



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, October 1, 2019 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Marsh
Councilors: Overcash, Fogle, Clark, Johnson, Olson, Wright.

COUNCIL ABSENT: Ball

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

1.3. ROLL CALL

1.4. PROCLAMATION

CYBER SECURITY AWARENESS MONTH – 2019

Councilor Olson presentation this proclamation to Dan Coldiron, City of Loveland Information Technology Officer

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Councilor Johnson presented this proclamation to Katie O'Donnell, Larimer County Katie Dockery, Easter Seals Colorado and Patrick Hackney, The Arc of Larimer County.

PROCEDURAL INFORMATION

2. PUBLIC COMMENT

Bruce Croissant, Resident Ward I – spoke to concerns regarding electric utilities accounting department, and spoke to the information provided by citizens in the Council packet.

Jane Clevenger - Renewables Now Loveland – spoke regarding Loveland Utilities Commission; their focus on current technology and efficiencies. Ms. Clevenger noted programs in Loveland to manage utility use.

Dick Mallot – Renewables Now Loveland – spoke regarding a need for an envisioning process, advanced metering structure, and needing a ten-year plan.

Richard Jarin – Loveland resident – spoke to the use of solar panels and calculations regarding the use of solar with generating energy.

Brett Nye – Loveland resident - spoke to burning coal as a health risk.

Deb Stuckland – Loveland resident – spoke to different types of energy and noted she has heard there are fewer issues with renewable energy.

Patrick Elienbiciter – Loveland resident – spoke regarding climate change. Encouraged Platte River Power Authority to go 100% renewable by 2030.

Judy Roth – Loveland resident – thanked the Council for looking into the homeless strategic plan.

Mayor Marsh closed public comment.

3. CONSENT AGENDA

**3.1. CITY CLERK
APPROVAL OF MINUTES**

Approval of the City Council minutes for the August 20, 2019 meeting.

A Motion to Approve the City Council minutes for the August 20, 2019 meeting

CARRIED.

**3.2. CITY CLERK
CALL FOR SPECIAL MEETING ON OCTOBER 8, 2019 FOR A PERFORMANCE REVIEW
FOR THE CITY MANAGER WITH POSSIBLE EXECUTIVE SESSION**

This action is for City Council to conduct the City Manager's quarterly performance review meeting on October 8, 2019 at 6:00 PM, which may include an executive session to provide performance evaluation feedback.

A Motion Calling For A Special Meeting To Be Held October 8, 2019 At 6:00 PM, For The Purpose Of Conducting An Employee Performance Evaluation Meeting And Discussion Of Personnel Matters For The City Manager, Steve Adams, With A Possible Executive Session

CARRIED.

**3.3. CITY CLERK
MEMBER APPOINTMENT TO THE CULTURAL SERVICES BOARD AND THE LIBRARY
BOARD**

This item is the recommendation to City Council to appoint members to the Cultural Services Board and the Library Board.

A Motion To Appoint Christopher Rae To The Cultural Services Board For A Term Effective Until December 31, 2022

CARRIED.

A Motion To Appoint Dennis McClatchey To The Library Board For A Term Effective Until December 31, 2021

CARRIED.

3.4. DEVELOPMENT SERVICES

QUASI-JUDICIAL

ORDINANCE AMENDING SECTION 18.02.02.03 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN THE SPRENGER ADDITION AND THE MOLINE SUBDIVISION TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

The City is initiating the rezoning of seven (7) R1e-Established Low Density Residential zoned lots to B-Developing Business. The proposed B zoning is represents a more appropriate designation given the location adjacent to a major 4-lane arterial and proximity to a major intersection. The B zoning designation is compatible with existing commercial development patterns along the US 34 corridor and with the adjacent Taft Avenue/Eisenhower intersection. The Comprehensive Plan includes elements and policies that recommend commercial nodes to be located at prominent intersections. Commercial activity and reinvestment at prominent intersections and flexibility with land use codes which will allow for businesses to expand or change is also recommended by the Comprehensive Plan.

The seven lots are City-owned and will be directly affected by the widening of N. Taft Avenue as the widening is planned to expand over 40 feet onto these existing lots. The widening project is estimated to begin in 2022 and has been a City-planned project for over 20 years.

This item has been presented to Planning Commission, where it has been unanimously supported, and first reading was presented to City Council at the September 17, 2019 meeting where it passed on the consent agenda with a 8-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6341 Amending Section 18.02.02.03 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located In The Sprenger Addition And The Moline Subdivision To The City Of Loveland, Larimer County, Colorado

CARRIED.

3.5. LIBRARY

PUBLIC COMMENT

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2019 CITY OF LOVELAND BUDGET FOR LIBRARY FURNITURE, MATERIALS AND SUPPLIES

One of the Library's strategic goals is to activate library spaces and enhance the customer experience through providing physical spaces where customers can gather, use resources and explore their world in new ways. Replacing worn and damaged furniture with new seating and tables will refresh the library's interior spaces and new seating and table arrangements will allow customers to interact with each other as well as activities provided by the library including games, puzzles, art projects and "pop up" programs to keep the library space active and engaging. Both the teen and adult areas require additional funds to complete the furniture

upgrades. Additional funds are required for staff training and development, beyond what is included in the Library's General Fund Budget as well as food for various events and printing costs related to publicity and marketing library programs and events.

The Library budgeted for these items as part of the regular 2019 budget process, allocating Library Donation (LBDONA) funds to cover these costs. LBDONA funds are included as a revenue line in the budget in the amount of \$35,000. This request of \$27,000 is to use existing revenues to fund these expenditures. There is a balance of approximately \$226,000 in the Library Donations fund reserve.

This item was presented at the September 17, 2019 City Council meeting where it passed on first reading on the consent agenda with a 8-0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6342 Enacting A Supplemental Budget And Appropriation To The 2019 City Of Loveland Budget For Library Furniture, Materials And Supplies

CARRIED.

3.6. COMMUNITY PARTNERSHIP OFFICE

PUBLIC COMMENT

ORDINANCE TO AMEND THE UNIFORM DEVELOPMENT CODE TO MODIFY AFFORDABLE HOUSING DEED RESTRICTIONS

The proposed Unified Development Code (UDC) changes increase the deed restriction duration for multi-family housing and public facility projects that receive an incentive from twenty years to fifty and twenty-five years respectively. These changes were made to Title 18 in 2017. Also included is a reduction of the deed restriction duration for Community Development Block Grant (CDBG) projects that receive \$20,000 or less to five years.

This item was presented on first reading at the September 17, 2019 City Council meeting where it passed with a 8-0 vote on the consent agenda.

A Motion To Adopt, On Second Reading, Ordinance 6343 To Amend The Uniform Development Code To Modify Affordable Housing Deed Restrictions

CARRIED.

3.7. DEVELOPMENT SERVICES

RESOLUTION APPROVING A STREET NAME CHANGE FROM CHIVINGTON STREET TO BLACK KETTLE STREET WITHIN THE EAGLE BROOK MEADOWS FIRST SUBDIVISION

This request for a street name change dates back to January 27, 2017, when Bruce Harshberger (resident in northwest Loveland) contacted Development Services after exploring maps of areas in northwest Loveland that were slated for future development. Mr. Harshberger identified Chivington Street within the undeveloped Eagle Brook Meadows First Subdivision. He noted that the name associated with this particular street has a negative historic affiliation to Colonel John Chivington and his actions resulting from the Sand Creek Massacre during the American Civil War. The street names within the subdivision are mostly comprised of small rural towns and unincorporated communities in Colorado. Chivington,

Colorado is an unincorporated community in Kiowa County named after Colonel John Chivington. Consequently, Mr. Harshberger requested the City look into changing the Chivington Street name.

A Motion To Adopt Resolution #R-98-2019 Approving A Street Name Change From Chivington Street To Black Kettle Street Within The Eagle Brook Meadows First Subdivision

CARRIED.

3.8. HUMAN RESOURCES

RESOLUTION APPROVING THE RENEWAL OF PROPERTY AND LIABILITY INSURANCE BETWEEN THE CITY OF LOVELAND AND COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY (CIRSA) FOR 2020

This item is to continue providing property and liability insurance coverage through the Intergovernmental Agreement (IGA) with CIRSA for 2020 and establish a purchase order in the amount \$1,550,000 for premiums, claims administration and payment of estimated claims for 2020, as well as remaining open claims or new claims from prior years. The \$1,550,000 is within the projected and approved 2020 budget.

In 2019, the quote was \$671,709 with \$250,000 deductible and \$10,000,000 in general liability limits. The increase from our 2019 quote is due to the City updating its values utilizing the Fixed Asset data, updated property appraisals recently conducted on City property, and the hardening of the Excess Insurance Markets mainly due to hail exposures in Colorado.

A Motion To Adopt Resolution #R-99-2019 Approving The Renewal Of Property And Liability Insurance Between The City Of Loveland And Colorado Intergovernmental Risk Sharing Agency (CIRSA) For 2020

CARRIED.

3.9. PARKS AND RECREATION

RESOLUTION AUTHORIZING THE AWARD OF THE 2019 BENSON PARK POND DREDGING AND WEST 29th STREET CULVERT IMPROVEMENTS TO TERRITORY UNLIMITED, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

This resolution approves the award of a contract to Territory Unlimited, Inc. in the amount of \$1,374,498.00 for dredging of the Benson Park South Pond as well as installation of drainage culverts beneath W. 29th Street and authorizes the City Manager to execute the contract.

This award request is a result of a competitive bid process for which there were two responsive and qualified bidders. Territory Unlimited was the lowest bidder and also provided a project completion methodology resulting in significantly less disturbance to the existing park, its users, surrounding residents and vehicular traffic on W. 29th Street.

A Motion to Adopt Resolution R-100-2019 Authorizing The Award Of The 2019 Benson Park Pond Dredging And West 29th Street Culvert Improvements To Territory Unlimited, Inc. And Authorizing The City Manager To Execute The Contract

CARRIED.

3.10. DEVELOPMENT SERVICES

RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES, CHARGES, AND FEES FOR THE EXECUTIVE AND LEGAL DEPARTMENT OF THE CITY OF LOVELAND TO ADD A CITY ATTORNEY'S OFFICE FEE FOR OIL AND GAS APPLICATION REVIEW, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

The City Attorney's Office presently has a contract with outside legal council to assist in the review of oil and gas applications and other oil and gas matters. The city has an application process administered by the Development Services Department with associated fees to cover staff review costs but does not have an additional charge to cover external service contracts. The \$5,500 fee amount proposed would be added as line item under the Executive & Legal Department section of the City fee resolution document to cover legal and other external service contracts.

The objective of the fee increase is to require the applicant to cover the costs of external review contracts rather than increasing the City Attorney's budget to cover those same costs. If the resolution is approved the City Budget would not be impacted as there would be a funding mechanism in place to cover the costs of the application review.

A Motion to Adopt, ON First Reading, Resolution #R-102-2019 Adopting A Revised Schedule Of Rates, Charges, And Fees For The Executive And Legal Department Of The City Of Loveland To Add A City Attorney's Office Fee For Oil And Gas Application Review, And Superseding All Prior Resolutions Establishing Such Rates, Charges, And Fees

CARRIED.

**3.11. FINANCE
FINANCIAL REPORT**

The Snapshot Report is submitted for City Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of August 31, 2019. Citywide Revenue of \$227.3 million is 48.0% of total annual budget. Sales Tax collections August YTD are 3.9% above August 2018 YTD, and 66.0% of the total annual budget. Building Material Use Tax collections for August are 39.6% below August 2018 YTD, and 65.2% of the total annual budget. Sales and Use Tax collections combined are 66.1% of total annual budget. Citywide total expenditures of \$180.4 million are 61.3% of the total annual budget.

Information Only

**3.12. FISCAL ADVISOR
INVESTMENT REPORT**

At the end of the first eight months of 2019, the market value (including accrued interest) of the City's investment portfolio is estimated to be \$233,150,688. This is about \$1.9 million more than the prior month. The proceeds of the Electric and Communication Enterprise Revenue Bond issue are being kept separate from the investment portfolio. The value of the Bond proceeds was \$95,076,495 at the end of August 2019.

The budget revenue projection for the full year of 2019 was set at \$3,319,680. So far this year, actual interest received is \$203,099 ahead of the eight-month projection. Using the portfolio's beginning year balance, the rate needed to reach the annual interest earning target is 1.43%. The annualized interest rate at the end of August was 1.89%. For the month, accounting staff posted \$312,272 to various fund accounts. The year to July month-end total is \$2,604,552. U.S. short-term (under five years) Treasury interest rates were inverted (short term rates higher than longer term rates) in August. At the time this summary was written, the rate on the 10 year U.S. Treasury Note was 1.72%, the rate on the 2-Year Note was 1.68%, and the rate on the 3-month Treasury was 1.91%.

After nine Federal Fund Rate increases, the Federal Open Market Committee decreased the Rate by 0.25% (25 basis points) at its meeting in July. Markets reacted negatively as most investors were hoping for a larger rate cut. This was the first reduction in the Rate since the Great Recession ended eleven years ago. In late September, the Committee decreased the Rate by another 0.25%. The current range is now at 1.75% to 2.00%. The Effective Federal Fund Rate at the close of business on September 19, 2019, was 1.90%.

Economists and financial advisors are split as to whether another rate cut will be made at the next committee meeting.

Information Only

4. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

5. MOTION TO ADOPT THE CONSENT AGENDA

A Motion To Adopt The Consent Agenda, Items 3.1 to 3.12.

Councilor Wright moved, Councilor Olson seconded.

A Motion To Adopt The Consent Agenda, Items 3.1 to 3.12
PASSED UNANIMOUSLY 6-0.

**6. REGULAR AGENDA
 PROCEDURAL INFORMATION**

**6.1. COMMUNITY PARTNERSHIP OFFICE
 HOMELESS STRATEGIC PLAN**

This final check-in with City Council regarding the Homeless Strategic Plan concludes the process of identifying available Loveland services that currently manage the impact of homelessness in the City, including access to shelter and housing, collaborations between agencies, program funding and current data to understand increases or decreases in the number of people needing support. The plan also includes successful practices of other communities that could be implemented locally to reduce those impacts for people living outside and not accessing shelter even for the limited time that it is available, the lack of available bathrooms resulting in issues of human waste, and limited housing for people with chronic mental health and substance use disorders. This presentation will be the starting point to discuss getting started. The next study session will be scheduled for January 2020.

Alison Hade, Community Partnership Office presented this item along with Katie Symons, and Zoe LeBeau of LeBeau Development.

Ms. Hade noted that this item is a draft plan, with intention to bring the item back in January 2020 to come up with strategies. Ms. Symons spoke regarding the continuum of services, and rapid re-housing, housing with support- with the best practice being rapid re-housing.

Ms. Hade noted that shelter count is going up, explained how data is gathered and how numbers are verified, and proceeded to discuss that plan and the city's role.

Council discussion centered around the city's role, who would be driving the plan and what types of resources that would be needed, as well as if there needs to be a dedicated person or an organization managing the homeless strategic plan.

Council emphasized that it is a regional problem, and there is a need to humanize the issue while educating the community.

7:47 pm Fogle arrived

Ms. LeBeau spoke to the impact and emotional issues that effect the discussions regarding this item. She spoke to the community support that Loveland has, and the possibility of Loveland being the first to end the city's homelessness in Colorado.

There was mention of United Way of Weld and Larimer Counties leading this issue, with the city being support, with discussion split from Council if should be the lead or just a supporter.

Staff will bring back this item in January 2020.

6.2. PUBLIC WORKS

PUBLIC COMMENT

ORDINANCE AMENDING TITLE 7 CHAPTER 16 OF THE LOVELAND MUNICIPAL CODE FOR THE PURPOSES OF WASTE FLOW CONTROL

Mick Mercer presented this item with the purpose being to consider an ordinance directing: (1) all mixed loads of construction and demolition discards (C&D debris), AND (2) all mixed loads of single-stream recyclables, to future County-owned sorting facilities, once those facilities are built in about the year 2022.

At the March 19, 2019 Council meeting, Council approved an Intergovernmental Agreement (IGA) and directed staff to bring back for its consideration, the two flow control proposals referenced above.

Mr. Mercer presented a history of the wasteshed coalition and a brief review of the IGA roles and responsibilities and to present the proposed code changes. Mr. Mercer noted that Larimer County landfill will be full in 2024.

Council inquired about recyclers sending material to China. Mr. Mercer noted that China has stopped receiving as much as they have in past, some shipments are sent back as being "contaminated."

This ordinance would not go into effect until the facility is built and in business.

Mayor Marsh opened public comment, to which there was none.
Mayor Marsh closed public comment.

Councilor Wright moved, Councilor Olson seconded.

A Motion To Adopt, On First Reading, Ordinance No, 6345 Amending Title 7 Chapter 16 Of The Loveland Municipal Code For The Purposes Of Waste Flow Control

PASSED UNANIMIOUSLY 7-0.

6.3. PUBLIC WORKS

RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE PULLIAM COMMUNITY BUILDING FOUNDATION REGARDING MATCHING CONTRIBUTIONS FOR RENOVATION OF THE PULLIAM BUILDING

The current contract with the Pulliam Community Building Foundation allows the City of Loveland to accept donations in amounts no smaller than \$500,000. The proposed revision allows the City of Loveland to accept amounts no smaller than \$250,000.

Jeff Bailey introduced Rachel Henderson to request this amendment. Ms. Henderson noted that nothing changed in the overall goal of this project.

Mayor Marsh opened public comment, to which there was none.
Mayor Marsh closed public comment.

Councilor Wright moved, Councilor Olson seconded.

A Motion To Adopt Resolution #R-103-2019 Approving An Amendment To An Agreement Between The City Of Loveland And The Pulliam Community Building Foundation Regarding Matching Contributions For Renovation Of The Pulliam Building

PASSED UNANIMIOUSLY 7-0.

6.4. CITY MANAGER

EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE AND DETERMINE A POSITION RELATIVE TO ISSUES SUBJECT TO NEGOTIATION

Staff will provide City Council with information relating to several matters that may result in litigation, to seek direction, and to receive legal advice.

A Motion to Recess Into Executive Session to Receive Legal Advice and Determine a Position Relative to Issues Subject to Negotiation

PASSED UNANIMOUSLY 7-0.

6.5. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

7. REPORTS

7.1. BUSINESS AND REPORTS FROM CITY COUNCIL

Councilor Wright reported on attendance at the Colorado Rail Passenger Rail meeting at CSU, and the Stone Age Fair that was held in Loveland with 17 states being represented. Councilor Wright noted that the Stone Age Fair was very excited that the Pulliam is being renovated.

Councilor Clark spoke to the grand opening of the Highway 402 interchange.

Councilor Johnson spoke to the grand opening of Tharp Cabinet.

8.2. CITY MANAGER REPORT

City Manager Steve Adams noted that the October 8, 2019 meeting would be a Study Session than a Special Meeting for an executive session.

8.3. CITY ATTORNEY REPORT

There was no City Attorney report.

9. ADJOURN

Mayor Marsh adjourned the October 1, 2019 Regular Council meeting at 10:21 pm.

Respectfully Submitted,





Patti Garcia, City Clerk



Jacki Marsh, Mayor