



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, September 19, 2017 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Gutierrez
Councilors:
Fogle, Krenning, Ball, Shaffer, Overcash, Clark, Johnson, and Olson.
Krenning left at 8:50 p.m.

COUNCIL ABSENT: None

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

1.3. ROLL CALL

1.4. PROCLAMATIONS

1.4.1. PUBLIC POWER WEEK OCTOBER 1 - 7, 2017

Councilor Krenning presented the proclamation to the Power Operations team: Garth Silvernale, Leon Bomgaars, Matt Sadar, and Scott Sullivan.

1.4.2. LOVELAND HABITAT FOR HUMANITY MONTH AND DAY: SEPTEMBER 19, 2017

Mayor Pro Tem Fogle presented this item to Habitat for Humanity Director, Cindi Werner and Board Members; Jon Mallo, Jeff Feneis, Florinda Romero, Chris Wertheim, Dr. Bruce McDaniel, and Vince Deely.

1.4.3. DIAPER NEED AWARENESS WEEK, SEPTEMBER 25 - OCTOBER 1, 2017

Councilor Johnson presented the proclamation to Dr. Rachel Konda-Sundheim and Jan Touslee of the Nappie Project.

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.

Moved by Councilor Krenning, seconded by Mayor Pro Tem Fogle

A Motion to move item 6.7 to the Consent Agenda.

FAILED 4 - 4.

Moved by Mayor Pro Tem Fogle, seconded by Councilor Johnson

A Motion to approve items 2.1-2.5 on the Consent Agenda.

CARRIED UNANIMOUSLY.

2.1. CITY CLERK

APPROVAL OF MINUTES

Approval of the City Council minutes for the August 22, 2017 Study Session and the September 5, 2017 Regular Meeting.

A Motion to Approve the City Council minutes for the August 22, 2017 Study Session and the September 5, 2017 Regular Meeting.

CARRIED.

2.2. CITY CLERK

MEMBER APPOINTMENTS TO HISTORIC PRESERVATION

COMMISSION, HUMAN SERVICES COMMISSION, AND LIBRARY BOARD

This is an item re-appointing a member to the Historic Preservation Commission, appointing a member and an alternate member to the Human Services Commission, and appointing a member to the Library Board to replace Janice Benedict who retired from the Library Board in August 2017.

1) A Motion To Re-appoint Paula Sutton To The Historic Preservation Commission For A Term Effective Until June 30, 2020

2) A Motion To Appoint Jody Shadduck-McNally To The Human Services Commission For A Term Effective Until June 30, 2019

3) A Motion To Appoint Nicole Pasco As An Alternate To The Human Services Commissions For A Term Effective Until June 30, 2018

4) A Motion To Appoint Susan Kadlec To The Library Board To Replace Janice Benedict For A Term Effective Until December 31, 2021

CARRIED.

2.3. FINANCE

A SUPPLEMENTAL BUDGET AND APPROPRIATION TO CONTINUE THE UTILITY SHUTOFF/RECONNECT SERVICES AGREEMENT

This item discusses continued outsourcing of the Delinquent Utility Shutoff/Reconnect program in the Revenue/Meter Reading Division. \$100,000 was originally included in the 2017 budget to begin this program; however, that funding fell short. This mid-2017 ordinance is needed to proceed through the end of the 2017 budget year. The remaining unassigned General Fund balance will be \$10,812,512 if this \$45,000 supplemental budget ordinance is approved along with two other pending ordinances that impact General Fund Unassigned Fund Balance - the project de-appropriations package (\$455,470 addition to fund balance) and the TABOR Election - Outside Experts Consultants item (\$85,000 subtraction from fund balance). This item was presented to Council on September 5, 2017, on first reading, and it was approved unanimously on the consent agenda.

A Motion to Adopt, On Second Reading, Ordinance No. 6138 Enacting A Supplemental Budget And Appropriation to The 2017 City Of Loveland Budget For Continuation Of The Utility Shutoff/Reconnect Services Agreement With Utility Sales and Services, Inc.

CARRIED.

2.4. HUMAN RESOURCES

A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2017 CITY OF LOVELAND BUDGET FOR A RISK RESERVE CONTRIBUTION TO THE PROPERTY LIABILITY BUDGET

Supplement the Risk Management Property and Casualty budget for premium and claims payments in the amount of \$325,000.00 from the Risk Reserve Fund. In January 2017, a storm caused a large tree to fall on the Water Treatment Plant's electrical switch gear causing a temporary loss of electricity to the plant and required a full replacement of the switch gear. In order to expedite the recovery, Risk Management advanced the payment of \$325,000 to Water and Power out of the property casualty deductible budget. Once the claim closed, our carrier reimbursed

Risk Management the \$325,000 and then invoiced for the \$200,000 deductible. This accounting process resulted in a total payment of \$525,000.00 from the property casualty deductible budget for this event. Due to internal policy, the reimbursement payment of \$325,000.00 from our carrier was credited to the Risk Reserve fund, which makes the reimbursement dollars inaccessible for other payments during this budget cycle. This item was presented to City Council at the September 5, 2017 Regular City Council meeting where it was approved, on first reading, unanimously on the consent agenda.

A Motion To Adopt, On Second Reading, Ordinance No. 6139 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For A Property Casualty Claim Reimbursement

CARRIED.

2.5. FINANCE

BUDGET DE-APPROPRIATION TO THE 2017 CITY OF LOVELAND BUDGET

This projects de-appropriations measure is two-fold:

- 1) It seeks to de-appropriate project funding that was re-appropriated in 2017, but ultimately accrued back to 2016.
- 2) It also seeks to de-appropriate project funding related to 2017 projects that have not started or been completed in order to provide additional funding for higher priority 2018 projects.

Ordinance No. 6088, which re-appropriated budget for projects appropriated but not completed in 2016, passed on second reading on February 7, 2017. Project re-appropriations occurred earlier in the year than ever before to improve customer service to departments and promote smooth project continuation from 2016 year-end to the beginning of 2017. Due to the earliness of the project re-appropriation effort, staff knew there would be a risk in re-appropriating some items that would ultimately be accrued back to 2016. This measure is proposed to de-appropriate those items that were ultimately accrued back to 2016 from the 2017 budget.

In addition to this, Budget Office Staff worked closely with departments to identify existing 2017 projects that could be de-appropriated to provide additional funding for higher priority 2018 projects. This funding will be returned to the fund balance of origin and made available for appropriation in 2018. The total Citywide gross de-appropriation is (\$10,016,674).

Recommended project de-appropriations are fully detailed in the Net De-appropriations Detail and Gross De-appropriations Detail attachments. The Gross Detail attachment includes detail regarding interfund transfers. The Net Detail attachment does not. The 2018 Recommended Budget is built on these project de-appropriations, in order to fund additional high priority capital projects in 2018. This item was approved, on first reading, at the September 5, 2017 Regular City Council meeting with a Vote of 7-0.

A Motion To Adopt, On Second Reading, Ordinance No. 6140 A Motion To Adopt, On Second Reading, Ordinance No. 6140 Enacting A Supplemental Budget And De-Appropriation To The 2017 City Of Loveland Budget For Project Re-Appropriations That Were Ultimately Accrued Back To 2016 And Paid Out Of 2016 Appropriations And Current 2017 Capital Project De-Appropriations

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.

Howard Dotson, Fort Collins resident, expressed concern regarding hate crimes.

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.

6. 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.

6.1. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

6.2. DEVELOPMENT SERVICES

UNIFIED DEVELOPMENT CODE TASK 5 DEVELOPMENT STANDARDS AND TASK 6 GENERAL MODERNIZATION

Greg George, Special Project Manager of the Uniform Development Code; Brett Limbaugh, Development Services Director; Robert Paulsen, Current Planning Manager; Karl Barton, Senior Long Range Planner; and Todd Messenger, with Fairfield and Woods, presented this item to Council. As part of the 2015 budget, City Council approved a supplemental budget request to hire a consultant to assist City

staff in a major update of the City's development codes. The objectives as stated in the supplemental request form were to:

1. Implement City Council policies contained in the newly adopted 2015 Comprehensive Plan;
2. Develop infill standards that allow for context sensitive flexibility;
3. Develop standards to promote mixed use development and property reinvestment along Loveland's major transportation corridors;
4. Develop standards tailored to sub-areas of the community;
5. Develop new zoning districts to encourage a mix of residential densities where appropriate;
6. Reconstruct the Special Review process;
7. Update and eliminate outdated components of Loveland's Site Development Standards; and
8. Streamline the process for vacating easements to avoid taking them to City Council.

This item was presented to the Planning Commission Study Sessions on July 24, 2017, August 7, 2017, August 21, 2017, and August 28, 2017. The project team has been working with the Planning Commission and stakeholder committees (Title 18 Committee, Stakeholder Committee and Technical Committee) in the development of UDC. More specifically, the Planning Commission has reviewed the final draft land use tables, including land use definitions and use specific standards, at four study sessions starting back in late July. On August 28, 2017, the Planning Commission accepted, as final drafts, the Housing Palette, and the Land Use Tables, Definitions and Use Specific Standards For Residential and Special Residential Land Uses. \$141,928 was re-appropriated in 2017 for the Unified Development Code Consultant and thus there is not an impact on current General Fund Unassigned Fund Balance. Councilors expressed concern regarding the transition period for developers and builders to the new code. Suggested having tutorials or FAQ's. Staff addressed Council's question with regards to the amendment process as changes are identified by staff and public. A list of changes will be given as they come up. There was consensus by Council to give the Planning Commission, Title 18 Committee, and the Stakeholder Group more time to complete the project.

Information Only

6.3. LOVELAND POLICE DEPARTMENT DATA DRIVEN APPROACH TO CRIME AND TRAFFIC SAFETY (DDACTS) & DOWNTOWN PATROL UPDATE

Lieutenant Benjamin Hurr and Commander Tim Brown, Loveland Police Department, presented this item to Council. The purpose of this presentation and update was to inform City Council on the Police Department's efforts in two separate projects: the Data Driven Approach to Crime and Traffic Safety (DDACTS) initiative and the Downtown Patrol project. This item was presented to the Police

Citizens Advisory Board on September 11, 2017 where the Board approved unanimously to support the DDACTS program and the downtown patrol. Since implementation on June 27, 2017, the Police Department has spent approximately \$21,736.00 in overtime to fund the Downtown Patrol project as of August 31, 2017. Councilors asked about the staffing, budget for additional officers, and how the department is addressing displacement issues. Councilors expressed appreciation for the added patrols downtown.

Information Only

6.4. FINANCE

SUPPLEMENTAL APPROPRIATION FOR CONTRACTING FOR THE TABOR ELECTION PROJECT

Brent Worthington, Finance Director, presented this item to Council. At the January 28, 2017 Council planning session, Staff was directed to proceed with the idea of asking Loveland voters to approve a sales tax increase with the intention of using the new revenue to fund certain capital projects for the benefit of the City. This item was presented to City Council on July 18, 2017. No Vote was taken; however, staff received direction from Council consensus. This item was also presented to City Council on September 5, 2017 where Council approved the ordinance, on first reading, with a 5-3 Vote. A discussion took place where Council gave a few directions and changes for the second reading of this item. The discussion centered on hiring consultants versus relying on current staff. Councilors asked questions regarding how the survey will be structured and what types of questions would be asked. Council will review the survey prior to it being distributed. Staff doesn't have the type of expertise in polling that the consultants have. Discussion ensued regarding needs versus wants, what type of information will be received as a result of the survey, and giving the community the opportunity to decide if they, do or do not, want a tax increase to fund projects.

Public Comment: Bruce Coussant, Loveland resident, spoke in support of the project and expressed the need for a transit system and inadequate resources.

Moved by Councilor Fogle, seconded by Councilor Shaffer

A Motion To Approve, On Second Reading, Ordinance No. 6141 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For Contracting For The TABOR Election Project

CARRIED 5 - 4, No Votes: Overcash, Krenning, Clark and Olson.

6.5. ECONOMIC DEVELOPMENT

DEPARTMENT OF LOCAL AFFAIRS (DOLA) GRANT FOR THE PULLIAM COMMUNITY BUILDING RENOVATION PROJECT

Mike Scholl, Economic Development Manager, presented this item to Council. The Ordinance appropriates the funds for the DOLA grant for use in Phase I of the

Pulliam Renovation Project. Phase I will address the critical interior building needs that will allow the auditorium space to be used efficiently and safely with the inclusion of the fire detection system and suppression system. The first phase is estimated to be completed in the second quarter of 2018. Approval of the Resolution authorizes The City Manager to execute the DOLA grant agreement on behalf of the City of Loveland. The City is matching the grant from the \$1,500,000 appropriation and the \$500,000 from the Pulliam Community Building Foundation. This item was presented to City Council at the October 11, 2016 Study Session as an information only item. This item was also presented to Council at the November 15, 2016 Regular meeting where the item was passed with an 8-1 Vote authorizing staff to submit the grant application to DOLA. This item was presented to Council at their July 18, 2017 Regular meeting where it was postponed after City Council's discussion and additional information request. This item was presented to Council at their September 5, 2017 Regular meeting where the ordinance was approved, on first reading, with a 6 to 1 Vote. Council discussed a few issues with the funding of this item.

Moved by Councilor Fogle, seconded by Councilor Shaffer

1) A Motion To Adopt, On Second Reading, Ordinance No. 6142 Enacting A Supplemental Budget And Appropriation To The 2017 City Of Loveland Budget For The Pulliam Community Building Renovation Project

CARRIED 6 - 2, No Votes: Clark and Olson.

Moved by Councilor Ball, seconded by Councilor Fogle

Call for the question

CARRIED 6-2, No Votes: Clark and Olson

Moved by Councilor Fogle, seconded by Councilor Johnson

2) A Motion to Adopt Resolution #R-81-2017 Approving A Grant Agreement Between the City of Loveland And The State Of Colorado Department Of Local Affairs For The Pulliam Community Building Renovation

CARRIED 7 - 1, No Vote: Clark.

6.6. DEVELOPMENT SERVICES REHABILITATION LOAN PROGRAM

Nikki Garshelis, presented this item to Council. The Historic Landmark register is voluntary and property owners initiate the application process. Economic incentives like the zero percent loan program, grants and tax credits, as well as the prestige of the designation are some of the reasons property owners decide to apply. The

purpose of the Rehabilitation Loan Program is to provide a zero-interest loan to aid property owners in rehabilitating their historic properties. Some of the loans were dispersed to organizations that seldom sell property; therefore, the program was not regularly replenishing its funds. This item was presented to the Historic Preservation Commission on July 17, 2017 where a lengthy discussion took place. On August 15, 2017, this item was presented to Council as an ordinance, on first reading, where it was approved with a 9-0 Vote. This item was on the September 5, 2017 City Council Regular meeting agenda where it was postponed. Public Comments were not made.

Moved by Councilor Fogle, seconded by Councilor Johnson

A Motion To Adopt, On Second Reading, Ordinance No. 6135 Amending Title 15 Of The Loveland Municipal Code By Repeal And Re-enactment Of Section 15.56.180 Regarding The Rehabilitation Loan Program

CARRIED 7 - 1, No Vote: Overcash.

6.7. CITY MANAGER

AMENDMENT TO BOARDS AND COMMISSIONS HANDBOOK

The purpose of this resolution is to amend the City of Loveland Handbook For Boards and Commissions (Handbook). The proposed amendments to the Handbook address the process for selecting, appointing, and reappointing members to a Board or Commission. The amendment is located in the Loveland Municipal Code in Section 2.60.010, Appointments and Vacancies section, number 4 (Attachment 2). The Handbook was previously amended at the May 6, 2014 Regular City Council meeting on the Regular Agenda and was adopted with a 5 to 4 Vote. This item was pulled from the consent agenda on the September 5, 2017 Regular City Council meeting and postponed. Public Comments were not made. Discussion ensued regarding the changes to the resolution in 2014.

Moved by Councilor Shaffer, seconded by Councilor Johnson

Call for the question.

CARRIED 7 - 1, No Vote: Fogle.

Moved by Councilor Fogle, seconded by Councilor Clark

A Motion To Adopt Resolution #R-82-2017, A Resolution To Amend The City Of Loveland Handbook For Boards and Commissions

CARRIED 5 - 3, No Votes: Shaffer, Johnson, and Gutierrez.

7. REPORTS

7.1. BUSINESS FROM CITY COUNCIL

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

Clark: I-25 Widening Project update on bids, CDOT re-evaluating the project, which will push it back a month or two.

Johnson: Election Sign Code question regarding signs in the right of ways. Loveland Connect needs volunteers for the October 13, 2017 event.

Olson: Constitution Week and working on the mission statement of the Citizens' Finance Advisory Commission and the expectations of Council.

Fogle: Needs a Council Liaison back-up or the Construction Advisory Board for a potential conflict of interest.

Ball: Question regarding the Broadband item.

7.2. CITY MANAGER REPORT

Steve Adams: The Broadband item will be brought to Council's October 24th Study Session . The Kaboom Project for building a playground at the Junior Achievement Park on October 14, 2017.


7.3. CITY ATTORNEY REPORT

8. ADJOURN

Mayor Gutierrez adjourned the September 19, 2017 regular meeting of the Council at 9:30 p.m.

Respectfully Submitted,




Beverly A. Walker, Acting City Clerk


Cecil A. Gutierrez, Mayor