



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, June 6, 2017 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Gutierrez
Councilors:
Fogle, Krenning, Ball, Shaffer, Overcash, Clark, Johnson, Olson.

COUNCIL ABSENT: None

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

1.3. ROLL CALL

1.4. PROCLAMATIONS AND PRESENTATIONS

1.4.1 PROCLAMATION

FLAG DAY JUNE 14, 2017

This proclamation was presented by Councilor Olson to Barbara Aune with The Elks Lodge.

Flag Ceremony on June 14, 2017 at 5:30 at the Elks

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.

Motion to approve items 2.1 - 2.16 on the Consent Agenda, with the exception of item 2.9.

Moved by Councilor Shaffer, seconded by Councilor Fogle

CARRIED UNANIMOUSLY.

**2.1. CITY CLERK
APPROVAL OF MINUTES**

Approval of the City Council minutes for the May 2, 2017 Regular Meeting and the May 16, 2017 Regular Meeting.

A Motion To Approve The City Council Minutes For The May 2, 2017 Regular Meeting And The May 16, 2017 Regular Meeting.

CARRIED.

**2.2. CITY MANAGER
APPOINTMENTS TO THE CULTURAL SERVICES BOARD AND THE SENIOR ADVISORY BOARD**

This is an item appointing members to the Cultural Services Board and the Senior Advisory Board

1) A Motion To Appoint Elizabeth Skowron To The Cultural Services Board For A Term Effective Until December 31, 2019

2) A Motion To Appoint Phoebe Hawley As The Representative From The McKee Medical Center Seasons Club To The Senior Advisory Board For A Two-Year Term Effective Until June 6, 2019

3) A Motion To Appoint Anne Brown As The Representative From The Chilson Senior Advisory Committee To The Senior Advisory Board For A Two-Year Term Effective Until June 6, 2019

CARRIED.

**2.3. DEVELOPMENT SERVICES
WATERFALL FOURTH SUBDIVISION VACATION**

The City is currently reviewing a site development plan and an amended plat application for a 64,000 square foot building addition for the Orthopedic and Spine Center of the Rockies. The expansion would house a new surgery and recovery center. There are existing utility, pedestrian, and emergency access

easements that were established for the existing building layout that need to be vacated to accommodate the expansion. New utility, pedestrian, and emergency access easements will be dedicated to the City to replace the easements proposed to be vacated. This item was approved unanimously with an 8-0 Vote at the Planning Commission meeting held on April 24, 2016. This ordinance was adopted unanimously, on first reading, at the May 16, 2017 Regular City Council Meeting with a 9-0 Vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6116 Vacating An Emergency Access Easement, A Utility Easement, Portions Of Two Additional Utility Easements And A Portion Of A Pedestrian Access And Pedestrian-Bicycle Easement Located On, Over And Across A Portion Of Lot 1, Block 1 Of Second Amended Plat Of Lots 1 And 2, Block 1, Waterfall Fourth Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

CARRIED.

2.4. WATER & POWER HYDROZONE PROGRAM CODE AMENDMENTS

The City of Loveland Municipal Code provides two options for entities desiring irrigation-only water meters: (1) pay three acre feet (AF) of water rights per acre of land to be irrigated; or (2) voluntarily pay a reduced amount of water rights based on a proposed hydrozone landscaping plan of low-water use plantings, and commit to a future "water budget" limited to a calculated amount of water for the plan. This second choice is called the Hydrozone Program, and a user may elect to join the program if their landscaping plan demonstrates at least a 25% reduction in water use from the standard 3 AF per acre. If the water budget is exceeded, "annual surcharge" bills are sent to owners. If the water budget is exceeded for 3 consecutive years, the user is no longer eligible for the program and must provide additional water rights (or cash-in-lieu) to the City in an amount based on the difference between the amount paid per the Hydrozone Program and the amount due under the full, 3 AF-per acre calculation. Participants in the program are generally homeowners' associations, special districts, or other entities with large areas of irrigation. Following several years of operation, and a heightened interest from developers in joining the program (due to the increasing prices of water rights), City Staff have identified a number of issues with implementation and operation of this program. The proposed revisions to the Municipal Code are based on the City's experience in administering the program, complaints and suggestions from existing participants, discussions with the Planning Department, and input received from the Loveland Utilities Commission and Construction Advisory Board. This item was presented to the Loveland Utilities Commission and passed unanimously at the April 19, 2017 meeting. The Construction Advisory Board passed this item unanimously with the amendment of changing the establishment period from 2 to 3 years at their April 26, 2017

meeting. This item was presented at the May 16, 2017 City Council Meeting, and the ordinance was adopted unanimously, on first reading, with a 9-0 Vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6117 Amending Section 19.06.050 Of The Loveland Municipal Code Regarding The Hydrozone Water Budget Irrigation Program

CARRIED.

**2.5. DEVELOPMENT SERVICES
FCC ELIGIBLE FACILITIES CO-LOCATION CODE PROVISIONS**

In 2015, the Federal Communication Commission (FCC) adopted regulations designed to facilitate the timely processing of applications for the co-location of wireless telecommunications facilities. Co-location commonly involves the attachment of one or more additional antennas onto an existing (cell) tower along with upgrades to associated equipment. The amendments to Title 18 (the zoning code) bring Loveland's code into alignment with the new FCC provisions, giving the City the ability to process qualifying applications in a manner consistent with FCC standards. This item was presented to the Planning Commission public hearing that was held on May 8, 2017 and was approved with a 6-0 Vote. This ordinance was presented to and adopted unanimously by City Council on May 16, 2017 with a 9-0 Vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6118 Amending Chapter 18.55 Of the Loveland Municipal Code Regarding Personal Wireless Service Facilities To Add A New Section 18.55.025 Regarding Co-Location Of Wireless Transmission Equipment On Eligible Facilities Pursuant To Federal Communication Commission Regulations And To Adjust Related Provisions Of Chapter 18.55 To Address And Accommodate Section 18.55.025

CARRIED.

**2.6. WATER & POWER
POLE ATTACHMENTS**

This item contains a motion to adopt an ordinance, on second reading, amending Chapter 13.12 of the Loveland Municipal Code to create a new section for Pole Attachments. This amendment is to establish within Municipal Code the current regulations, process, and permits required for a communications attachment to a City of Loveland utility pole or street light. This item was presented to City Council on May 16, 2017 where it was adopted unanimously with a 9-0 Vote. The Water and Power Department also presented this item to the Loveland Utilities Commission on May 17, 2017, and no additional action was requested.

A Motion To Adopt, On Second Reading, Ordinance No. 6119 Adding A New Section To Chapter 13.12 Of The Loveland Municipal Code Regarding Requirements For Attachments To Electrical Poles

CARRIED.

**2.7. WATER & POWER
PUBLIC COMMENT**

AMEND MUNICIPAL CODE TO STANDARDIZE ADOPTION METHOD OF ELECTRIC DEVELOPMENT STANDARDS

The Water and Power Department is proposing to amend Municipal Code 16.24.012, for Electric Development Standards, to match Municipal Code 16.24.013, for the Water and Wastewater Development Standards . This item was presented to the Loveland Utilities Commission (LUC) on April 19, 2017 where LUC recommended City Council amend the Municipal Code by adopting an ordinance making the electric development standards adoption the same for power as for the water and wastewater development standards. This item was also presented to the Construction Advisory Board (CAB) on April 26, 2017. At the CAB meeting, a motion was approved unanimously in support of City Council adopting an ordinance amending the Code for Development Standards found in Chapter 16.24.

A Motion To Adopt, On First Reading, An Ordinance Amending Chapter 16.24 Of The Loveland Municipal Code To Standardize The Adoption Of The Requirements For Electric Service To Be The Same As Those For Water And Wastewater Standards

CARRIED.

**2.8. DEVELOPMENT SERVICES
PUBLIC HEARING**

LOVELAND EISENHOWER FIRST SUBDIVISION VACATION

The first reading of the ordinance for the Loveland Eisenhower First Subdivision Vacation provides for the vacation of two emergency access easements to accommodate a multifamily residential proposal within the 56-acre LEI development site. The easements were established at the time of platting in order to provide a secondary means of access to the more remotely located tracts of the Loveland Eisenhower First Subdivision, in the event that those tracts were developed prior to the tracts located closer to the established streets of the project. The re-platting of the property, which is now in process, will eliminate those remote tracts and thus eliminate the need for the emergency access easements. In addition to the re-plat, the City is also reviewing a site development plan application for a proposed multifamily development in the area of the emergency access easements, and new emergency access easements in more suitable locations will be dedicated to the City with the site development plan approval. This item was approved unanimously as an item on the consent agenda at the May 22, 2017 Planning Commission meeting.

A Motion To Adopt, On First Reading, An Ordinance Vacating Emergency Access Easements Located On, Over And Across Portions Of Tracts E And G And Tracts F And G Of The Loveland Eisenhower First Subdivision, City Of Loveland, County Of Larimer, State Of Colorado

CARRIED.

**2.9. EXECUTIVE/COMMUNITY PARTNERSHIP
AFFORDABLE HOUSING DESIGNATION FOR LOVELAND HABITAT FOR
HUMANITY**

This item was considered on the Regular Agenda, item 5.1.2

**2.10. EXECUTIVE/COMMUNITY PARTNERSHIP
COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION**

The Affordable Housing Commission received five requests for Community Development Block Grant (CDBG) funding during the 2017 grant process. Funding remaining in the current program year will be allocated now in order to spend the grant by the deadline of September 30, 2017. \$36,250 will be allocated to Neighbor to Neighbor (\$28,250) and Alternatives to Violence (\$8,000) to rehabilitate the stairs at the Willows Apartment Complex on 4th Street and plumbing at the Loveland Safe House and transitional housing respectively. This item was presented to the Affordable Housing Commission on May 11, 2017 and was passed unanimously. City Council will hear additional grant recommendations in the next few months. \$59,876 was returned to the U.S. Department of Housing and Urban Development (HUD) upon the sale of the Maple Terrace Apartments by the Loveland Housing Authority in 2016. That funding will likely be reallocated in June 2017. Our 2017-2018 CDBG Allocation is expected to go to City Council in July or August of 2017.

A Motion To Adopt Resolution #R-44-2017 Approving The Community Development Block Grant Funding Recommendations Of The Loveland Affordable Housing Commission

CARRIED.

**2.11. PUBLIC WORKS
COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY
FOR THE WILSON AVENUE FLOOD MITIGATION PROJECT**

The City has been awarded an additional \$402,000 Community Development Block Grant-Disaster Recovery (CDBG-DR) grant for the engineering design of the Wilson Avenue Flood Recovery project. The City was previously awarded a \$2.34 million CDBG-DR by the State of Colorado Department of Homeland Security and Emergency Management (DHSEM) for this project, which was presented and approved by City Council in April 2017. By accepting the grant, the

City can proceed with design of the Wilson Avenue Flood Mitigation Project and be reimbursed for the cost of that design. A supplemental appropriation was approved by City Council on 2nd reading on April 18, 2017 for design and construction of the project. The newly awarded \$402,000 grant will now reimburse a portion of the April 18th supplemental appropriation approved by Council.

A Motion To Adopt Resolution #R-45-2017, Approving The Community Development Block Grant Disaster Recovery Resiliency Planning Grant Agreement Between The City Of Loveland And The State Of Colorado Department Of Public Safety Division Of Homeland Security And Emergency Management

CARRIED.

**2.12. ECONOMIC DEVELOPMENT
RCI METALWORKS BUSINESS ASSISTANCE AGREEMENT**

Staff has received the request from RCI Metalwork's ownership for the waiver of permit fees and use taxes towards their new building in the Longview Business Park. The proposed fee amount to be waived is capped at \$39,000 of the current \$44,330 in fees. Staff has met with this expanding firm who had been looking for a new site in Larimer County to build their new 17,500 square foot facility. They chose Longview in Loveland as their preferred site. This firm has been experiencing double digit growth over the last 2 years in their business of manufacturing light weight armor and parts for off road vehicles and trucks. To support the retention and expansion of a local company through simple fee waivers that will allow them to add a paint booth to their line of business units which will require the addition of new employees. This item was presented at the City Council Study Session on May 23, 2017, where Council provided direction to bring an agreement back for formal consideration.

A Motion To Adopt Resolution #R-46-2017 Approving An Incentive Agreement With RCI Metalworks LLC For Construction Of A New Facility And Related Improvements In The City Of Loveland

CARRIED.

**2.13. HUMAN RESOURCES
CALL FOR SPECIAL MEETING ON JUNE 13, 2017 FOR MUNICIPAL
JUDGE QUARTERLY MEETING**

This action is for City Council to conduct the Municipal Judge's quarterly performance review meeting on June 13, 2017, which may include an executive session to discuss personnel matters.

A Motion Calling For A Special Meeting On June 13, 2017 At 5:30 PM For the Purposes Of Conducting An Employee Evaluation And Considering Personnel Matters For The Municipal Judge With A Possible Executive Session

CARRIED.

**2.14. FISCAL ADVISOR
APRIL 2017 INVESTMENT REPORT**

The budget projection for investment earnings for 2017 is \$2,167,387. On the portfolio's 2017 beginning balance, this equates to an annual interest rate of 0.98%. Based on the April monthly report, the estimated yield on the fixed income securities held by USBank was at 1.39%, for total assets the yield was 1.35%. For April, accounting posted total earnings of \$211,412 to City fund accounts. U.S. short-term Treasury interest rates had moved sharply higher since the second week of November 2016 but since January, they are trending back down. The end of April estimated market value is \$234.1 million. The total is higher due to the receipt of funds for the downtown parking facility. The portfolio's change in unrealized gain for April was an increase in value of \$598,000, decreasing the unrealized loss in the portfolio to \$1,176,957.

Information Only

**2.15. FINANCE
APRIL 2017 FINANCIAL REPORT**

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 April 30, 2017. Citywide Revenue of \$11.4 million is 31.1% of total annual budget. Sales Tax collections in the month of April 2017 are 7.6% above April in 2016, and 34.8% of the total annual budget. Building Material Use Tax collections in the month of April 2017 are 75.3% above where they were in April in 2016, and 33.6% of the total annual budget. Sales and Use Tax collections combined are 34.6% of total annual budget. Citywide total expenditures of \$88.9 million are 34.4% of the total annual budget.

Information Only

**2.16. CITY MANAGER
CALL FOR A SPECIAL MEETING ON JUNE 27, 2017 FOR THE PURPOSE
OF A POSSIBLE EXECUTIVE SESSION FOR DISCUSSION OF
BROADBAND INFORMATION**

A Special Meeting will allow City Council to enter into a possible executive session, to review proprietary financial modeling information of the Broadband Feasibility Study.

A Motion Calling A Special Meeting On June 27, 2017 At 6:30 PM For The Purpose Of Discussing Updates And Information Related To The Broadband Feasibility Study, With A Possible Executive Session

CARRIED.

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.

Tara Hildebrand, Loveland resident, expressed concern for high-speed police chases and the need for a discussion for safer pursuits.

Victoria Gerome, Loveland resident, expressed concern regarding the leash law and concerned about repercussions for owners of dogs that have caused injuries.

Roger Wiedelman, Loveland resident, spoke regarding the June 27th Special Meeting for the Broadband issue.

Clay Caldwell and Richard Bastian expressed concern regarding homeless and panhandling problem downtown.

Councilors gave consensus for Loveland Police Chief Ticer to bring to Council a proposal for staffing more foot patrol downtown, especially in the evenings.

Olivia Lowe, Loveland resident, spoke regarding a need for a Mental Health Facility.

5. REGULAR AGENDA

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any action 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.

5.1. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

5.1.1. EXECUTIVE/COMMUNITY PARTNERSHIP

AFFORDABLE HOUSING DESIGNATION FOR LOVELAND HABITAT FOR HUMANITY

Alison Hade, Community Partnership Administrator and Vince Steely, with Habitat for Humanity, presented this item to Council. An Affordable Housing Designation

locks in fees as of the date the resolution is signed for a period of five years as per 16.43.035. It also allows the recipient to ask for a waiver of development and capital expansion fees. Loveland Habitat for Humanity owns 25 lots in the Sierra Valley First Subdivision that will result in 40 homes for Loveland residents living between 30% and 60% of the Area Median Income. A designation will qualify Habitat for Humanity to request a waiver of fees with any back-fill requirements paid for from the Affordable Housing Fund. On February 7, 2017, City Council designated the Loveland Housing Authority and Loveland Habitat for Humanity as preferred partners. A request for an Affordable Housing Designation will help this partner build 40 homes for low-income residents. This item was presented to the Affordable Housing Commission on May 11, 2017 where a motion was passed unanimously for an affordable housing designation for the Sierra Valley Subdivision.

No Public Commented.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion to Adopt Resolution #R-43-2017 Approving An Affordable Housing Designation For Loveland Habitat For Humanity Within The Sierra Valley Subdivision In Loveland, Colorado

CARRIED UNANIMOUSLY.

5.2. FINANCE

2016 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND AUDIT REPORT

Brent Worthington, Finance Director; Cheryl Wallace and Matt Merino with Rubin Brown and Associates, presented this item to Council. The Comprehensive Annual Financial Report for the year ending December 31, 2016, received an unmodified opinion from the external auditors. This indicates that, in all material respects, the report fairly presents the financial position of the City and is in conformity with generally accepted accounting principles. Please view **Attachment 1** [Comprehensive Annual Report link](#).

Information Only

5.3. CULTURAL SERVICES

PUBLIC COMMENT

ACQUISITION OF REPORTER-HERALD ARCHIVES

Jennifer Cousino, Museum Curator, presented this item to Council. Prairie Mountain Publishing has recently vacated their offices at 201 East Fifth Street. The move to their new site in Berthoud does not include space for the historic archives that have been in the building since 1993, when they moved south across the street. Prairie Mountain Publishing recently approached the Museum about an agreement to transfer the archives to the Museum through an Enduring

Records Deposit contract. It was clearly stated by representatives from Prairie Mountain Publishing that the archives would be moved only once—either to the Museum collection storage or to a storage unit without proper environmental or pest control, where it would rapidly deteriorate. The Reporter-Herald Archives must be moved out of the old Reporter-Herald building, located at 201 East Fifth Street, by June 9, 2017. This item was presented to the Accession Committee on April 21, 2017 where it was approved unanimously. It was also presented to the Cultural Services Board on May 23, 2017 where it was approved unanimously. Public Comment: Jeff Stahla with the Reporter Herald, expressed support. Amy Phillips, Librarian, expressed support. Olivia Lowe, Juanita Cisnaros, Roger Weidelman, and Bruce Coussant all expressed support.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Acquisition Of The Reporter-Herald Archives

CARRIED UNANIMOUSLY.

5.4. FINANCE

CITY OF LOVELAND FUND BALANCES REPORT

Theresa Wilson, Budget Manager, presented this item to Council. Budget Office staff maintains an internal fund balance report for the General Fund Unassigned Fund Balance, Council Special Projects Fund, and TABOR Excess Fund. Historically, this report was shared with the Finance Director and City Manager once per month following each month-end closing. Moving forward, this report will be shared as part of each regular City Council meeting agenda. The objective of this report is to share critical fund balance information with City Council that fully documents beginning fund balances, changes in fund balances, and ending (available) fund balances, in a thorough and timely manner.

Information Only

5.5. FINANCE

BUDGET DE-APPROPRIATION TO 2017 CITY OF LOVELAND BUDGET

Staff requested this item be removed.

5.6. DEVELOPMENT SERVICES

DEVELOPMENT REVIEW AND BUILDING PROCESS IMPROVEMENTS

Brett Limbaugh, Development Services Director; John Schumacher, Chief Building Official; and Robert Paulsen, Current Planning Manager, presented this item to Council and to discuss improvements to the Development Review and Building Permitting Processes. The staff presentation focused on improvements

that have been recently implemented along with upcoming changes that will better serve our customers.

Information Only

**5.7. ECONOMIC DEVELOPMENT
ACQUISITION OF PROPERTIES OWNED BY LARIMER COUNTY WITH
POSSIBLE EXECUTIVE SESSION**

Mike Scholl, Economic Development Manager, presented this item to Council. Staff is seeking direction from City Council on the proposed acquisition of the County building in downtown and the parking lot adjacent to the Pulliam Building. Staff is also seeking direction on a proposed plan to repurpose the building. At the November 15, 2016 Regular City Council meeting, Council approved a fee waiver totaling \$590,942. At that meeting and at the Study Session on October 25, 2016, Council directed staff to seek additional information on the properties prior to engaging in any formal negotiations. Staff has completed its primary investigation, including an appraisal of the properties, which includes values of both the building and the land. Staff has also completed investigation and has information on the condition of the building and other possible options.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion Calling For An Executive Session of the Loveland City Council concerning the possible acquisition of properties owned by Larimer County pursuant to the Colorado Revised Statutes and the City of Loveland Charter 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 CRS § 24-6-402 (4)(e) and Charter Section 4-4(c)(1);

To receive information or discuss regarding the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, as authorized by CRS § 24-6-402 (4)(a) and Charter Section 4-4(c)(2); and

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 CRS § 24-6-402 (4)(b) and Charter Section Charter Section 4-4(c)(3)

CARRIED 8 - 1 No Vote: Krenning

Council recessed into Executive Session at 9:45 p.m.

Council reconvened at 10:25 p.m.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion to extend the meeting to 11:00 p.m.

CARRIED 7-2 No Votes: Olson and Overcash

5.8. HUMAN RESOURCES

CONSIDER PERSONNEL MATTERS FOR APPOINTMENT OF A FULL-TIME REGULAR CITY ATTORNEY WITH POSSIBLE EXECUTIVE SESSION

Julia Holland, Human Resource Director, presented this item to Council. On May 2, 2017, Council directed staff to re-post the City Attorney position. As requested on May 16, Staff is returning for further discussion (to include the Human Resources Director) on recruitment, selection, negotiations and appointment of a full-time regular or interim City Attorney, options regarding the current Interim City Attorney and minimum requirements for the re-posted position. The City Attorney recruitment began when the job was posted on January 23, 2017. The posting closed February 20, 2017 and initial interviews were conducted on April 13, 2017. After Council directed staff to re-post the position, Staff requested further direction on the recruitment, including options related to the Interim City Attorney and minimum requirements for the re-posted position. On May 16, Council requested further discussion, to include the Human Resources Director. Council discussed the item at the May 16, 2017 regular meeting. Council decided not to go into executive session at that time to discuss interim or direct appointments. Council mentioned the possibility of changing the minimum requirements to include reciprocity and the desire to gather additional information related to reasons current applicants have failed minimum qualifications. Staff provided a follow up email, including the current City Attorney recruitment brochure and information related to candidates failing minimum qualifications to Council on May 17, 2017.

Moved by Councilor Shaffer, seconded by Councilor Fogle

A Motion To Recess Into Executive Session of the Loveland City Council, under City of Loveland Charter section 4-4, for the following purposes:

Personnel matters, including review, evaluation, deliberation, negotiation and discussion regarding recruitment, selection and appointment of a full-time or interim City Attorney; options regarding the current Interim City Attorney, and minimum requirements for the position, as authorized by CRS § 24-6-402(4)(f) and Charter Section 4-4(c)(5);

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, as authorized by CRS § 24-6-402(4)(g) and Charter Section 4-4(c)(3);

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 CRS § 24-6-402 (4)(e); and
As needed or desired, for 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 CRS § 24-6-402 (4)(b) and Charter Section Charter Section 4-4(c)(3).*

CARRIED 8-1 No Vote: Krenning

Council recessed into Executive Session at 10:30 p.m.

Council reconvened at 10:58 p.m.

Council directed Julia Holland, Human Resources Director, to negotiate and provide a contract for the appointment of Clay Douglas as City Attorney.

6. REPORTS

6.1. 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.
Councilor Krenning asked for and received consent of four Councilors to bring an amendment to the Ordinance regarding Animals to the next Council meeting.*

6.2. CITY MANAGER REPORT

No Report

6.3. CITY ATTORNEY REPORT

No Report

ADJOURN

Mayor Gutierrez adjourned the June 6, 2017 regular Council meeting at 11:02 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City Clerk


Cecil A. Gutierrez, Mayor