



**MINUTES**  
**LOVELAND CITY COUNCIL MEETING**  
**Tuesday, November 15, 2016 CITY COUNCIL CHAMBERS 6:00 PM**

**COUNCIL PRESENT:**

Mayor Gutierrez  
Councilors:  
Krenning, Ball, Overcash, Clark, McKean and Johnson.

**COUNCIL ABSENT:**

**1 INTRODUCTION**

**1.1 CALL TO ORDER**

Mayor Gutierrez called the November 15, 2016 Regular meeting to order at 6:00 p.m. Mayor Gutierrez congratulated Councilor McKean for his election to House District 51 and welcomed Clay Douglas, Interim City Attorney.

**1.2 PLEDGE OF ALLEGIANCE**

**1.3 ROLL CALL**

**1.4 PROCLAMATIONS AND PRESENTATIONS**

**1.4.1 THE RANCH PRESENTATION**

**THE RANCH EVENTS COMPLEX STRATEGIC PLANNING UPDATE**

Larimer County representatives, Bob Herdnfeldt gave Council an update on the process and plans for updating the Ranch (Larimer County Fairgrounds).

**1.4.2 LOVELAND DOWNTOWN PARTNERSHIP & DOWNTOWN DEVELOPMENT AUTHORITY PRESENTATION**

**THE DOWNTOWN COLORADO, INC. 2016 GOVERNOR'S AWARD FOR THE FIRE AND ICE FESTIVAL**

Presented to Council; Nate and Heidi Webb, Blazen Illuminations; and Cindy Mackin, Visitor Services Coordinator.

**2 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.**

Item removed Agenda: 2.5 Items removed from the Consent Agenda and considered on Regular Agenda: 2.8, 2.9, and 2.10.

Moved by Councilor Clark, seconded by Councilor Krenning

**A Motion approving the Consent Agenda with the exception of items 2.5, 2.8, 2.9 and 2.10.**

CARRIED UNANIMOUSLY

**2.1 CITY CLERK  
APPROVAL OF MINUTES**

Approval of the City Council minutes for the October 25, 2016 Study Session and the November 1, 2016 Regular Meeting.

**A Motion to Approve the City Council minutes for the October 25, 2016 Study Session and the November 1, 2016 Regular Meeting.**

CARRIED.

**2.2 CITY MANAGER  
APPOINTMENTS TO THE PLANNING COMMISSION**

This is an item appointing a member to the Planning Commission.

**A Motion to appoint Jeff Fleischer to the Planning Commission for a partial term effective until December 31, 2017.**

CARRIED.

**2.3 PARKS AND RECREATION**

**VIESTENZ-SMITH MOUNTAIN PARK RECONSTRUCTION PROJECT**

City Council approval is necessary to accept a Community Development Block Grant – Disaster Recovery (CDBG-DR) implementation grant awarded by the State of Colorado to the City of Loveland. The grant is intended to reimburse the City of Loveland for the cost of construction for river realignment, bank restoration and resiliency efforts at Viestenz-Smith Mountain Park (VSMP). This grant will provide supplemental funding essential to the full restoration work for the completion of Phase I reconstruction caused by the 2013 flood in the Big Thompson canyon. The project is anticipated to cost up to \$4,029,725, of which \$501,620 will be reimbursed by the CDBG-DR implementation grant. The City's has no obligation to cost share on this grant agreement. The City will use funding from the grant solely for river restoration within the Viestenz-Smith Mountain Park. The agreement expires on December 31, 2017. The first reading of the ordinance was unanimously approved by City Council at the November 1, 2016 Council meeting.

***1. A Motion to Approve, on Second Reading, Ordinance #6072 Enacting a Supplemental Budget Appropriation to the 2016 City of Loveland Budget for the Viestenz-Smith Mountain Park (Phase I) Reconstruction Project.***

CARRIED.

***2. A Motion to Adopt Resolution R-112-2016 Authorizing The City Manager To Execute The Community Development Block Grant – Disaster Recovery (CDBG-DR) Watershed Resilience Pilot Program Implementation Grant Agreement (CDBG-DR WI 17-114) Between The City Of Loveland And The State Of Colorado Department Of Local Affairs.***

CARRIED.

**2.4 DEVELOPMENT SERVICES**

**PUBLIC COMMENT**

**CODE AMENDMENT TO CHAPTER 12.08 NAMING OF STREETS**

This is a public hearing to consider the following item on first reading: Approval of an ordinance to modify Section 12.08.160 of the Municipal Code to provide an additional street name category of "agricultural terms" to property within the Millennium Northwest 8th Subdivision. The subdivision is located at the southwest corner of Rocky Mountain Avenue and East 37th Street. The property is currently being planned and developed as a mixed use development themed around a working

farm and a farm to table restaurant. The property is also the location for the corporate headquarters of Agrium. The applicant is McWhinney Enterprises.

***A Motion to Approve, on First Reading, An Ordinance Amending Chapter 12.08 Of The Loveland Municipal Code Concerning The Naming Of Streets.***

CARRIED.

**2.5 FINANCE  
PUBLIC HEARING  
2016 BUDGET YEAR-END**

This items was removed from the agenda.

**2.6 HUMAN RESOURCES  
EMPLOYEE PAY PLAN DEC 1, 2016 - DEC 31, 2017**

The adoption of the resolution will approve the City's Pay Plan for December 1, 2016 through the December 31, 2017. Typically Council has approved Pay Plans on an annual basis only. However, due to the federal regulatory changes through the Department of Labor's Fair Labor Standards Act an update is necessary effective December 1, 2016. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. Annually the City utilizes salary survey data for market analysis to develop pay ranges and compare current pay rates with the identified labor market, while also providing a financially sustainable plan. 2017 costs associated with personnel have been approved through the adoption of the 2017 Budget. There are minimal costs associated with the changes for December 2016, which will be addressed through the current 2016 adopted budget.

***A Motion to Adopt Resolution R-113-2016 Adopting A Pay Plan For City Employees, And Superseding All Prior Ordinances And Resolutions Adopting Such A Pay Plan.***

CARRIED.

**2.7 ECONOMIC DEVELOPMENT  
THE PULLIAM DOLA GRANT**

This item was considered on the Regular Agenda 6.1.1

**2.8 CULTURAL SERVICES  
AMENDING 2017 FEES FOR MUSEUM EVENT VENDORS**

The resolution corrects errors and omissions that were included in the original resolution and revises the event vendor fees charged by the Cultural Services Department. The 2017 revenue budget was developed based on these fees.

***A Motion to Adopt Resolution R-114-2016 Amending Resolution #R-100-2016 And The 2017 Schedule Of Rates, Charges And Fees For City Services.***

CARRIED.

**2.9 DEVELOPMENT SERVICES  
LARIMER COUNTY FACILITIES RELOCATION AND EXPANSION FEE  
WAIVERS**

This item was considered on the Regular Agenda as item 6.1.2

**2.10 CITY CLERK  
SET A SPECIAL MEETING FOR NOVEMBER 22, 2016**

This item was considered on the Regular Agenda item 6.1.3

**3 CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT  
AGENDA**

**4 PUBLIC COMMENT**

***Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.***

Reverend Dotson gave Council an update on the ways some of the churches in town are addressing the City's Homeless, by encouraging the church to adopt one family for 6 months.

Darren Barrett, congratulated Council on an amazing Veteran's Day Celebration and announced a bridge would be constructed in memory of City of Loveland Veteran Tom Buchanan.

**5 BUSINESS FROM CITY COUNCIL**

***This is an opportunity for Council Members to introduce new business for discussion at this time or on a future City Council agenda.***

None

**6 REGULAR AGENDA  
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.***

## **6.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

### **6.1.1 ECONOMIC DEVELOPMENT THE PULLIAM DOLA GRANT**

The Resolution directs staff to submit a grant application to the Department of Local Affairs (DOLA) in support of the Pulliam building. The deadline for this grant round is December 1, 2016 with a final decision expected in March of 2017. The grant would be for up to \$1 million dollars. The funding would be used in support of the renovation of the Pulliam Building. The grant is an opportunity for the City to leverage its proposed investment in the building to receive additional financial support. According to DOLA staff, having a proposed partnership with the Pulliam Community Building Foundation helps to make the grant application more competitive. The grant would add an additional \$1 million towards the renovation of the Pulliam Building. There was no public comment.

Moved by Councilor Clark, seconded by Councilor Johnson

***A Motion to Adopt Resolution R-115-2016 Approving Submission Of An Application By The City Of Loveland For Energy And Mineral Assistance Grants From The Colorado Department Of Local Affairs For The Renovation Of The Pulliam Building.***

CARRIED 6 - 1. No vote: Clark

### **6.1.2 DEVELOPMENT SERVICES LARIMER COUNTY FACILITIES RELOCATION AND EXPANSION FEE WAIVERS**

Larimer County is requesting City Council approval of a package of development-related fee waivers for the two-building office development scenario that is proposed to replace and expand the County's 6th Street office facilities. The project includes a new 50,000 sf building at 1st Street and Denver Avenue and a 10,000 sf expansion of the Police & Courts building. The total fee waiver request is \$590,942. These fees

are required to be back-filled. An IGA addressing operational and ownership parameters for the expanded Police & Courts building is being drafted by City and County staff; the IGA is expected to be on the Council agenda in December. Similarly, details of how the County's 6th Street properties will figure into the financial arrangements between the City and County have yet to be determined. As determined by the City Attorney's Office, the fees requested to be waived must be backfilled and it is expected that the General Fund will be used for this purpose. Sufficient general funds exist to backfill these waivers. Ken Cooper, Larimer County Facilities representative answered Council's questions. Eric Sutherland, Ft. Collins resident, spoke in support. Jackie Marsh, Rabbask Designs, spoke in support.

Moved by Councilor Clark, seconded by Councilor Krenning.

***A Motion to Adopt Resolution R-116-2016 Approving An Exemption Of Larimer County From Capital Expansion And Other Fees Imposed Upon New Development Related To The First And Denver Development And Expansion Of The Police And Courts Building.***

CARRIED UNANIMOUSLY

### **6.1.3 CITY CLERK**

#### **SET A SPECIAL MEETING FOR NOVEMBER 22, 2016**

The City Charter provides for the Mayor and three other Council members may call a special meeting. Also addressed in the Charter is the provision that City Council may not take an action on an item that has not been posted at least 24 hours prior to the meeting.

The urgency attached to this request is driven by the interest rate on the bonds. The Federal Open Market Committee is scheduled to meet on December 14, 2016. Market analysts are placing the probability of an increase in the federal funds rate by at least ¼% at 72%. Other rates are likely to move higher on this event. A delay may result in a higher interest rate for the bonds.

The City Charter requires an election to fill the vacated seat on Council. Establishing the special election date will set the calendar for deadlines that must be met in order to hold the election.

*Not Considered*

### **6.2 ECONOMIC DEVELOPMENT**

#### **THE FOURTH AMENDMENT TO THE ENA WITH BRINKMAN**

This resolution directs the City Manager to sign the Fourth Amendment to the Exclusive Negotiation Agreement (ENA) with the Brinkman

Capital, LLC (Brinkman) for the Foundry Project, formerly the South Catalyst Project. The Fourth Amendment to the Exclusive Negotiation Agreement (see attached) changes the deadline for presenting the terms of Disposition and Re-Development Agreement (DRA) to Council for review from November 15, 2016 to December 13, 2016 and extend the term of the ENA through December 31, 2016. Because there is no administrative extension allowed under the original agreement, this amendment is required to go before City Council for consideration. The amendment will not have an impact on the budget. Gary Lindquist, encouraged Council to ask the citizens if they supported the project, Larry Sarner, Ward 2, encouraged Council to look at alternate funding sources. Bruce Croissant, spoke in support, Roger Weidleman, Ward 4, asked if the issue was still an extension and spoke in support, Jackie Marsh spoke in support of a city wide sales tax increase to fund the project.

Moved by Councilor Clark, seconded by Councilor Ball

***A Motion to Adopt Resolution R-118-2016 Approving The Fourth Amendment to the Exclusive Negotiation Agreement With Brinkman Capital, LLC For The South Catalyst Project And Authorizing The Execution Of Said Amendment.***

CARRIED UNANIMOUSLY

### 6.3 HUMAN RESOURCES EVALUATION PROCESS FOR CITY COUNCIL EMPLOYEES

Council created a subcommittee to review and revise the annual evaluation process for each of the appointed positions, including City Attorney, City Manager and Municipal Judge. The subcommittee met on two separate occasions and is prepared to support the attached recommendation and evaluation templates. Council determined they would prefer not to use a form for the evaluation.

Moved by Councilor Clark, seconded by Councilor Ball

***A Motion to Adopt Resolution R-117-2016 Approving A Process To Be Used By The Loveland City Council To Evaluate The Appointed Positions Of City Manager, City Attorney And Municipal Judge with the omission in the section titled "Second Quarter Meetings" of any references to an "Evaluation Form" or "Self Evaluation".***

CARRIED 6 - 1. No vote: Krenning

## 7 REPORTS



**7.1 CITY COUNCIL REPORTS**

*This is an opportunity for Council Members to report on recent activities.*

Krenning- PC and City Council study session December 13, 2016.  
Clark- I25 Elected officials meeting to discuss WCR54 aka Hwy 402.  
Ball- visited EWI open house.  
Gutierrez- Attended the Loveland High School Veteran's Memorial.

**7.2 CITY MANAGER REPORT**

City Manager Adams asked how Council wants to move forward with the hiring process for the City Attorney. Consensus was to have a Study Session on January 10, 2017 to discuss the process as well as exploring a contractual relationship.

**7.3 CITY ATTORNEY REPORT**

Will get back to Council asap regarding at what point Council should address the Council vacancy created by Councilor McKean's victory Colorado House District 51.

**8 ADJOURN**


Hearing no further business come before Council, Mayor Gutierrez adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Respectfully Submitted,



  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

