

**LOVELAND CITY COUNCIL MEETING
TUESDAY, MAY 15, 2012
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

**5:30 P.M. DINNER - City Manager's Conference Room
6:30 P.M. REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING MAY 13 - 19, 2012 AS "POLICE WEEK"

PROCLAMATION DECLARING MAY 20 - 26, 2012 AS "NATIONAL PUBLIC WORKS WEEK"

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

- 1. CITY CLERK
 APPROVAL OF COUNCIL MINUTES
 Consideration of a motion approving Council minutes**

This is an administrative action to approve Council minutes from the April 24, 2012 study session and May 1, 2012 regular meeting.

2. **DEVELOPMENT SERVICES**
UTILITY EASEMENT VACATION – LOVELAND BUSINESS PLAZA FIRST ADDITION
Consideration on second reading of an ordinance vacating a utility easement on Lot 1, Block One, amended Plat of Lots 2-6, Block 3 Loveland Business Plaza First Addition
A legislative action to consider an ordinance on second reading vacating a 250 square foot utility easement on Lot 1, Block One in the Loveland Business Plaza First Addition, located at 1122 North Denver Avenue. City Council unanimously approved the first reading ordinance on May 1, 2012.
3. **FINANCE**
SUPPLEMENTAL APPROPRIATION – MATCHING GRANT FUNDING TO LOVELAND FIRE RESCUE AUTHORITY
Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to provide funding to the Loveland Fire Rescue Authority for matching funds required by a federal grant and for the programing and installation of the radios
This is an administrative action. The ordinance increases the City's contribution to the Loveland Fire Rescue Authority to provide 100% of local matching funds for a Federal Emergency Management (FEMA) Assistance to Firefighters Grant to replace radios, and provide funding to install and program the radios after the purchase. City Council unanimously approved the first reading ordinance on May 1, 2012.
4. **WATER & POWER**
SUPPLEMENTAL APPROPRIATION – VALLEY SUBSTATION EQUIPMENT
Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase for switchgear at the Valley Substation
This is an administrative action. The department is requesting the movement of funds which allows the purchase of the new system protection equipment at the Valley Substation. City Council unanimously approved the first reading ordinance on May 1, 2012.
5. **CITY CLERK**
MUNICIPAL CODE AMENDMENT – LIEN PROCESSES
Consideration on second reading of an ordinance amending Title 3 of the Loveland Municipal Code by the addition of a new Chapter 3.50 to consolidate and amend the lien and collection processes for the city's current code provisions related to weed abatement, graffiti removal, refuse removal and snow removal
This is a legislative action. Approval of the ordinance will amend the Municipal Code to collect the full costs associated with the City's actions to mitigate certain real property Code violations when a property owner does not comply with the City Code. It creates a standard lien and collection process within the Code for certain types of real property Code violations. City Council unanimously approved the first reading ordinance on May 1, 2012.
6. **CITY CLERK**
CITY COUNCIL MEETING SCHEDULE
Consideration of a motion canceling the June 19, 2012 regular meeting
This is an administrative action. On May 1, 2012 there was a consensus of City Council to cancel the June 19, 2012 regular meeting, since several Councilors and staff have

expressed interest in attending the Colorado Municipal League Conference to be held during that week.

7. **FIRE & RESCUE**
PUBLIC HEARING

MUNICIPAL CODE AMENDMENT AND ADOPTION OF LOCAL EMERGENCY OPERATIONS PLAN, 2012 REVISIONS

Consideration on first reading of an ordinance adopting the City of Loveland Emergency Operations Plan and amending Section 2.72.010 of the Loveland Municipal Code concerning the comprehensive disaster plan

This is an legislative action. The Local Emergency Operations Plan is the City's primary emergency document that describes the authority and responsibilities that the City holds during emergencies and large-scale disasters. Revisions of this plan will be conducted every three years.

8. **AIRPORT**

COLORADO STATE AVIATION DISCRETIONARY GRANT

Consideration of Resolution #R-34-2012 authorizing the City Manager to execute a grant agreement with the State of Colorado Division of Aeronautics (CDAG #12-FNL-02) for equipment, improvements and funding pertaining to the Fort Collins-Loveland Municipal Airport

This is an administrative action. The resolution authorizes the City Manager to execute a Grant from the State of Colorado, Division of Aeronautics for funds in the amount of \$13,684.00. The State Aviation Discretionary Grant will be used to cover an increase in match for the FAA 2012 Entitlement Grant for Design Services for the first phase of the general aviation ramp rehabilitation that will be completed in 2013 and for acquisition of an additional snow removal vehicle.

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.*
- 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.*
- c. **City Manager Report**
- d. **City Attorney Report**

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

9. **CITY MANAGER / CITY ATTORNEY**

PUBLIC HEARING

MORATORIUM ON PROCESSING APPLICATIONS, PERMITS, OTHER APPROVALS FOR OIL AND GAS EXTRACTION

Consideration on the only reading of an emergency ordinance of the Council of the City of Loveland imposing a nine-month moratorium on the City's acceptance and processing of land use applications, permits and other approvals concerning the conduct of oil and gas extraction and related operations within the City

This is a legislative action to consider an emergency ordinance enacting a nine-month moratorium on the acceptance and processing of land use applications and other approvals related to oil and gas extraction and related operations within the City, pursuant to Council's request at its May 1, 2012 meeting. An alternative (non-emergency) ordinance is included should there not be at least six votes to pass this Ordinance as an emergency ordinance, but nevertheless a majority of the Council quorum present wishes to consider adopting a moratorium ordinance on first reading in lieu of the emergency ordinance.

10. **DEVELOPMENT SERVICES**

AMEND GENERAL DEVELOPMENT PLAN FOR MILLENNIUM ADDITION

Consideration on second reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for certain property located within the Millennium Addition PUD - 8th Amendment (#P-59), approving the 9th Major Amendment to the General Development Plan for the Millennium Addition PUD

Consideration of a quasi-judicial action to adopt an ordinance on second reading amending the land use, development standards and public hearing process established in the Millennium General Development Plan (the "GDP"). The Millennium PUD consists of 2,916 acres located generally on the east side of Loveland. The applicant is McWhinney Real Estate Services, Inc. City Council approved the first reading of the ordinance on May 1, 2012 by a vote of eight to one.

11. **ECONOMIC DEVELOPMENT**

AMENDMENT TO PARK PLACE PLAZA FEE DEFERRAL AGREEMENT

Consideration of Resolution #R-35-2012 approving a First Amendment to the Park Place Plaza Fee Deferral Agreement dated July 7, 2008

This is an administrative action. This is an amendment to an agreement originally approved by City Council in 2008 for the benefit of the Park Place Plaza Project, located at 1st Street and Railroad Avenue (102 – 140 E. 1st Street). The agreement deferred the requirement to pay water and wastewater system impact fees and the raw water development fee applicable to a two-inch residential water meter totaling \$107,660 by collecting the fees through the imposition of a capital recovery surcharge. The amendment would defer those same fees applicable to water and wastewater service for four new housing units to be added to the project.

12. **ECONOMIC DEVELOPMENT**

CONTRACT TEMPLATE FOR DOWNTOWN BROKERAGE SERVICES

Consideration of a motion approving a contract template for brokerage services for Downtown properties and authorizing the City Manager, in consultation with the City Attorney, to make changes to the contract form, in form or substance, as deemed necessary to protect the interest of the City and to execute contracts for brokerage services

This is an administrative action to approve the contract form for brokerage services for Downtown properties. The contract template will allow the City to contract with brokers that are interested in assisting the City with property valuations and assemblages in Downtown for the purposes of redevelopment. The brokerage contract is non-exclusive and does not obligate the City to acquire any property or pay any commissions. Staff had previously submitted the contract template and staff memorandum to Council for review prior for formal consideration.

13. **CITY MANAGER**
Proposed Executive Session to Receive Advice from Legal Counsel concerning Klen v. City of Loveland lawsuit

ADJOURN