

MINUTES
LOVELAND CITY COUNCIL MEETING
TUESDAY, NOVEMBER 19, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

SWEARING IN CEREMONY

Judge Bill Starks administered the Oath of Office for: Ward 3 Councilor, Hugh McKean.

ROLL CALL

Roll was called and the following responded: Mayor Gutierrez, Councilors Krenning, Shaffer, Fogle, Farley, Clark, Trenary, Taylor, and McKean.

PROCLAMATION - LOVELAND SALVATION ARMY RED KETTLE KICKOFF DAY

Councilor McKean read the proclamation and it was received by Mike Knight.

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. You 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. Please limit your comments to no more than three minutes.

Mayor Gutierrez asked if anyone in the audience, council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

CONSENT AGENDA

- 1. CITY MANAGER (presenter: Bill Cahill)
REAPPOINTMENT TO THE FIRE & RESCUE ADVISORY COMMISSION**

A motion to reappoint Paul Pfeiffer as a City Commissioner Member on the Fire and Rescue Advisory Commission for a term effective until June 30, 2016 was approved.

This is an administrative action recommending the reappointment of a member to the

Fire and Rescue Advisory Commission.

2. **CITY CLERK** (presenter: Terry Andrews)
VENDORS CODE AMENDMENT
A motion to approve and order published on second reading Ordinance #5828 Amending the Loveland Municipal Code at Chapter 12.30 Concerning Licensing of Vendors in Public Rights-of-Way and Certain Other Public Places was approved.
This is a legislative action. City Council directed Staff to draft an ordinance for consideration that would allow mobile vendors to be permitted to vend in the City of Loveland. This ordinance on second reading allows Staff to license mobile vendors in the City and defines the parameters under which the use may be permitted. Licensees will be subject to all other Restrictions in Chapter 12.30 for mobile vendors. The ordinance was approved unanimously on first reading by City Council at the November 5, 2013 regular meeting.

3. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PARK LANE ADDITION AMENDMENT
A motion to approve and order published on second reading Ordinance #5829 Amending Ordinance #1587 to Modify a Condition Set Forth Therein Pertaining to the Annexation and Zoning of the Park Lane Addition to the City of Loveland, Larimer County, Colorado was approved.
This item is a legislative action to adopt an ordinance on second reading modifying a condition on the Annexation Ordinance #1587 of the Park Lane Addition. The applicant for the request is Tribus Anstalt (property owner). The ordinance was approved unanimously on first reading by City Council at the November 5, 2013 regular meeting.

4. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION FOR 2013 BUDGET WRAP-UP
A motion to approve and order published on second reading Ordinance #5830 Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget was approved.
This is an administrative action. Each year in November, staff brings a “wrap-up” ordinance to address any remaining issues and insure there are sufficient appropriations to meet projected expenditures. The ordinance is necessary to resolve several year-end issues and finalize the 2013 Budget. Several of the issues are new and the remainder we have been following throughout the year and have waited until now to provide the best forecast for the cost to the end of the year. Revenues and fund balance of \$4,152,540 across several funds is appropriated. The appropriations are primarily funded by reserves reducing the flexibility to fund other projects. Grant and donation revenue is included that offset some of the costs. This ordinance was approved unanimously on first reading by City Council at the November 5, 2013 regular meeting.

5. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
WEED CONTROL MODIFICATIONS
A motion to approve and order published on first reading an Ordinance Repealing and Re-Enacting Chapter 7.18 of the Loveland Municipal Code Regarding Weed Control was approved.
This is a legislative action to adopt an ordinance on first reading that modifies the weed control provisions of the Loveland Municipal Code, aligning the provisions with State and County regulations, and clarifying requirements and allowances for native and ornamental grasses. The ordinance was originally scheduled for the October 15, 2013

City Council meeting, but it was withdrawn from that agenda and has since been adjusted to be in alignment with State regulations concerning the growth of industrial hemp and the outdoor growth of marijuana.

6. **HUMAN RESOURCES** (presenter: **Bettie Greenberg**)
CIRSA AGREEMENT AND PURCHASE ORDER

A motion to Authorize the City to Continue its Intergovernmental Agreement with CIRSA for 2014 Property and Liability Insurance Coverage and Establish a Purchase Order in the Amount of \$800,000 was approved.

This is an administrative action to authorize the City to continue its Intergovernmental Agreement with CIRSA for the City's 2014 Property and Liability Insurance Coverage and establish a purchase order in the amount of \$800,000. This purchase order is for the premium, claims administration, and payment of estimated claims for 2014, remaining open claims or new claims from prior years. The \$800,000 is within the approved 2014 Budget.

7. **HUMAN RESOURCES** (presenter: **Julia Holland**)
2014 PAY PLAN

A motion to approve Resolution R#-100-2013 Adopting a Pay Plan for City Employees and Superseding All Prior Ordinances Adopting Such a Pay Plan was approved.

This is an administrative action for Council to adopt the City's 2014 Pay Plan. 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. During 2013, the City utilized the expertise of a compensation consultant to assist in a salary survey market analysis, develop 2014 pay ranges based on the data collected, and compare current rates of pay with the identified labor market to competitive pay practices, while also providing a financially sustainable plan. Costs associated with the adoption and implementation of the 2014 Pay Plan will be provided through the 2014 Budget, which included a 1% allotment for necessary adjustments.

8. **POLICE** (presenter: **Luke Hecker**)
THEFT CODE AMENDMENT

A motion to approve and order published on first reading an Ordinance Amending Chapter 9.34 of the City of Loveland Municipal Code to Combine in One Section the Offenses of Theft and Theft of Rental Property and to Combine with Them the New Offense of Theft by Receiving was approved.

This is a legislative action. This ordinance combines the two different types of theft currently set forth as separate Code sections and adds a third type of theft (Theft by Receiving) into one Code section. The ordinance also raises the jurisdictional limit for theft violations, making it unlawful to take or retain a thing valued less than \$2000. A similar state law took effect on June 5, 2013. The Police Department would like to adopt this ordinance to be consistent with State law and to allow summonses to be issued into Municipal Court for persons committing Theft by Receiving, as well as, the two other types of theft.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the*

Council at this time.

Janet Wood- Local citizen issued concern regarding downtown parking near the Rialto. December 10, 2013 will be a Study Session regarding Downtown for further discussion.

David Summers from Lakeview Development requested direction from Council regarding recent delays of this project and included pictures of the erosion. More Information will be supplied to Mr. Summers regarding this request.

Roland Demers announced the Small Business Appreciation Lighting event on Saturday, November 30, 2013, 6p.m. at 5th and Railroad; Santa's Enchanted Village, December 12-15th; Toys for Tots Drive on December 14, 2013.

- b. **Business from 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.*

Shaffer: Attended the Colorado Department of Transportation (CDOT) Town Hall meeting for road projects from the Flood. Expecting \$450 million of Federal Aid to come into the State;

Farley: Visual Arts Commission (VAC) will decide November 21, 2013 which sculpture to place at the I-25 & Hwy 34 intersection. Funding was from the Colorado Department of Transportation (CDOT)- \$163,000 and ARTS in Public Places- \$87,000; Received complaints regarding the Transformer's Project, the artist is working with the church through the VAC to modify the painting; Attended Wood Group and Spring 44 Tours.

McKean: Announced that November 19th is the 150th Anniversary of the Gettysburg Address.

Krenning: Thanked citizens and staff for the honor to serve on City Council; Expressed appreciation for City Manager and staff for orientation; Announced new regulations for Oil & Gas are being proposed; Announced there will be new appointments to the Planning Commission and expressed interest in being involved in the interviewing process.

Clark: Announced the crowning of Miss Loveland Valentine; Announced Business Disaster Assistance interviews are being conducted and the first grant will be out soon.

Trenary: Announced that a WW1 Display will be at the museum for a memorial; Daughters of the American Revolution and Library staff helped to identify 19 casualties of WW1; Trenary's family donated a quilt top to the museum; Attended Groundbreaking for the Mirasol Greenhouse project; Attending the Business Innovation Fair, November 20, 2013 at the Embassy Suites.

Fogle: Congratulated Sam Betters for adding Medicare and Medicaid beds at Mirasol; Advised citizens to view the sculptures considered for the I-25 & Hwy 34 location, via the website.

Gutierrez: Election of Mayor Pro Tem; Councilor Fogle nominated Councilor Clark for the position of Mayor Pro Tem which was seconded by Councilor Farley. Declared Councilor Clark as the new Mayor Pro Tem; Advised Council to fill in vacancies on Boards & Commissions by November 25th and adopt the list at the December 3, 2013 City Council Meeting; Announced Hwy 34 will be reopened on November 21, 2013. Governor Hickenlooper, and Estes Park City Manager, Bill Pinkham, will be at the ceremony. Explained the term, Pioneer Road, means one lane will be paved in each direction. Congratulated CDOT, Coulson Excavating, and other local contractors for

their work; Read a letter of appreciation for superior customer service regarding Fancy Lindlief.

c. **City Manager Report:**

Announced that he will miss the November 26, 2013 Study Session; PRPA & Citizen Survey will be the topics of discussion with Rod Wensing acting as City Manager; Announced the planning of Council Advance for 2014. Mayor Gutierrez and Councilors Clark and Shaffer volunteered to be on the committee. A study session will be held to help in planning this event.

d. **City Attorney Report: None**

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. 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

SPECIAL REQUEST:

PRESENTATION

Planning Commission Chair, Buddy Meyers, delivered an oral presentation concerning recent decisions on Artspace, the Planning Commission's responsibilities, appointment processes, and Councilor influence. Discussion ensued. City Manager, Bill Cahill, and Mayor Gutierrez offered advice to prevent this situation from reoccurring and discussed appointing alternates for Boards & Commissions positions.

**9. CITY MANAGER (presenter: Rod Wensing)
COMCAST FRANCHISE AGREEMENT AND CUSTOMER SERVICE STANDARDS**

Assistant City Manager, Rod Wensing introduced this item to Council. Assistant City Attorney, Sharon Citino, Legal representative, Nancy Rodgers, and Comcast representative, Jon Lehman were present. 1. This is an administrative item to grant a cable franchise to Comcast of Colorado II, LLC ("Comcast"). Comcast is operating within the City of Loveland under an existing franchise effective, May 1, 2007 to December 31, 2013. This ordinance would grant Comcast a new, ten-year franchise on terms and conditions similar to the existing franchise and favorable to the City. 2. This is a legislative item to amend the Loveland Municipal Code at Section 13.16.030 by adoption of revised customer service standards for cable operators within the City of Loveland. As required by the existing franchise, Comcast has been given an opportunity to review and comment on the revised customer service standards. **Councilor Shaffer recused herself. Mayor Gutierrez opened the public hearing at 9:11 p.m. and with no further public comment closed the hearing at 9:11 p.m. Councilor Clark moved to approve and order published on first reading an ordinance of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC. Councilor Trenary seconded the motion which failed unanimously with all Councilors present voting against. Discussion ensued regarding a local office,**

improved customer service, Spanish speaking help for customers, and refunds for outages. Direction of Council was for staff to draft an emergency ordinance granting a temporary extension of the contract for approval at the December 3, 2013 City Council meeting. Councilor Clark read the motion to approve and order published on first reading an Ordinance Amending the Loveland Municipal Code at Section 13.16.030 Concerning Customer Service Standards for Cable Operators for citizen understanding and public hearing purposes only. No motion was made.

10. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
TIES4LESS INCENTIVE AGREEMENT

Economic Development Manager, Mike Scholl, introduced this item to Council. Owner of Ties4less, LLC, Brian Foley, was present. This is an administrative action. The resolution would authorize the City Manager to sign the Economic Incentive Agreement with Ties4Less for an amount, not to exceed, \$14,500. The incentive would be a reimbursement for upgrades to the building infrastructure including the security systems. It will also provide partial reimbursement for certain tenant improvements that will allow the company to competitively bid on new contracts for fleet vehicle retrofits. According to the Economic Development Policy for agreements under \$20,000, this agreement is presented to Council for consideration. The briefing memorandum that was sent to Council in October is included as an attachment. The City will fund \$14,500 from the Economic Incentive Fund. **Councilor Shaffer moved to adopt Resolution R#-101-2013 Approving an Incentive Agreement for Ties4Less, LLC. Councilor McKean seconded the motion which carried with eight councilors present voting in favor and Councilor Krenning voting against.**

Items 12 & 13 were removed from the Agenda.

11. **CITY MANAGER** (presenter: Alan Krcmarik)
PENSION PLAN INCREASE FOR VOLUNTEER FIREFIGHTERS

Executive Fiscal Advisor, Alan Krcmarik, introduced this item to Council. This is an administrative action. The proposed resolution authorizes an increase in the benefits paid to vested Plan participants (or their beneficiaries) through the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan (Plan), who have served the Loveland community in the capacity of volunteer firefighters. Currently, participants with at least 20 years of service as a volunteer firefighter receive \$650 per month. This amount would be increased to \$700 per month. Other payments that are made to partially-vested retired volunteer firefighters and surviving beneficiaries of said firefighters, are adjusted proportionately according to the schedule attached to the resolution. Based on an independent actuarial study, the Plan is sufficiently funded to cover the costs of the increased payments. According to the actuarial study and discussion with the Fire & Police Pension Association, the assets of the Plan and anticipated contributions to the Plan from the State, City, and the Loveland Rural Fire Protection District will be sufficient to cover the future projected Plan cost. The increase in the normal cost is \$712 annually. The actuarial study assumes no increase in the current annual contribution from the City, the Rural District, or the Authority.

Councilor Shaffer moved to approve Resolution R#-102-2013 Authorizing an Increase in the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan Effective for Monthly Payment Beginning January 1, 2014. Councilor Farley seconded the motion which carried with all councilors voting in favor thereof.

12. **FINANCE**
September 2013 Financial Report
This item was removed from the Agenda.

(presenter: Brent Worthington)

13. **CITY MANAGER**
Investment Report for September 2013
This item was removed from the Agenda.

(presenter: Alan Krcmarik)

ADJOURNMENT

Having no further business to come before Council, the November 19, 2013 Regular Meeting was adjourned at 11:10 p.m.

Respectfully Submitted,


Jeannie M. Weaver, Deputy City Clerk


Cecil A. Gutierrez, Mayor



