

**CALL TO ORDER**

Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Johnson, Solt, Shaffer, McEwen and Rice.

**PROCLAMATION**

Mayor Gutierrez read the proclamation. Police Chief Luke Hecker, Fire Chief Randy Mirowski and Thompson Valley EMS Chief Randy Leshner received the proclamation. A moment of silence was held in remembrance of those who lost their lives in the 9/11 attack. Mayor Gutierrez announced United Way of Larimer County will host a film screening and 9/11 tribute event for the community on Sunday, September 11 from 3:00-5:30pm at Everyday Joe's Coffee House (144 S. Mason St. ~ Fort Collins). The event will feature the new documentary New York Says Thank You, an inspirational film that profiles a national pay-it-forward movement.

**PROCLAMATION**

On September 11, 2001, the peace and security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric of our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who rose in service during the rescue and recovery effort and in defense of our nation both here at home and abroad.

In observance of the 10th anniversary of the September 11, 2001 attacks on America, which killed citizens from 92 different countries, we hereby adopt the following Proclamation in tribute to those lost and injured on 9/11, and the many who gave of themselves in service to their communities and to this country in the aftermath of the attacks:

WHEREAS, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, an unprecedented, historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage and service; and

WHEREAS, many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

WHEREAS, September 11 will never, and should never be just another day in the hearts and minds of all Americans; and

WHEREAS, September 11, 2011 will be the 10th anniversary of the 9/11 attacks on America; and

WHEREAS, many citizens may wish to memorialize September 11 by engaging in, or making a plan to engage in personal and individual acts of community service, or other giving activities, as part of a solemn day of remembrance and tribute; and

WHEREAS, on March 19, 2009, the United States Congress passed bipartisan legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which President Barack Obama signed into law on April 21, 2009 and;

WHEREAS, the President of the United States, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; and

NOW, THEREFORE, we, the City Council of the City of Loveland, in tribute to all of the victims of 9/11 and the many who rose in service in response to the 9/11 terrorist attacks, will observe September 11, 2011, the 10th Anniversary of 9/11, as a

voluntary Day of Service and Remembrance, and furthermore call upon our citizens and organizations to consider joining in this observance and to engage in activities of tribute, solemn remembrance and charitable service.

Signed this 6th day of September, 2011

Cecil A. Gutierrez, Mayor

## PROCEDURAL INFORMATION

Mayor Gutierrez made the following procedural announcement: 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.

## CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor Heckel and a roll call vote was taken with all councilors present voting in favor thereof.

### 1. MINUTES

- a) Minutes for the August 9, 2011 special meeting were approved.
- b) Minutes for the August 9, 2011 study session were approved.
- c) Minutes for the August 11, 2011 special meeting were approved.
- d) Minutes for the August 16, 2011 regular meeting were approved.
- e) Minutes for the August 23, 2011 special meeting were approved.

### 2. CITY MANAGER

#### Board & Commission Appointments

##### Motion

Administrative Action: A motion recommending the following appointments was approved:

Affordable Housing Commission: Christopher Jessen and Wayne Thompson were reappointed to terms effective until June 30, 2014.

Housing Authority: Sandra McFeron was reappointed to a five year term effective until June 30, 2016.

### 3. CITY MANAGER

#### Easement Vacation Wet Industrial Addition (Cardinal Glass)

##### Ordinance #5621

Legislative Action: "AN ORDINANCE VACATING A PORTION OF CERTAIN WATER MAIN OR PIPELINE EASEMENTS LOCATED ON LOT 1, BLOCK 1, OF THE REPLAT OF LOTS 1, 4, 5, 6, AND 7, BLOCK 1 OF THE WEST INDUSTRIAL ADDITION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

### 4. ECONOMIC DEVELOPMENT

#### Purchase and Remediation of Leslie-the-Cleaner Property

##### Ordinance #5622

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE

PURCHASE AND REMEDIATION OF THE LESLIE-THE-CLEANER PROPERTY LOCATED AT 301 N. LINCOLN AVENUE" was approved and ordered published on second reading.

#### **5. DEVELOPMENT SERVICES**

##### **Historic Designation Larimer County Bank Building**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE OF THE CITY COUNCIL DESIGNATING AS A HISTORIC LANDMARK THE LARIMER COUNTY BANK BUILDING LOCATED AT 247 EAST FOURTH STREET IN LOVELAND, COLORADO" was approved and ordered published on first reading.

#### **6. DEVELOPMENT SERVICES**

##### **Supplemental Appropriation Historic Preservation Outreach and Education**

1<sup>st</sup> Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR HISTORIC PRESERVATION OUTREACH AND PUBLIC EDUCATION" was approved and ordered published on first reading.

#### **7. DEVELOPMENT SERVICES**

##### **Easement Vacation Civic Center Campus**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE VACATING THE EXCLUSIVE UTILITY EASEMENT LOCATED ON PORTIONS OF LOT 2, BLOCK 1, AND LOT 1, BLOCK 1, CIVIC CENTER SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

#### **8. DEVELOPMENT SERVICES**

##### **Reallocation of Community Development Block Grant Funds**

#R-52-2011

Administrative Action: Resolution #R-52-2011 of the City Council of the City of Loveland, Colorado approving the grant funding recommendation of the Loveland Affordable Housing Commission for the reallocation of certain Community Development Block Grant funds was approved.

##### **RESOLUTION #R-52-2011**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING THE GRANT FUNDING RECOMMENDATION OF THE LOVELAND AFFORDABLE HOUSING COMMISSION FOR THE REALLOCATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City receives federal Community Development Block Grant ("CDBG") funds through the U.S. Department of Housing and Urban Development to assist in meeting the housing needs for Loveland citizens with low incomes; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all "bricks and mortar" grant applications made to the City for CDBG funds related to housing and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, on August 3, 2010, the City Council adopted Resolution #R-35-2010 allocating \$25,000 in CDBG funds to the Housing Authority of the City of Loveland ("Housing Authority") for the Home Match program (the "Project"); and

WHEREAS, the Housing Authority was unable to complete the Project, therefore the \$25,000 was returned to the City for reallocation under the City's CDBG fund distribution process; and

WHEREAS, the \$25,000 was not included in the 2011 CDBG fund allocation, which was approved on June 21, 2011 by Resolution #R-43-2011; and

WHEREAS, the Affordable Housing Commission has since reviewed the grant applications made to the City for 2010 CDBG funds, and has made a recommendation to the City Council regarding reallocation of the remaining \$25,000 in CDBG funds; and

WHEREAS, the City Council desires to approve the grant funding recommendation of the Affordable Housing Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the recommendation of the Affordable Housing Commission for the reallocation of the remaining \$25,000 in 2010 Community Development Block Grant funds is hereby approved as follows, subject to Agency or Project Owner execution of a subrecipient contract with the City of Loveland on or before September 21, 2011:

Agency or Project Owner	Total Grant Amount
Housing Authority of the City of Loveland	\$21,500
Volunteers of America	\$ 3,500
Total Amount of CDBG funds	\$25,000

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 6th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

## **9. DEVELOPMENT SERVICES**

### **Municipal Code Amendment – Title 18 Temporary & Minor Exempt Signs**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.50 REGARDING TEMPORARY SIGNS, EXEMPT SIGNS, PROJECT MARKETING SIGNS AND ENFORCEMENT" was approved and ordered published on first reading.

## **10. PUBLIC WORKS**

### **Supplemental Appropriation – CDOT Safe Routes to School Grant**

a) Resolution #R-53-2011

Administrative Action: Resolution #R-53-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado, and the Colorado Department of Transportation for 7<sup>th</sup> Street and Garfield Avenue (Truscott Elementary) Sidewalk Improvements was approved.

#### **RESOLUTION #R-53-2011**

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR 7TH STREET AND GARFIELD AVENUE AREA (TRUSCOTT ELEMENTARY) SIDEWALK IMPROVEMENTS

WHEREAS, the City of Loveland desires to the install sidewalk and associated improvements along 7th Street between Grant Avenue and Garfield Avenue (along the north side of Truscott Elementary School) in Loveland (the "Project"), which is to be funded by federal-aid funds administered and made available through the State of Colorado, acting through the Colorado Department of Transportation ("CDOT"); and

WHEREAS, federal-aid funds are available for the Project in the amount of \$85,880; and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement, a copy of which is attached hereto Exhibit A and incorporated herein by this reference (the "Agreement"), to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City of Loveland and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Intergovernmental Agreement in the form substantially similar to that attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and the City Manager is authorized, following consultation with

the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City

Section 2. That the City Manager and the City Clerk are authorized and directed to execute the Contract on behalf of the City.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 6th day of September, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

**b) 1st Rdg Ord & P.H.**

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE INSTALLATION OF 7<sup>TH</sup> STREET AND GARFIELD AVENUE (TRUSCOTT ELEMENTARY) SIDEWALK IMPROVEMENTS" was approved and ordered published on first reading.

**END OF CONSENT AGENDA**

**CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

**CITY COUNCIL**

**a) Citizens' Reports**

Jay Earl, Bond Administrator for Thompson School District, presented City Council and Kevin Aggers a plaque in appreciation of their support of \$600,000 toward the renovation of the Loveland High School Natatorium.

**b) Business from Council**

Shaffer

Councilor Shaffer provided an update regarding North Front Range Metropolitan Planning Organization's discussion on weighted voting. She also commended the City's Emergency response team regarding a recent incident.

Klassen

Councilor Klassen congratulated Steve Adams on being selected Water and Power Director.

Rice

Councilor Rice thanked the many volunteers involved with the Corn Roast Festival.

Gutierrez

Mayor Gutierrez made the following announcements: the Loveland Feed and Grain's 120<sup>th</sup> anniversary celebration will be held Friday, September 9; the 2<sup>nd</sup> Annual Patriots Day Concert to benefit the Veterans Plaza at Spring Canyon Park in Fort Collins will be held Saturday, September 10; information from the recent visioning meeting for Economic Development in Larimer County hosted by Larimer County Commissioners, specifically Commissioner Lew Gaiter III will be sent to Council and Northern Colorado Economic Development Corporation's annual luncheon is October 12 at the Hilton Hotel in Fort Collins which is an opportunity to meet the new CEO. Mayor Gutierrez asked that Staff and Council work to develop a conference attendance policy for Council. He also noted the agendas for the November 1<sup>st</sup> and November 8<sup>th</sup> meetings should be kept to a minimum.

Motion

Councilor Johnson moved to call for a special meeting at 6:30 on November 8, 2011 to swear in newly elected Councilors, with the Study Session to follow. Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

c) City Manager Report

City Manager Cahill announced Public Works Director Keith Reester will be hosting in September Public Works officials from Australia and also extended congratulations to Keith on being named a Fellow of an organization of the American Public Works Association (APWA) providing him an opportunity to mentor other Public Works professionals. Thank you to The Friends of the Library who have submitted their last check completing their \$2 million dollar funding commitment toward the Library expansion. City Manager Cahill explained that Cardinal Glass was mitigating the noise issue, by adding sound proofing material inside and constructing a proofing baffle wall outside.

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 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**

**11. PUBLIC WORKS**

**Final Document Review for North I-25 Environmental Impact Statement**

Discussion Only Item: City Engineer Dave Klockeman introduced this item to Council. Carol Parr, Project Manager with Colorado Department of Transportation was also present. The Colorado Department of Transportation (CDOT), in cooperation with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), has just released the Final North I-25 Environmental Impact Statement (EIS) document for review. The City of Loveland has been involved in the EIS since the process began in 2004. The official review period is from August 19, 2011 to September 19, 2011. On August 30, 2011 the comment period was extended to October 3, 2011. As part of this review period, CDOT is requesting that the City of Loveland, as one of the participating local agencies, provide comments back to the Project Team.

**12. FINANCE**

**July 2011 Financial Report**

Information Only: Payroll & Compliance Manager Bonnie Steele introduced this item to Council. Human Resources Manager Julia Garcia spoke to the healthcare costs and the new employee health care clinic. This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the seven months ending July 31, 2011. City Council asked for demographics of city staff.

**13. CITY MANAGER'S OFFICE**

**Investment Report July 2011**

This is an information only item. No Council action is required. Fiscal Advisor Alan Krcmarik introduced this item to Council. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first seven months of 2011, the amount posted to the investment account is \$2,000,643 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$232,497. Based on July's monthly statement, the estimated annualized yield on the U.S. agencies and corporates was up

to 1.64%, still under the annual target rate. Interest rates have dropped significantly lower.

#### **14. CITY MANAGER**

##### **Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park.**

City Manager Bill Cahill provided an update on the ACE Park. A new Request for Proposal was sent out August 30, 2011. Responses are due by September 13, 2011. Proposals will be reviewed and interviews are scheduled to begin September 16, 2011. October 4<sup>th</sup> is the targeted date to come back to Council. Tours for the interested developers are being scheduled now. Questions submitted by Councilor McKean, regarding the ACE project will be directed to the City Manager to be forwarded to CAMT.

#### **15. CITY MANAGER**

##### **Mid-year Review of City Council Goals for 2011**

Discussion only; no action required. City Manager Bill Cahill introduced this item. As follow-up to the Advance, the Council expressed interest in holding a mid-year review to evaluate progress. While staff will be prepared to give informational updates on the specific actions previously directed by Council, the primary purpose of this item is to provide for Council-driven discussion. Council discussed events which would change Council priorities set in February, 2011. The events discussed included revising the coversheets to include alternate options and clarifying the budget impacts and holding two legislative days per year in June and December. Additional goals considered included the Community Marketing Commission Strategic Marketing Plan, raw water strategy and, reduce deliveries to Council members at their homes and to keep the homelessness joint discussion with the school district moving forward by picking up from the last meeting. Capital Expansion Fees – will be added to the 2012 CEF study.

#### **COUNCIL COMMENTS**

McKean

Councilor McKean extended "kudo's" to Mary Shann in Code Enforcement for all she does for the City.

Gutierrez

Mayor Gutierrez mentioned the DOLA Director will be at the City on Thursday, at 2:00 pm.

Solt

Councilor Solt mentioned concerns he'd received regarding traffic safety issues at the Classical Charter School.

#### **ADJOURNMENT**

Having no further business to come before Council, the September 6, 2011 Regular Meeting was adjourned at 10:04 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor