

City Council Meeting Minutes

**October 1, 2019
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 6 00 p m

Roll Call was taken and the following members were present

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Rob Zuccaro, Planning & Building Safety Director
Lisa Ritchie, Senior Planner
Harry Brennan, Planner II
Kurt Kowar, Public Works Director
Nathan Mosely, Parks, Recreation, & Open Space Director
Meredyth Muth, City Clerk***

Others Present: ***Kathleen Kelly, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Loo All in favor

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

APPROVAL OF THE CONSENT AGENDA

MOTION Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Keany All in favor

- A ***Approval of Bills***
- B ***Approval of Minutes: September 10, 2019; September 17, 2019; September 24, 2019***
- C ***Approval of City Council Meeting Schedule for November and December 2019***
- D ***Approval of Contract with A-1 Chipseal for the 2019 Pavement Crackseal Project***
- E ***Approval of Resolution No. 32, Series 2019 – A Resolution Regarding the Resignation of the Municipal Court Judge and Approving an Agreement for Interim Municipal Judge Services***
- F ***Approval of Resolution No. 33, Series 2019 – A Resolution of the Louisville City Council Urging Louisville Citizens to Vote Yes on Ballot Issue 2E at the November 5, 2019 Election Concerning Retention of Recreation Tax Revenues***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None

CITY MANAGER'S REPORT

None

REGULAR BUSINESS

RESOLUTION NO 34, SERIES 2019 – A RESOLUTION ADOPTING THE CITY OF LOUISVILLE TRANSPORTATION MASTER PLAN

Mayor Muckle introduced the item Director Zuccaro stated the Transportation Master Plan (TMP) is a blueprint for future transportation needs, guides project development, and identifies funding needs and priorities Staff is presenting the draft Transportation Master Plan for final review and adoption

Director Zuccaro noted this has been a year-long process rooted in community input and includes priorities aimed at implementable recommendations This included over 1500 public comments, community open houses, input from various boards and commissions, and meetings with the City Council Staff also sought input from surrounding communities

and other transportation entities. This has also been a collaborative effort between the various departments and staff.

Director Zuccaro stated the TMP includes the eight previously adopted goals, four proposed guiding policies, ten programs, and 117 projects. This is a 20-year vision and includes a wish list for the future. We know there is not sufficient funding for all of these items, but the Plan includes funding options and staff will continue to look for additional funding for these projects. He added this is a look at a moment in time and the TMP should be updated periodically to keep up with community priorities.

Chapter 1 establishes the goals for the project, these are for high level guidance. Chapter 2 summarizes community input and highlights that the community wants more trails and connections for the quality of life. Roads are important but so are other multimodal options. Chapter 3 summarizes existing conditions and trends. Chapter 4 outlines programs, policies and projects. Chapter 5 covers implementation and funding options. This lists every project in the plan with a preliminary cost input and includes different funding scenarios. Specific projects and funding will be decided in the annual budget processes for the next few years.

Director Zuccaro reviewed the policies in the plan: Great Streets designed to be safe and accessible for all users, Walkable and Bikeable Places to facilitate design for walking and biking, Transit Oriented Development Guidelines to create compact, walkable, pedestrian-oriented neighborhoods, and Applications for Technology to invest in technologies to improve safety and efficiency of the transportation network.

Director Zuccaro reviewed the programs:

- **Corridor Improvements** These are improvements to streets and corridors. There are specific suggestions for corridors including Highway 42.
- **All Ages and Abilities Bicycle Network** Includes on and off street improvements that could be designating streets as bike lanes or building improvements.
- **Connectivity and Safety Improvements** These are crossing improvements both on major roads and in neighborhoods, includes signalized crossings, underpass, off street trails, at-grade improvements. This includes a transit vision to address where people want to go.
- **Downtown Connection Enhancements** This includes enhancements to pedestrian and bicycle facilities and proposed new connections from Via Appia to downtown via Pine Street. Currently looking at possible sidewalk improvements and intersection improvements to calm traffic that could be implemented in 2020 for a relatively low cost.
- **Transit Vision and Service Needs** to connect all areas of transit cohesively.

Director Zuccaro reviewed the current CIP funding available for the next four years for TMP projects. Staff would like feedback from council on top priorities for implementation for the next two years.

Director Zuccaro detailed some of the downtown connection enhancements that could be done in connection with the 2020 paving of Pine Street. This includes options for intersection and sidewalk improvements.

Public Comments

Aaron Clark, 957 Sunflower Street, stated this is a family oriented community and he would like to see implantation of the Fun Routes to School to make Louisville unique. This has been done in other communities with little infrastructure and little cost and it would give the kids something interesting and fun in getting to school. This is a minor investment that would set this community apart.

Councilmember Loo stated it is an impressive piece of work. She doesn't think this is an auto-friendly document. She would have liked a statistically valid survey of residents showing exactly what people like and don't like. Many people don't like the current safety improvements and find they are distracting. She added that many people feel these ideas will actually gum up traffic in town.

Councilmember Leh stated he doesn't think the plan is unfriendly to auto transportation but rather is not focused on that. We are going to need to make changes in the next 10-20 years and we will likely move away from automobiles. It is good to think about being bold in that area. The problems with traffic are not going away and we need to address that. He noted all of these projects require money and it will take some financial pain to build them all and could require a bond issue.

Councilmember Stolzmann stated the public engagement process for this was excellent. She stated she is prepared to vote on this tonight. She stated she has gotten a lot of positive feedback on the Fun Routes to School and we should prioritize this. For Pine Street she supports the intersection improvements for next year. For five-year priorities, she stated people would like some significant work on underpasses. She would like to poll residents on how they want to see these funded.

Councilmember Maloney stated the TMP is needed to inform the fiscal model and it will help us frame transportation and capital planning. He also is prepared to support this tonight. He stated the discussion of priorities should be later. He likes the Great Streets program and likes that the Plan is informative but not prescriptive. He also likes the Fun Routes to school. He agrees the only way to fund these is probably an initiative. The current budget won't pay for much of what we want. Pine Street should be updated and used to set the stage for Great Streets. There are a lot of crossing and underpasses, but

we cannot afford all of them We need to address those for health and safety with either adding underpasses or at-grade improvements

Councilmember Loo suggested the Council form a Transportation Advisory Committee for this project to get diverse opinions from the community and use that information for a possible funding initiative She stated she likes the Fun Routes to School but notes the dirt trails may encourage more social trails where we don't want them and they could be messy

Mayor Pro Tem Lipton stated the plan has a lot of balance to it and we are evolving away from cars He is very enthusiastic about the Great Streets as we need to slow down traffic in neighborhoods and we are getting a lot of bang for our buck by doing some of these simple things This is an aspirational document and is not specific, that is what future Council's will have to figure out. He stated he is comfortable adopting it tonight knowing it will evolve as the City does

Councilmember Keany stated he too is prepared for adoption and to tee this up for future councils to determine how to move it forward The improvements on Pine Street make sense to do in 2020 and could be a precursor to the Great Streets program He agrees the Fun Routes to School is a good idea This was a great collaborative community effort

Mayor Muckle stated the plan is exciting and a great document He likes the Great Streets Program and having these principles and plans in place to inform other projects He also supports the Fun Routes to School He supports intersection improvements on Pine Street next year He stated he is prepared to support this this evening He noted that as a practical matter we should make safe crossings a priority within our budget

Councilmember Leh stated he can support this as an aspirational document with details to come later He agrees underpasses are what people want and they are important. He also supports the Pine Streets improvements to demonstrate a commitment to these projects He noted the safety improvements we have done have had a big impact and have been both effective and cost-effective

Councilmember Maloney moved to approve Resolution No 34, Series 2019, seconded by Councilmember Leh

Voice vote all in favor

REVISED RECOMMENDED BUDGET FOR 2020, REVISED CAPITAL IMPROVEMENTS PLAN FOR 2019-2024, & REVISED LONG-TERM FINANCIAL PLAN FOR 2019-2024 – PUBLIC HEARING (advertised *Daily Camera* 9/22/19)

Mayor Muckle introduced the item and opened the public hearing

Director Watson stated the initial 2020 Operating & Capital Budget was informally approved during the 2019-2020 biennial budget process. The updated 2020 Budget will be presented for formal adoption on November 4 and includes updates to

- Revenue estimates and assumptions
- Expenditure estimates and targets
- Capital Improvements Plan
- Interfund transfer projections
- Long-Term Financial Plan

Director Watson reviewed the revenue estimates and assumptions for the General Fund, Open Space & Parks Fund, Historic Preservation Fund, Recreation Fund, and Capital Projects Fund. He also reviewed expenditure estimates for 2020 by fund.

He stated wage and benefit projections include one new full-time Police Officer proposed for 2020, a proposed 3% merit increase for all employees, and market adjustments per salary survey proposed for 2020.

Director Watson reviewed the budget changes of \$10,000 or higher. Most of these are departmental requests, some are corrections or changes we know will be needed.

Mayor Pro Tem Lipton noted his concern that some of these costs are not one-time but rather ongoing costs. He would like a process change for future years that would clarify one-time costs from ongoing expenses.

Director Watson reviewed the Capital Improvements Plan. The initial 2019-2024 Capital Improvements Plan was developed during the 2019-2020 biennial budget process and was published in the 2019-2020 Biennial Operating & Capital Budget document. The updated Capital Improvements Plan includes significant changes approved at the June 4 budget amendment hearing and additional changes proposed with the 2020 Recommended Budget.

Director Watson reviewed the long-term financial plan which was developed using revenue estimates and assumptions, expenditure estimates and targets, updated Capital Improvements Plan, and updated interfund transfers. He reviewed the long-term numbers for each fund. He noted the Golf Fund long-term funding is still under discussion with the Finance Committee.

Public Comments – None

Mayor Muckle stated the Finance Committee recommended the budget move knowing the Golf Fund capital issues will need to be addressed in detail in the next biennial budget.

Councilmember Stolzmann asked if the Pine Street improvements discussed earlier would be paid by the funds set aside for the TMP. Director Watson stated yes.

Public Comments – None

Mayor Muckle closed the public hearing This items will come back for further discussion and a vote on November 4

ORDINANCE NO 1784, SERIES 2019 – AN ORDINANCE AMENDING CHAPTER 2 08 OF THE LOUISVILLE MUNICIPAL CODE REGARDING THE MAYOR’S SALARY – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 9/22/19)

City Attorney Kelly introduced the item by title Mayor Muckle opened the public hearing

Clerk Muth stated that at the August 20th meeting the City Council reviewed the survey numbers comparing the salaries of the Mayor and City Council to our defined job market At that time they directed staff to bring an ordinance for consideration to raise the Mayor’s salary by \$54 per month to bring the salary up to the average of the market at \$1,164 per month Council requested no changes to the City Council annual salary

She stated that per the City Charter changes made now will not affect the sitting Mayor but if approved will be in place for the incoming Mayor in November

Public Comments-none

Councilmember Maloney noted Council also requested the Council salaries be reviewed annually in the market survey

Public Comments – None

Mayor Muckle closed the public hearing

Councilmember Maloney moved to approve Ordinance No 1784, Series 2019, seconded by Councilmember Keany

EXECUTIVE SESSION – ANNUAL PERFORMANCE EVALUATIONS OF APPOINTED OFFICIALS (Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized topics

Mayor Muckle stated he is requesting the City Council convene an Executive Session for the purpose of conducting annual performance reviews of the appointed officials including the City Attorney, Water Attorney, Prosecuting Attorney, and Municipal Judge

City Attorney Kelly stated the Mayor is requesting an executive session for annual performance evaluations of officials appointed by the City Council

City Clerk Muth read Section 2 90 050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session

City Attorney Kelly stated the authority to conduct this executive session comes from the Louisville Code of Ethics, Section 5-2(b) and CRS 24-6-402(4)(f) Section 5-2(b) authorizes an executive session for the purpose of reviewing the performance of an employee directly appointed by the City Council This is also allowed under the open meetings law in state statute This request involves an evaluation of the performance of the City Attorney, Water Attorney, Prosecuting Attorney, and Municipal Judge, all of whom are employees directly appointed by the City Council

MOTION Mayor Muckle moved the City Council adjourn to executive session for the purpose of an annual performance review of officials appointed by the City Council and the executive session include the City Council and the City Attorney, except the City Attorney will leave the executive session for the City Council's evaluation of the City Attorney, seconded by Councilmember Leh

Vote Motion carried by unanimous roll call vote

The City Council adjourned to executive session at 7 39 p m

The City Council meeting reconvened at 9 03 p m

REPORT – DISCUSSION/DIRECTION/ACTION – ANNUAL EVALUATION OF APPOINTED OFFICIALS

City Attorney Kelly reported that while in executive session, the City Council discussed the annual performance evaluations of the City Attorney, Water Attorney, Prosecuting Attorney, and Municipal Judge

Councilmember Leh stated the Legal Committee created a process for reviewing and making a recommendation about whether to retain the four positions At the moment we have an interim Municipal Judge as the Judge recently resigned Mayor Muckle noted the Committee will provide the appointed employees feedback from the evaluation process

Councilmember Leh moved to retain Colette Cribari as Prosecuting Attorney and bring back a contract for approval and reappointment in January 2020, Mayor Muckle seconded All in favor

Councilmember Leh moved to retain City Attorney Kelly PC, Councilmember Loo seconded Staff will bring back a contract for review and reappointment in January 2020 All in favor

Councilmember Leh moved to retain Water Attorney Hill and bring back contracts for approval and reappointment in January 2020, Councilmember Stoitzmann seconded All in favor

CITY ATTORNEY'S REPORT

City Attorney Kelly stated yesterday was the last day BNSF could appeal the decision from the Public Utilities Commission's Administrative Law Judge (ALJ) regarding the Quiet Zones and BNSF did file an appeal They are disputing two specific issues The City now has 14 days to respond BNSF is not disputing the ALJ imposed deadlines The City Attorney's office will keep the Council updated as this moves forward

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

None

ADJOURN

Members adjourned at 9 15 pm

Carol Hanson
Carol Hanson, Deputy City Clerk

Robert P Muckle
Robert P Muckle, Mayor

