

**LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS
TUESDAY, MAY 7, 2013
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

**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 05, 2013 – May 11, 2013 AS “MUNICIPAL CLERKS WEEK” (Terry Andrews)

PROCLAMATION DECLARING MAY 12, 2013 – May 18, 2013 AS “NATIONAL POLICE WEEK” (Luke Hecker)

PROCLAMATION DECLARING MAY 2013 AS “ARCHAEOLOGY & HISTORIC PRESERVATION MONTH” (Matt Newman)

PROCLAMATION DECLARING MAY 2013 AS “MENTAL HEALTH MONTH” (Emily Dawson Peterson & Kathy Roth)

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** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES

Motion to approve Council minutes from the April 9, 2013 Study Session, the April 16, 2013 Council Meeting, and the April 23, 2013 Study Session.

This is an administrative action to approve the Council minutes.

2. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
KOLDEWAY INDUSTRIAL 2ND SUBDIVISION REZONING

Motion to approve and order published on second reading;

1. **An ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for Certain Property Located in Lots 2 and 3, Block 1, Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado; and**
2. **An ordinance Vacating a Public Right-Of-Way (Alley) Adjacent to Lots 1, 2, and 3, Block 1, Koldeway Industrial Second Subdivision, City of Loveland, Larimer County, Colorado**

A quasi-judicial action to adopt an ordinance on second reading rezoning Lots 2 and 3, Block 1, of the Koldeway Second Industrial Subdivision from I-Developing Industrial to B-Developing Business and amending a Development Agreement and a legislative action to adopt an ordinance on second reading vacating a public right-of-way. The 3.12 acre property is located on the east side of Denver Avenue, one lot south of 11th Street. The owner of the property is Loveland Midtown Development, Inc. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

3. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
RANGE VIEW 3RD (LAKE VISTA) UTILITY EASEMENT

A motion to approve and order published on second reading an ordinance Vacating a Portion of a Private Access, Emergency Access, and City of Loveland Water and Sewer Easement on Lot 4, Block 1, Range View Third Subdivision, City of Loveland

This is a legislative action for adoption of an ordinance on second reading to vacate an 89 square foot/up to 2.7 feet in width portion of an easement in the Range View Third Subdivision, located at 2331 Rocky Mountain Avenue. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

4. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 CITY BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but Not Completed in 2012

This is an administrative action. The Ordinance reappropriates funding for capital projects and other one-time projects approved but not completed in the prior year. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

5. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 LURA BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to The Loveland Urban Renewal Authority Budget Reappropriating The Façade Grant Program and Funding for Parking Lot Improvements Approved in 2012 but not Completed

This is an administrative action. Reserves are reappropriated for the Façade Grant Program and parking lot improvements. The first reading of the ordinance was approved unanimously by LURA at the April 16, 2013 meeting.

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

6. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 GID BUDGET

A motion to approve and order published on second reading an ordinance Adopting a Supplemental Budget and Appropriation for The 2013 Loveland General Improvement District #1 to Reappropriate Funds for Signal Light Upgrades and Parking Lot Improvements Approved in 2012 but Not Completed.

This is an administrative action. Funds approved in 2012 for signal pole upgrades and parking lot improvements are appropriated to complete the projects. The first reading of the ordinance was approved unanimously by the GID at the April 16, 2013 meeting.

ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) AND RECONVENE AS CITY COUNCIL

7. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 AIRPORT BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to The 2013 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but Not Completed in 2012.

This is an administrative action. The ordinance appropriates the remaining balance for capital projects and equipment purchases previously approved in 2012. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

8. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – APPROPRIATE UNUSED FUNDS FROM 2012 NEW PROJECTS BUDGET

A motion to approve and order published on second reading an ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Projects or Programs Not Anticipated at the Time of Adoption for the 2013 Budget

This is an administrative action. Since the adoption of the 2013 Budget, several issues have emerged that require increased appropriations. This ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between

funds) is \$5.29 million. The appropriation is funded by \$5.28 million of fund balance and \$13,390 of Federal Grant Revenue. The first reading of the ordinance was approved unanimously by City Council at the April 16, 2013 meeting.

9. **LIBRARY** (presenter: Marcia Lewis)
PUBLIC HEARING
UNITED WAY OF LARIMER COUNTY GRANT TO LOVELAND PUBLIC LIBRARY
A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for a Contribution from the United Way of Larimer County for the Summer Literacy Program
This is an administrative action. The ordinance appropriates a contribution of \$3,000 from the United Way of Larimer County to the Loveland Public Library.
10. **PUBLIC WORKS** (presenter: Keith Reester)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR COLT VIDEO SURVEILLANCE INSTALLATIONS
A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for the Transit Video Surveillance Project
This is an administrative action. The ordinance appropriates a Federal Transit Authority (FTA) Grant and the required local match for the video surveillance project. Federal Grant Funds are leveraged to purchase equipment for video surveillance on the transit buses. The funds are excess FTA 5309 funds, from the recently completed electronic fare box installation project. This ordinance appropriates \$30,970 - FTA 5309 funds; \$10,240 - Local match.
11. **WATER & POWER** (presenter: Russel Jentges)
IGA FOR PLATTE RIVER POWER AUTHORITY (PRPA)
A motion to approve Resolution #R-28-2013 Approving an Intergovernmental Agreement between the City of Loveland, Colorado and Platte River Power Authority for Substation Maintenance
This is an administrative action to approve an intergovernmental agreement with Platte River Power Authority (PRPA) for Substation Maintenance. The funds to be committed are \$250,000, which have been appropriated and are available in the 2013 Water & Power Budget.

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

12. DEVELOPMENT SERVICES (presenter: Kerri Burchett)

PUBLIC HEARING

FIRE STATION NO. 2 ADDITION

Motion to approve and order published on first reading;

- 1. A Resolution #R-29-2013 Concerning the Annexation to the City of Loveland, Colorado of a Certain Area Designated as the "Fire Station No. 2 Addition" More Particularly Described Herein, and Setting Forth Findings of Fact and Conclusions Based Thereon as Required by the State Constitution and State Statutes;**
- 2. An Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Fire Station No. 2 Addition" to the City of Loveland; and**
- 3. An Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Fire Station No. 2 Addition" to the City of Loveland.**

This is a legislative action to adopt a resolution and ordinance to annex 6.43 acres of City owned property to be known as the Fire Station No. 2 Addition; and A quasi-judicial action to zone the 6.43 acres to R1- Developing Low Density Residential District. The property is located south of and adjacent to West 29th Street and approximately 900 feet west of North Wilson Avenue. The applicant is the City of Loveland Fire Rescue Authority (LFRA).

13. FIRE & RESCUE (presenter: Randy Mirowski)

BURN BAN & RESTRICTIONS

Motion to approve and order published on second reading An Ordinance on Amending City Code Chapter 15.28 Granting the City Council and the City Manager Authority to Enact Outdoor Fire Bans and Restrictions Under Certain Emergency Circumstances Within the City of Loveland

This is a legislative action to consider an ordinance amending the City Code to grant authority to both the City Manager and the City Council, under certain emergency situations, to quickly impose outdoor fire bans and restrictions within the City of Loveland. This ordinance does not include the authority to impose a ban or restrictions on the use of permissible fireworks within the City of Loveland. The first reading of the ordinance was approved at the April 16, 2013 meeting with eight councilors voting in favor.

14. CULTURAL SERVICES (presenter: Suzanne Janssen)

VISUAL ARTS COMMISSION ACTIVITIES UPDATE

State of Public Arts in Loveland

This is an information only item. No action is required Commission representatives will

present information regarding the “State of the Arts” in Loveland, highlighting 2012 acquisitions, accomplishments, and 2013’s highly visible public art projects undertaken for the Art in Public Places Program. Financing for the projects discussed are presently allocated within the annual budget.

15. **CULTURAL SERVICES/FINANCE** (presenter: Jan Sawyer, Brent Worthington)
ONE YEAR RIALTO THEATER CENTER REPORT

This is an information only item. No action is required. Report on the first year of operation of the Rialto Theater Center and the Facilities Maintenance Agreement between the City of Loveland Rialto Bridge, LLC.

16. **FINANCE** (presenter: Brent Worthington)
MARCH 2013 FINANCIAL REPORT

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 and health claims year to date, ending March 31, 2013.

17. **FINANCE** (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR MARCH 2013

This is an information only item. No Council action is required. The budget estimate for investment earnings for 2013 is \$2,760,560. Through March, the amount posted to the investment account is \$554,071 including realized gains. Actual year-to-date earnings are lower than the budget projection by \$127,441. Based on the monthly statement, the estimated annualized 1.05% yield on the securities held by US Bank was up from last month and under the annual target rate of 1.20% for 2013. Reinvestment rates have been near record low levels, much lower than the budget projection.

18. **CITY MANAGER**
Executive Session concerning *City of Loveland v. Beierwaltes* Litigation

ADJOURN