

ADDENDUM OF ITEM 12, ADDED JULY 16, 2012
LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 17, 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 AUGUST 3-7, 2012 AS "LARIMER COUNTY FAIR AND PRCA RODEO DAYS" AND JULY 28, 2012 AS "LARIMER COUNTY FAIR AND PRCA RODEO PARADE DAY"

PROCLAMATION DECLARING KENNETH WEEDIN AS AN "HONORED CITIZEN" OF THE CITY OF LOVELAND

PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR 2012 BUDGET

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 following meetings: June 26, 2012 study session, June 26, 2012 special meeting and July 3, 2012 regular meeting.

2. CITY MANAGER

APPOINTMENTS TO COMMUNITY MARKETING COMMISSION

Consideration of a motion reappointing members to the Community Marketing Commission for terms effective until June 30, 2015

This is an administrative action recommending the reappointment of Kurt Albers and Tom Dwyer to the Community Marketing Commission. Recruiting has begun for the remaining partial term vacancy.

3. WATER & POWER

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

Consideration on second 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. City Council unanimously adopted the ordinance on first reading on July 3, 2012.

4. CITY CLERK

CHANGE TO CITY OF LOVELAND WARD BOUNDARIES

A) Consideration on second reading of an ordinance amending Chapter 1.24 of the Loveland Municipal Code changing the boundaries of the City's four wards

B) Consideration of Resolution #R-50-2012 changing the boundaries of the City of Loveland's four wards and establishing the City's voter precincts

This is an administrative action regarding redistricting the ward boundaries within the City of Loveland to meet certain requirements and approving the new ward and precinct map. On July 3, 2012, City Council unanimously approved the ordinance on first reading.

5. PUBLIC WORKS

SUPPLEMENTAL APPROPRIATION – GRANT FUNDS FOR TRAFFIC SIGNAL INTERCONNECT SYSTEM

Consideration on second 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. The first reading of the ordinance was approved unanimously by City Council at the July 3, 2012 meeting.

6. **FINANCE**

SUPPLEMENTAL APPROPRIATION – NEW PEG FEE FUND TRANSFER

Consideration on second 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. The first reading of the ordinance was approved unanimously by City Council at the July 3, 2012 meeting.

7. **DEVELOPMENT SERVICES**

PUBLIC HEARING

DESIGNATION OF RAY HOUSE/HAUSEMAN HOUSE AS HISTORIC LANDMARK

Consideration on first reading of an ordinance designating as a historic landmark the Ray House/Hauseman House located at 524 North Harrison Avenue in Loveland, Colorado

A public hearing to consider a legislative action to adopt an ordinance on first reading designating as a Historic Landmark the "Ray House/Hauseman House" at 524 North Harrison Avenue, per Section 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff reviewed the benefits and obligations of historic designation with the property owner.

8. **DEVELOPMENT SERVICES**

PUBLIC HEARING

REZONE PROPERTY – AGILENT OPEN SPACE

Consideration on first 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 amended plat of: the amended plat of CMS Addition and the Fourth South Industrial Addition, Tract 1 Fourth South Industrial Addition; the amended plat of Tracts 1 and 2 Block 1, Loveland Technological Center First Subdivision, Tract 2, Block 1; the Big Thompson Industrial Park Second Subdivision, Lot 2, Block 1; the Big Thompson Industrial Park, Tract 3 and Tract 4; the Fairgrounds First Subdivision, Outlot A; the Hewlett - Packard Roosevelt Addition, Tract A; the Hewlett-Packard Big Thompson First Subdivision, Tracts 1 and 2; the Loveland Technological Center First Subdivision, Tract 3; the Second South Industrial Addition, Tract 1; the Third South Industrial Addition, Tract 2, City of Loveland, County of Larimer, State of Colorado

This is a public hearing and consideration of a quasi-judicial action to adopt an ordinance, on first reading, to rezone the property described in said ordinance, from I-Developing Industrial District and DR- Developing Resource District to PP- Public Park District. The property is to be known as the Agilent Open Space. The applicant is the City of Loveland Parks and Recreation Department.

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. ECONOMIC DEVELOPMENT

SALES TAX REFUND AGREEMENT FOR COFFEE TREE LLC

Consideration of Resolution #R-51-2012 approving a sales tax refund agreement for the Coffee Tree LLC

This is an administrative action. The resolution would approve a 33 percent sales tax (one penny out of three collected) refund for the Coffee Tree LLC. The agreement is for 36 months and shall not exceed \$15,942.25. The agreement is performance based and their ability to collect the refund is based entirely on store sales. The amount is to help offset the cost of a grease interceptor and HVAC improvements to the building to facilitate a restaurant use.

10. CITY MANAGER

PUBLIC HEARING

BAN ON CERTAIN FIRES AND SALE/USE OF FIREWORKS WITHIN CITY OF LOVELAND

A) Consideration on the first and only reading of an emergency ordinance temporarily banning certain outdoor fires within the City of Loveland until October 1, 2012

B) Consideration on the first and only reading of an emergency ordinance temporarily prohibiting the sale and use of permissible fireworks in the City of Loveland until October 1, 2012

This is a legislative action to consider two emergency ordinances or alternatively the same two ordinances as non-emergency ordinances, with one ordinance enacting a temporary ban in the City on certain types of outdoor fires until October 1, 2012, and the

other temporarily prohibiting in the City the sale and use of permissible fireworks until October 1, 2012. This action would be similar in many respects to Larimer County's bans on "open fires" and on the sale and use of all fireworks, which were enacted by the County Commissioners by resolution on June 19, 2012.

**11. CITY ATTORNEY
SPECIAL MUNICIPAL ELECTION**

Consideration of Resolution #R-52-2012 calling for a special municipal election to be held on November 6, 2012, for the purpose of filling a Council vacancy in Ward 4 and to authorize the Loveland City Clerk to notify the Larimer County Clerk and recorder of the City of Loveland's intention to conduct this special election as a coordinated election with Larimer County

This is an administrative action to adopt a resolution: (1) calling for a special election to be held on November 6, 2012, as a coordinated election with Larimer County; (2) allowing this special election to be governed by the Uniform Election Code, but only to the extent necessary to conduct the election as a coordinated election with Larimer County; and (3) directing the City Clerk to notify the Larimer County Clerk and Recorder of the City's intent to conduct its special election on November 6, 2012 as a coordinated election with Larimer County.

**12. CITY MANAGER
ELECTION OF MAYOR PRO-TEM**

ADJOURN