

effective until June 30, 2016.

- Motion to appoint Miki Roth to the Community Marketing Commission for a partial term effective until June 30, 2014.
- Motion to appoint Christine Forster as an Alternate member of the Community Marketing Commission for a term effective until June 30, 2014.
- Motion to reappoint Keith Benner, David Stamps and Christopher Rosenberger to the Construction Advisory Board, each for a term effective until June 30, 2016.
- Motion to appoint Jerry Weitzel to the Golf Advisory Board for a partial term effective until December 31, 2013.
- Motion to reappoint Bruce Croissant and Daniel Hill to the Transportation Advisory Board, each for a full term effective until June 30, 2016.
- Motion to appoint Charlie Jackson to the Visual Arts Commission for a partial term effective until December 31, 2013.
- Motion to reappoint Mike Alexander and Arthur Erickson as City Council Appointed members of the Volunteer Firefighters' Pension Board of Trustees, each for a full term effective until June 30, 2017.

2. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
GATEWAY PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN AMENDMENT

A motion to approve and order published on second reading an Ordinance Amending the Gateway Planned Unit Development General Development Plan, City of Loveland

This is a quasi-judicial action to adopt an ordinance on second reading amending the Gateway General Development Plan (GDP). This will allow an increase in maximum density on Gateway Parcel A-1 from 16 units/acre to 22 units/acre and will increase the overall maximum number of multifamily residential units allowed in the GDP from 500 to 586. City Council unanimously approved the ordinance on first reading at the July 16, 2013 regular meeting.

3. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
DAKOTA GLEN PUD - FIRST AMENDMENT (#P-98)

A motion to approve and order published on second reading an Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Dakota Glen PUD - First Amendment (#P-98)", Approving the First Amendment to the Preliminary Development Plan for the Dakota Glen PUD

This is a quasi-judicial action to amend the Dakota Glen PUD Preliminary Development Plan. The amendment would allow the construction of an above ground public utility facility and natural gas pipeline within the PUD boundaries. The property is located north of and adjacent to 14th Street SW and west of South Wilson Avenue. The applicant is Public Service Company of Colorado. City Council unanimously adopted the ordinance on first reading on July 16, 2013.

4. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
AIRPARK NORTH ADDITION AMENDMENT

A motion to approve and order published on second reading an Ordinance Amending Ordinances 3380 and 3381 to Modify a Condition Set Forth Therein

Pertaining to the Annexation and Zoning of the Airpark North Addition to the City of Loveland, Larimer County, Colorado

This is a legislative action to adopt an ordinance on second reading modifying a condition on the annexation and zoning of the Airpark North Addition. City Council unanimously adopted the ordinance on first reading at the July 16, 2013 regular meeting.

**5. DEVELOPMENT SERVICES (presenter: Bethany Clark)
SUPPLEMENTAL APPROPRIATION FOR CONSULTING SERVICES FOR HIGHWAY 287 BUSINESS DEVELOPMENT CORRIDOR**

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 Consulting Services to Develop the Highway 287 Business Development Corridor Plan

This is an administrative action to appropriate \$150,000 for consulting services to assist in developing a Highway 287 Business Development Corridor Plan. In January of 2012, City Council held their annual Council Advance to set the priorities for the year. One of the goals the Council set as a priority was to "Develop a Highway 287 Business Development Plan" to guide its development and improve the quality of development along the corridor. This goal was carried through as a priority in the 2013 annual Council Advance. As one of the main corridors into Loveland's downtown, the Highway 287 corridor has great potential for redevelopment and becoming a gateway to Downtown Loveland. The plan will serve as a guide for residents, property owners, developers, City staff, and elected officials in making good land use, design, and development decisions in the corridor. Funding is from reserves, which reduces the flexibility for funding other potential needs. The ordinance was unanimously passed on first reading by City Council on July 16, 2013.

**6. PUBLIC WORKS (presenter: Ken Cooper)
SUPPLEMENTAL APPROPRIATION FOR PRELIMINARY PROGRAMMING AND DESIGN OF THE PUBLIC SAFETY TRAINING CAMPUS**

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 Preliminary Programming and Design of the Public Safety Training Campus

This is an administrative action to appropriate \$310,000. The ordinance appropriates funding from reserve funds for preliminary program and design of the Police Training Facility. Full design and construction of the facility are programmed in 2016-2019 in three phases in the 2014 Capital Program. The project is funded with reserves in the Police Capital Expansion Fee Fund that reduce the flexibility for use on other projects. City Council unanimously approved this ordinance on first reading at the July 16, 2013 regular meeting.

**7. PUBLIC WORKS (presenter: Dave Klockeman)
SUPPLEMENTAL APPROPRIATION FOR SIGN AND SIGNAL MAINTENANCE**

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 Sign and Signal Maintenance on State Highways

This is an administrative action. The ordinance appropriates \$36,720 of additional revenue from a contract increase with the Colorado Department of Transportation (CDOT) for traffic sign, traffic signal, and pavement marking maintenance on State Highways within the City. The ordinance was approved unanimously on first reading by

City Council at the July 16, 2013 meeting.

8. **CITY MANAGER** (presenter: Rod Wensing)
SPECIAL MEETING REQUEST FOR AUGUST 13, 2013
A motion Setting a Special Meeting for August 13, 2013 of City Council, for the Purpose of Holding an Executive Session in Order to Receive a Report from the City Attorney and Outside Legal Counsel Regarding the City's Franchise Agreement with Comcast and to Instruct City Negotiators Going Forward
This is an administrative action. The motion will set a special Council meeting and waive the required notice in the City Charter 4.2(b).
9. **DEVELOPMENT SERVICES** (presenter: Alison Hade)
PUBLIC HEARING
HUD ANNUAL ACTION PLAN
A motion to adopt a Resolution #R-55-2013 of the City Council of the City of Loveland, Colorado Approving a Community Development Block Grant Annual Action Plan and Grant Application for 2013 – 2014
This is an administrative action. The resolution approves the 2013-2014 Community Development Block Grant (CDBG) Annual Action Plan. Adoption of the plan will allow the City to receive and distribute CDBG funds.
10. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Randy Mirowski)
INTERGOVERNMENTAL AUTOMATIC MUTUAL AID AGREEMENT- ESTES VALLEY
A motion to adopt a Resolution #R-56-2013 Approving an Intergovernmental Automatic Mutual Aid Agreement Between the Loveland Fire Rescue Authority and the Estes Valley Fire Protection District
This is an administrative action. The resolution approves an intergovernmental automatic mutual aid agreement between the Loveland Fire Rescue Authority (LFRA) and the Estes Valley Fire Protection District. The agreement was approved by the LFRA Board on July 11, 2013. The intergovernmental agreement that established the LFRA requires that auto and mutual aid agreements be approved by the City.
11. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Randy Mirowski)
INTERGOVERNMENTAL AUTOMATIC MUTUAL AID AGREEMENT- JOHNSTOWN
A motion to adopt a Resolution #R-57-2013 Approving an Intergovernmental Automatic Mutual Aid Agreement Between the Loveland Fire Rescue Authority and the Johnstown Fire Protection District
This is an administrative action. The resolution would approve an intergovernmental automatic mutual aid agreement between the Loveland Fire Rescue Authority (LFRA) and the Johnstown Fire Protection District. The agreement was approved by the LFRA Board on July 11, 2013. The intergovernmental agreement that established the LFRA requires that auto and mutual aid agreements be approved by the City.
12. **PARKS & RECREATION** (presenter: Janet-Meisel-Burns)
AMENDMENTS TO SERVICE CONTRACT FOR MEHAFFEY PARK PROJECT
1. **A motion to Amend the Services Contract with Logan Simpson Design, Inc., to Increase the Fees for Mehaffey Park Design and Engineering Services from a "not to Exceed Amount of \$714,000" to a "not to Exceed Amount of \$769,623" and to Authorize the City Manager to Execute the Contract Amendment on Behalf of the City**
This is an administrative action. Logan Simpson Design, Inc. has completed the

Mehaffey Park Design & Master Plan and had to re-design and modify plan outside of their original scope. The amended contract will address the fee increases and set aside an allowance for construction administration during the yearlong construction process. These fees are typical for similar park construction projects. Staff feels additional administrative fees will be needed to complete the construction of the park. These fees will be billed on a time and materials basis.

2. A motion to Authorize the City Manager to Amend the Contract with ECI, Site Construction Management, Inc. as the Construction Manager/General Contractor (CM/GC) for the Guaranteed Maximum Price (GMP #1) of \$2.9 Million for Site Work and to Initiate Construction of the Mehaffey Park Project

This is an administrative action. Environmental Concerns, Inc., Site Construction Management, Inc. has completed the competitive bidding process to determine the Guaranteed Maximum Price for the construction of Mehaffey Park. The recommended action includes initiating construction of site work including: over lot grading, erosion control, primary and partial electric, all wet utilities and mobilization. This will be GMP #1 with a second GMP to be considered upon completion of an additional bid review.

No supplemental funding is required for the design fee increases or GMP #1 Award Construction. The Mehaffey Park Project has a current budget of \$7,669,500 sufficient for both administrative actions.

13. CITY CLERK (presenter: Terry Andrews)

PUBLIC HEARING

EMERGENCY ORDINANCE AMENDING CHAPTER 12.30 TEMPORARY VENDORS LICENSING

A motion to approve and order published on first and only reading an Emergency Ordinance of the City Council of the City of Loveland Authorizing the City Clerk to Issue Temporary Vendors Licenses Under Code Chapter 12.30 To Persons Operating Ice Cream Trucks

This is a legislative action. The ordinance will authorize the City Clerk to issue to ice cream truck operators a temporary license to sell their products from the City's streets. The licensees will not be allowed to sell product within City parks or on roads adjacent to City parks. Licensees will be subject to all other restrictions in Code Chapter 12.30 for vendors, as well as, additional restrictions in the ordinance.

14. WATER & POWER (presenter: Russel Jentges)

WHEELING AGREEMENT AMONG CITY, PSCo, & PLATTE RIVER POWER AUTHORITY

A motion to adopt a Resolution #R-58-2013 Approving a Wheeling Agreement Among the City of Loveland, Public Service Company of Colorado, and Platte River Power Authority

This is an administrative action. The resolution would approve a new Wheeling Agreement among the City, Public Service Company of Colorado (PSCo), and Platte River Power Authority (Platte River). This Wheeling Agreement will replace the existing agreement among the parties dated June 20, 2005. Both PSCo and Platte River have approved and signed the Wheeling Agreement. The Power Enterprise will benefit from this approval of the wheeling agreement by updating the rates and fees charged to PSCo for the use of our equipment and services. Pursuant to City Code, all utility rates, charges, and fees must be approved by City Council upon two readings of the resolution. Because the Wheeling Agreement sets an electric rate for PSCo, this

resolution is being presented to City Council for two readings.

15. **PUBLIC WORKS** (presenter: Ken Cooper)
PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FOR THE SERVICE CENTER PHASE III EXPANSION PROJECT

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 Service Center Phase III Expansion Project

This is an administrative action. The ordinance appropriates funds to complete the project at the amount of bid price. Total project cost is expected to be \$14,912,060. City Council previously appropriated project funding of \$11,017,540, so an additional \$3,894,520 is now required to complete the project. Public Works enterprise funds and general government capital expansion fees may be used for this additional appropriation request. The funding for the project is from reserves of \$3,499,520 from the General Government CEF Fund and \$395,000 from the Solid Waste Enterprise Fund and reduces the flexibility to complete other projects.

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

16. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF CITY COUNCIL MEETING MINUTES

1. A motion to approve the Council Minutes from the July 9, 2013 Study Session.

This is an administrative action to approve the July 9, 2013 Study Session Minutes. Councilor Fogle was absent.

2. A motion to approve the Council Minutes from the July 16, 2013 Regular Meeting.

This is an administrative action to approve the July 16, 2013 meeting minutes. Councilor McKean was absent.

17. **ECONOMIC DEVELOPMENT** (presenter: Marcie Erion)
INCENTIVE AGREEMENT FOR SCHLOSSER SIGNS, INC.

A motion to adopt a Resolution #R-59-2013 Approving an Incentive Agreement for Schlosser Signs, Inc.

This is an administrative action. Schlosser Signs is requesting an incentive not to exceed \$15,000 to upgrade electrical service at their new branch location, 418 E. 3rd Street. This includes a new transformer bank, frame, new pole, and installation of a new secondary cable. These expenditures will arise as part of their company expansion downtown. According to City Council Economic Incentive Policy, agreements that do not exceed \$20,000 may be presented to Council without a prior informational meeting. The City of Loveland will fund no more than \$15,000 from the Economic Development Incentive Fund contingent upon the purchase of the new facility.

18. **DEVELOPMENT SERVICES** (presenter: Greg George)
OIL & GAS FILING FEES

A motion to approve a Resolution #R-60-2013 Amending Resolution #R-68-2012 and the 2013 Schedule of Rates, Charges and Fees for City Services, Other than Services Provided by the Water and Power Department and the Stormwater Enterprise

This is an administrative action to adopt a resolution creating a new fee for processing planning applications and issuing permits for oil and gas facilities. The proposed fees are as follows:

1. Planning Commission Review Process - \$4,370
2. Administrative Review Process - \$1,738

19. **DEVELOPMENT SERVICES** (presenter: Greg George)
OIL & GAS CAPITAL EXPANSION FEES

A motion to approve a Resolution #R-61-2013 Amending Resolution #R-81-2012 Adopting the 2013 Schedule of Capital Expansion Fees for Fire and Rescue, Law Enforcement and General Government and Resolution #R-97-2012 Adopting the 2013 Schedule of Street Capital Expansion Fees to Include New Capital Expansion Fees for Oil and Gas Facilities Pursuant to Section Chapter 16.38 of the Loveland Municipal Code

This is an administrative action. This resolution establishes capital expansion fees (CEFs) for oil and gas development within the city limits of the City of Loveland. The fees for law enforcement and general government would be based on the same fee rate as currently applied to other types of industrial development within the City. However, it's proposed that the fee rate for fire protection be increased over that for law enforcement to reflect the likelihood that there would be a greater impact in emergency response and capital needs for fire protection than for law enforcement. The street CEF would also be based on the same rate currently being charged for other new development, which is \$238.21 per trip end.

20. **DEVELOPMENT SERVICES** (presenter: Greg George)
PUBLIC HEARING

OIL & GAS OVERLAY ZONES AMENDMENT

A motion to approve and order published on first reading an Ordinance of the City Council of the City of Loveland Making Technical Amendments to Code Chapter

18.77 Relating to the Regulation of Oil and Gas Operations and Repealing and Reenacting Code Chapter 18.78 to Establish Overlay Zoning Districts for Development Setbacks from Existing Oil and Gas Facilities

This is a legislative action. Approval of this ordinance amends certain provisions in the oil and gas ordinance adopted on March 18, 2013. The amendments would revise the existing restrictions in Chapter 18.78 on new development within the setbacks for oil and gas facilities by creating three overlay zoning districts. The existing provisions in Chapter 18.78 would be revised to require variances from the restrictions established in the proposed overlay zoning district to be processed in accordance with the existing provisions of Chapter 18.60 governing zoning variances. Technical and procedural revisions would be made to Chapter 18.77, including notification of the director's decision in the administrative review process and who has standing to appeal that decision.

**21. CITY MANAGER (presenter: Bill Cahill)
CITIZEN REQUEST: LETTER TO GOVERNOR HICKENLOOPER REGARDING
HB 13-1224 & HB 13-1229**

A motion to approve the Written Request from Local Businesses for Council to Send a Letter to the Governor's Office Urging a Stay of Enforcement Regarding HB 13-1224 and HB 13-1229

This is an administrative action. Council is asked to consider the attached letter from several concerned local shooting-sports businesses regarding the implementation of HB 13-1224 and HB 13-1229. Council previously approved a related letter on HB 13-1224. The requesting local businesses ask that the effects of both laws be considered together.

If the Council desires to send a letter, two options are attached:

Option A is drafted by staff and uses the Tall Guns material as an attachment.

Option B was submitted by Councilor McKean after the drafting of Option A.

**22. CITY ATTORNEY (presenter: John Duval)
PUBLIC HEARING**

ACTIONS RELATING TO AMENDMENT 64 MARIJUANA ESTABLISHMENTS

A motion to approve and order published on first reading an Ordinance to Add a New Chapter 7.65 to the Loveland Municipal Code to Prohibit Marijuana Establishments from Being Licensed, Located and Operated within the City of Loveland

This is legislative action to adopt on first reading an ordinance adding a new Chapter 7.65 to the Loveland Municipal Code to prohibit marijuana establishments from being licensed, located and operated within the City.

ADJOURN