at 11:50 p.m. The motion, seconded by Councilor Clark, carried with seven voting in favor and Councilor Krenning voting against.

Council reconvened at 12:28 a.m. Councilor Krenning was not present.

Councilor Ball moved to direct Staff to seek a Declaratory Judgment for 3510 W. Eisenhower Blvd for an Easement. The motion, seconded by Councilor Clark, 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.

None

CITY MANAGER REPORT

None

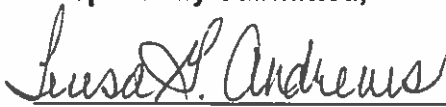
CITY ATTORNEY REPORT

None

ADJOURN

Hearing no further business to come before this Council, Mayor Gutierrez adjourned the July 5, 2016 meeting at 12:29 a.m. on July 6, 2016.

Respectfully Submitted,



Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor

