



MINUTES
LOVELAND CITY COUNCIL SPECIAL MEETING & STUDY SESSION
Tuesday, January 10, 2017 5:30 PM

COUNCIL PRESENT:

Gutierrez, Fogle, Overcash, Ball and Clark. Shaffer arrived 5:50 p.m. Johnson arrived at 6:03 p.m.

COUNCIL ABSENT: Krenning

1. SPECIAL MEETING

1.1. INTRODUCTION

CALL TO ORDER

Mayor Gutierrez called the meeting to order at 5:30 p.m.

ROLL CALL

1.2. AGENDA

**1.2.1 HUMAN RESOURCES
CITY MANAGER PERFORMANCE FEEDBACK WITH POSSIBLE
EXECUTIVE SESSION**

This action is for Council to conduct the City Manager's six-month performance review, which coincides with the Council quarterly recurring performance meetings for the City Manager. Council may consider direction to Staff in open session related to such review.

Moved by Mayor Pro Tem Fogle, seconded by Councilor Clark

A Motion that the Loveland City Council recess into executive session, under City of Loveland Charter section 4-4. To receive information and discuss personnel matters to include review, evaluation, deliberation, and discussion as authorized by C.R.S. § 24-6-402(4)(f)(I) and Charter Section 4-4(c)(5), regarding the evaluation of Stephen C. Adams, City Manager; and as authorized by C.R.S. § 24-6-402(4)(g); and to consider and discuss documents and materials related to these personnel matters that are not subject to public inspection under the Colorado Open Records Act at 5:32 p.m.

Council reconvened at 6:40 p.m.

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Councilor Overcash

A Motion awarding City Manager Steven C. Adams a \$10,000 bonus for his hard work in the last six months.

CARRIED UNANIMOUSLY.

1.2.2 PUBLIC WORKS

CDOT UPDATE ON I-25 WITH POSSIBLE EXECUTIVE SESSION

CDOT will present an update on the upcoming I-25 widening project and the potential for coordinating projects at US34 and SH402.

Johnny Olson, Kathy Gilliland and Heather Paddock representatives from CDOT and the MPO answered questions from Council

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle.

A Motion that the Loveland City Council recess into executive session, pursuant to City of Loveland Charter 4-4. To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators as authorized by Charter Section 4-4(c)(1) and C.R.S. §24-6-402(4)(e)(I); To receive information or discuss regarding the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, as authorized by C.R.S. § 24-6-402(4)(a) and Charter Section 4-4(c)(2) and (6); To receive information required to be kept confidential by federal or state law or rules and regulations, as authorized by Charter Section 4-4-(c)(3) and (6) and C.R.S. § 24-6-402(4)(c), pursuant to C.R.S. § 24-103-203(4); and as needed, to discuss matters of attorney-client privilege and to receive legal advice from an attorney representing the City of specific legal questions, as authorized by C.R.S § 24-6-402(4)(b) and Charter Section 4-4(c)(3) at 7:17 p.m.

Council Reconvened at 8:27 p.m.

CARRIED UNANIMOUSLY.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion directing Staff to bring back to City Council on January 17, 2017 a resolution to look at adding US34 and SH402 interchanges to the NI25 design build project.

CARRIED UNANIMOUSLY.

1.2.3 CITY ATTORNEY'S OFFICE

DISCUSSION REGARDING SETTLEMENT IN MYERS CASE AND UPDATE REGARDING FISHER CASE WITH POSSIBLE EXECUTIVE SESSION

City Council may be asked to consider formal action, including calling an Executive Session, to 1) discuss with CIRSA appointed counsel the settlement reached in Myers v Koopman case and 2) to receive an update on the Fisher v Koopman case.

Tami Tanou, CIRSA (Colorado Intergovernmental Risk Sharing Agency) Counsel, explained how premiums are calculated. CIRSA appointed attorney Andy Nathan was present to answer City Council's questions.

Moved by Councilor Shaffer, seconded by Councilor Clark

A Motion that the City Council recess into executive session to discuss the mediation and settlement in the federal lawsuit Myers v. Koopman and to receive an update on ongoing litigation in Fisher v. Koopman pursuant to City of Loveland Charter section 4-4: To discuss matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential as authorized by C.R.S§ 4-6-402 (4)(b) and Charter Section 4-4(c)(3); To consider matters for which an executive session is permitted as authorized by Charter Section 4-4(4)(c) and C.R.S. § 13-90-107(1)(b)(attorney client privilege) and C.R.S. § 31-22-307 (confidentiality of mediation) at 8:48 p.m.

Council reconvened at 9:30 p.m.

CARRIED 6-1 NO Vote:Shaffer.

2. ADJOURN TO STUDY SESSION

Hearing no further business to come before Council, Mayor Gutierrez adjourned into the Study Session at 9:35 p.m.

2.1. STUDY SESSION

2.1.1 HUMAN RESOURCES

CITY ATTORNEY SELECTION PROCESS

The resignation of the City Attorney in October of 2016 creates the need to select and hire a new City Attorney. Council has directed staff to provide the opportunity at a Study Session to discuss options and provide direction to staff for the recruitment of a new City Attorney.

Consensus of Council was to conduct the executive recruitment of a City Attorney "In House" through the HR department. Council did not support a mandatory residency requirement for the City Attorney. Council will submit comments regarding the job description and the timeline to Julia Holland by January 13, 2017.

3. ADJOURN

Mayor Gutierrez adjourned the January 10, 2017 Study Session at 9:52 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City Clerk


John H. Fogle, Mayor Pro Tem