

**LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 3, 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 MONTH OF JULY "LOVELAND LOVES BBQ, BANDS AND BREWS" MONTH AND JULY 14, 2012 AS "LOVELAND LOVES BBQ, BANDS AND BREWS DAY"

PROCLAMATION ENDORSING "CRUZ-IN LOVELAND" EVERY FRIDAY NIGHT OF THE SUMMER

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 study sessions on May 22 and June 12, 2012 and the June 5, 2012 regular meeting.

2. **CITY MANAGER**
APPOINTMENTS TO THE YOUTH ADVISORY COMMISSION
Consideration of a motion appointing recommended members and alternates to the Youth Advisory Commission for terms effective June, 2012 through May, 2013
This is an administrative action. On May 26, 2012, four of the current Youth Advisory Commission ("YAC") members graduated from high school. Interviews were conducted by Jenni Dobson, Cathleen McEwen and some current commissioners on April 18 and May 8, 2012 to fill these vacancies. YAC would also like to reappoint commissioners and alternates who are not graduating or leaving at this time. YAC has 12 total voting commissioners and four alternates. The appointed and reappointed commissioners and alternates will serve a term from June, 2012 through May, 2013.

3. **CITY MANAGER**
BOARD & COMMISSION APPOINTMENTS
Consideration of a motion appointing or reappointing members to the Affordable Housing Commission, Construction Advisory Board, Historic Preservation Commission, Loveland Utilities Commission and Transportation Advisory Commission
This is an administrative item recommending the appointment or reappointment of members to the Affordable Housing Commission (appointing Marcy Hoerster, Pam McCrory, and Ted Schlagenhauf each for a term effective until June 30, 2015), Construction Advisory Board (reappoint Gregg Meisinger for a term effective until June 30, 2015), Historic Preservation Commission (appoint Stacey Kersley and reappoint Trudi Manuel each for a term effective until June 30, 2015), Loveland Utilities Commission (reappoint Gary Hausman, Dan Herlihey, and John Matis each for a term effective until June 30, 2015) and the Transportation Advisory Board (reappoint Gary Thomas for a term effective until June 30, 2015).

4. **DEVELOPMENT SERVICES**
REZONE LAKES PLACE 5TH SUBDIVISION
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 in the Lakes Place 5th Subdivision, City of Loveland, Larimer County, Colorado
This is a quasi-judicial action to adopt an ordinance on second reading to rezone Outlots A, B, and C of the Lakes Place 5th Subdivision from DR-Developing Resource District to R1-Developing Low-density Residential District. The applicants are Larry Heckel and Leroy Gabriel. City Council unanimously approved the ordinance on first reading on June 5, 2012.

5. **WATER & POWER**
MUNICIPAL CODE AMENDMENT – WATER BOOSTER PUMPS & SYSTEMS
Consideration on second reading of an ordinance amending the Loveland Municipal Code at Chapter 13.04 and Chapter 19.06 concerning water booster pumps and systems
This is a legislative action. The ordinance amends the Loveland Municipal Code at Chapter 13.04 and Chapter 19.06 regarding water booster pumps and systems. Several irrigation booster pumps have been connected to the City's water system directly after the water meter. The booster pumps create a potential for cross-contamination and create localized low pressure during operation which can result in system water pressures that do not meet minimum goals. Currently there is no regulation in the Code

for irrigation booster pumps. City Council unanimously approved the ordinance on first reading on June 5, 2012.

6. **WATER & POWER**
PUBLIC HEARING

MUNICIPAL CODE AMENDMENT - CHAPTER 19.04 CONCERNING WATER RIGHTS IN ACCORDANCE WITH THE 2012 RAW WATER MASTER PLAN

Consideration on first reading of an ordinance amending the Loveland Municipal Code at Chapter 19.04 concerning water rights in accordance with the 2012 Raw Water Master Plan

This is a legislative action to adopt an ordinance amending the Loveland Municipal Code at Chapter 19.04 concerning water rights in accordance with the 2012 Raw Water Master Plan. On June 5, 2012 the Loveland City Council unanimously approved Resolution #R-46-2012 adopting the 2012 Raw Water Master Plan. In order to implement portions of the plan, the Loveland Municipal Code at Chapter 19.04 concerning water rights must be amended.

7. **PUBLIC WORKS**
PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – GRANT FUNDS FOR TRAFFIC SIGNAL INTERCONNECT SYSTEM

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for a federal grant to design and construct a reliable traffic signal/ITS devices interconnect system expansion along regionally significant corridors in Loveland.

This is an administrative action. The ordinance appropriates federal grant funds and the City's matching funds totaling \$1,084,000 for the construction of a traffic signal interconnect system. The grant brings a significant amount of unexpected federal funding. The City General Fund has undesignated fund balance that is available to match the grant, allowing for a significant improvement in the traffic signal system.

8. **PUBLIC WORKS**

AMEND COLORADO DEPARTMENT OF TRANSPORTATION AGREEMENT FOR TRAFFIC OPERATIONS CENTER UPGRADES

Consideration of Resolution #R-47-2012 approving an amendment to an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, for the use and benefit of the Department of Transportation, for design and construction of building upgrades to the Loveland Traffic Operations Center

This is an administrative action to approve an amendment to an existing contract with CDOT by which the City received federal funds for the design and construction of building upgrades to the City's Traffic Operations Center. This item is necessary in order to complete the revised criteria for closing out a project with federal funding so that the City can receive the final reimbursement amount from CDOT. The original contract was approved by City Council at its September 18, 2007 meeting by adoption of Resolution #R-97-2007. The original contract included federal funds of \$120,000 and required a 17.21% Local Match in the amount of \$24,945, for a total contract amount of \$144,945. The amendment reflects the addition of \$155,000 in City "local agency overmatch" funds that were used to complete this project, raising the total project cost to \$299,945. The additional \$155,000 in City funding was included in previously-approved budgets related to the Transportation Capital Improvement Program.

9. **FINANCE**
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION – NEW PEG FEE FUND TRANSFER
Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to transfer fund balance to the new PEG Fee Fund
This is an administrative action. The ordinance transfers fund balance of \$139,470 that has been kept in the General Fund to a new PEG Fee fund (public, educational, and governmental access) established in the 2012 budget process.
10. **DEVELOPMENT SERVICES**
REALLOCATE UNSPENT 2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
Consideration of Resolution #R-48-2012 of the City of Loveland, Colorado approving the grant funding recommendation of the Loveland Affordable Housing Commission for the reallocation of certain 2011 Community Development Block Grant funds
This is an administrative action to consider a resolution reallocating 2011-2012 Community Development Block Grant (CDBG) funding in the amount of \$54,896.67.
11. **DEVELOPMENT SERVICES**
FINDINGS & CONCLUSIONS FROM KUM & GO APPEAL
Consideration of Resolution #R-49-2012 adopting findings and conclusions regarding appeal of the Planning Commission's decision approving a type 3 zoning permit for Special Review #896 for Kum & Go Gas Station #995
This is a quasi-judicial action to consider a resolution adopting findings and conclusions in support of the June 5, 2012 City Council approval of a type 3 zoning permit for Special Review #896 for Kum & Go Station #995. Approval of the type 3 permit upheld the Planning Commission decision on March 19, 2012 to deny an appeal of a decision by the Current Planning Manager to approve a special review for the Kum & Go gas station/convenience store. The appeal was filed by Kevin Borchers, manager of Champion K&K Enterprise.
12. **PUBLIC WORKS**
APPOINTMENT OF STEERING COMMITTEE MEMBERS TO THE NORTH FRONT RANGE TRANSIT VISION PROJECT
Consideration of a motion to appoint Joan Shaffer and Dan Hill as Loveland's members on the steering committee for the North Front Range Transit Vision project for the duration of the one year project
This is an administrative action. The North Front Range Transit Vision project is a regional study focused on developing recommendations for decision-making and funding structures for regional transit services in the north Front Range area. A steering committee is being formed to provide the project management team with policy-level guidance on project issues, options, findings and recommendations and serve as a communication link to the communities they represent. The steering committee is comprised of an elected official and one or more community members from each of the cities sponsoring the project. Joan Shaffer and Dan Hill are recommended for appointment to the steering committee representing the City of Loveland for the duration of the one year project.

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

13. **CITY CLERK**
PUBLIC HEARING
CHANGE TO CITY OF LOVELAND WARD BOUNDARIES
Consideration on first reading of an ordinance amending Chapter 1.24 of the Loveland Municipal Code changing the boundaries of the City's four wards
This is an administrative action regarding redistricting the ward boundaries within the City of Loveland to meet certain requirements.
14. **CITY MANAGER**
PUBLIC HEARING
BAN ON CERTAIN OUTDOOR FIRES WITHIN CITY OF LOVELAND
Consideration on only one reading of an emergency ordinance temporarily banning certain outdoor fires within the City of Loveland
This is a legislative action to consider an emergency ordinance to temporarily ban certain types of outdoor fires within the corporate limits of the City of Loveland. This action would be similar in many respects to the ban on "open burning" imposed by Governor Hickenlooper in his June 14, 2012, Executive Order and would be in alignment with many of the provisions that are currently in Larimer County's ban on "open fires" adopted by special resolution on June 19, 2012.
15. **FINANCE**
MAY 2012 FINANCIAL REPORT
This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the five months ending May 31, 2012.

**16. CITY MANAGER
INVESTMENT REPORT FOR MAY 2012**

This is an information only item. The budget estimate for investment earnings for 2012 is \$2,729,560. Through May 2012, the amount posted to the investment account is \$1,358,544 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$253,214. Based on the May monthly statement, the estimated annualized yield on the U.S. agencies and corporates inched up to 1.53%, still under the annual target rate of 1.7% for 2012. Reinvestment rates have trended to near record low levels and remain lower than the budget projection.

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