

**AMENDED AGENDA  
LOVELAND CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 19, 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](mailto: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**

**SWEARING IN CEREMONY**

**ROLL CALL**

**PROCLAMATION LOVELAND SALVATION ARMY RED KETTLE KICKOFF DAY  
(Mike Knight)**

*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 MANAGER** (presenter: Bill Cahill)  
          **REAPPOINTMENT TO THE FIRE & RESCUE ADVISORY COMMISSION**  
          **A motion to reappoint Paul Pfeiffer as a City Commissioner Member on the Fire and Rescue Advisory Commission for a term effective until June 30, 2016.**  
          This is an administrative action recommending the reappointment of a member to the Fire and Rescue Advisory Commission.

2. **CITY CLERK** (presenter: Terry Andrews)  
**VENDORS CODE AMENDMENT**  
**A motion to approve and order published on second reading an Ordinance Amending the Loveland Municipal Code at Chapter 12.30 Concerning Licensing of Vendors in Public Rights-of-Way and Certain Other Public Places.**  
This is a legislative action. City Council directed Staff to draft an ordinance for consideration that would allow mobile vendors to be permitted to vend in the City of Loveland. This ordinance on second reading allows Staff to license mobile vendors in the City and defines the parameters under which the use may be permitted. Licensees will be subject to all other Restrictions in Chapter 12.30 for mobile vendors. The ordinance was approved unanimously on first reading by City Council at the November 5, 2013 regular meeting.
3. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)  
**PARK LANE ADDITION AMENDMENT**  
**A motion to approve and order published on second reading an Ordinance Amending Ordinance #1587 to Modify a Condition Set Forth Therein Pertaining to the Annexation and Zoning of the Park Lane Addition to the City of Loveland, Larimer County, Colorado.**  
This item is a legislative action to adopt an ordinance on second reading modifying a condition on the Annexation Ordinance #1587 of the Park Lane Addition. The applicant for the request is Tribus Anstalt (property owner). The ordinance was approved unanimously on first reading by City Council at the November 5, 2013 regular meeting.
4. **FINANCE** (presenter: John Hartman)  
**SUPPLEMENTAL APPROPRIATION FOR 2013 BUDGET WRAP-UP**  
**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.**  
This is an administrative action. Each year in November, staff brings a “wrap-up” ordinance to address any remaining issues and insure there are sufficient appropriations to meet projected expenditures. The ordinance is necessary to resolve several year-end issues and finalize the 2013 Budget. Several of the issues are new and the remainder we have been following throughout the year and have waited until now to provide the best forecast for the cost to the end of the year. Revenues and fund balance of \$4,152,540 across several funds is appropriated. The appropriations are primarily funded by reserves reducing the flexibility to fund other projects. Grant and donation revenue is included that offset some of the costs. This ordinance was approved unanimously on first reading by City Council at the November 5, 2013 regular meeting.
5. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)  
**PUBLIC HEARING**  
**WEED CONTROL MODIFICATIONS**  
**A motion to approve and order published on first reading an Ordinance Repealing and Re-Enacting Chapter 7.18 of the Loveland Municipal Code Regarding Weed Control.**  
This is a legislative action to adopt an ordinance on first reading that modifies the weed control provisions of the Loveland Municipal Code, aligning the provisions with State and County regulations, and clarifying requirements and allowances for native and ornamental grasses. The ordinance was originally scheduled for the October 15, 2013

City Council meeting, but it was withdrawn from that agenda and has since been adjusted to be in alignment with State regulations concerning the growth of industrial hemp and the outdoor growth of marijuana.

6. **HUMAN RESOURCES** (presenter: **Bettie Greenberg**)

**CIRSA AGREEMENT AND PURCHASE ORDER**

**A motion to Authorize the City to Continue its Intergovernmental Agreement with CIRSA for 2014 Property and Liability Insurance Coverage and Establish a Purchase Order in the Amount of \$800,000.**

This is an administrative action to authorize the City to continue its Intergovernmental Agreement with CIRSA for the City's 2014 Property and Liability Insurance Coverage and establish a purchase order in the amount of \$800,000. This purchase order is for the premium, claims administration, and payment of estimated claims for 2014, remaining open claims or new claims from prior years. The \$800,000 is within the approved 2014 Budget.

7. **HUMAN RESOURCES** (presenter: **Julia Holland**)

**2014 PAY PLAN**

**A motion to approve Resolution R#-100-2013 Adopting a Pay Plan for City Employees and Superseding All Prior Ordinances Adopting Such a Pay Plan.**

This is an administrative action for Council to adopt the City's 2014 Pay Plan. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. During 2013, the City utilized the expertise of a compensation consultant to assist in a salary survey market analysis, develop 2014 pay ranges based on the data collected, and compare current rates of pay with the identified labor market to competitive pay practices, while also providing a financially sustainable plan. Costs associated with the adoption and implementation of the 2014 Pay Plan will be provided through the 2014 Budget, which included a 1% allotment for necessary adjustments.

8. **POLICE** (presenter: **Luke Hecker**)

**PUBLIC HEARING**

**THEFT CODE AMENDMENT**

**A motion to approve and order published on first reading an Ordinance Amending Chapter 9.34 of the City of Loveland Municipal Code to Combine in One Section the Offenses of Theft and Theft of Rental Property and to Combine with Them the New Offense of Theft by Receiving.**

This is a legislative action. This ordinance combines the two different types of theft currently set forth as separate Code sections and adds a third type of theft (Theft by Receiving) into one Code section. A similar state law took effect on June 5, 2013. The Police Department would like to adopt this ordinance to be consistent with State law and to allow summonses to be issued into Municipal Court for persons committing Theft by Receiving, as well as, the two other types of theft.

**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.*

**Election of Mayor Pro Tem**

- 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**

**SPECIAL REQUEST:**

**PRESENTATION**

**Planning Commission Chair, Buddy Meyers, will deliver an oral presentation concerning recent decisions on Artspace.**

9. **CITY MANAGER** (presenter: Rod Wensing)

**PUBLIC HEARING**

**COMCAST FRANCHISE AGREEMENT AND CUSTOMER SERVICE STANDARDS**

**1. A motion to approve and order published on first reading an Ordinance of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC.**

This is an administrative item to grant a cable franchise to Comcast of Colorado II, LLC ("Comcast"). Comcast is operating within the City of Loveland under an existing franchise effective, May 1, 2007 to December 31, 2013. This ordinance would grant Comcast a new, ten-year franchise on terms and conditions similar to the existing franchise and favorable to the City.

**2. A motion to approve and order published on first reading an Ordinance Amending the Loveland Municipal Code at Section 13.16.030 Concerning Customer Service Standards for Cable Operators.**

This is a legislative item to amend the Loveland Municipal Code at Section 13.16.030 by adoption of revised customer service standards for cable operators within the City of Loveland. As required by the existing franchise, Comcast has been given an opportunity to review and comment on the revised customer service standards.

10. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)

**TIES4LESS INCENTIVE AGREEMENT**

**A motion to adopt Resolution R#-101-2013 Approving an Incentive Agreement for Ties4Less, LLC.**

This is an administrative action. The resolution would authorize the City Manager to sign the Economic Incentive Agreement with Ties4Less for an amount, not to exceed, \$14,500. The incentive would be a reimbursement for upgrades to the building infrastructure including the security systems. It will also provide partial reimbursement for certain tenant improvements that will allow the company to competitively bid on new contracts for fleet vehicle retrofits. According to the Economic Development Policy for agreements under \$20,000, this agreement is presented to Council for consideration. The briefing memorandum that was sent to Council in October is included as an

attachment. The City will fund \$14,500 from the Economic Incentive Fund.

11. **CITY MANAGER** (presenter: Alan Krcmarik)  
**PENSION PLAN INCREASE FOR VOLUNTEER FIREFIGHTERS**

**A motion to approve Resolution R#-102-2013 Authorizing an Increase in the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan Effective for Monthly Payment Beginning January 1, 2014.**

This is an administrative action. The proposed resolution authorizes an increase in the benefits paid to vested Plan participants (or their beneficiaries) through the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan (Plan), who have served the Loveland community in the capacity of volunteer firefighters. Currently, participants with at least 20 years of service as a volunteer firefighter receive \$650 per month. This amount would be increased to \$700 per month. Other payments that are made to partially-vested retired volunteer firefighters and surviving beneficiaries of said firefighters, are adjusted proportionately according to the schedule attached to the resolution. Based on an independent actuarial study, the Plan is sufficiently funded to cover the costs of the increased payments. According to the actuarial study and discussion with the Fire & Police Pension Association, the assets of the Plan and anticipated contributions to the Plan from the State, City, and the Loveland Rural Fire Protection District will be sufficient to cover the future projected Plan cost. The increase in the normal cost is \$712 annually. The actuarial study assumes no increase in the current annual contribution from the City, the Rural District, or the Authority.

12. **FINANCE** (presenter: Brent Worthington)  
**September 2013 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 and health claims year to date, ending September 30, 2013.

13. **CITY MANAGER** (presenter: Alan Krcmarik)  
**Investment Report for September 2013**

This is an information only item. The budget estimate for investment earnings for 2013 is \$2,760,420. Through September, the net amount posted to the investment accounts is \$920,920, including realized gains. Actual year-to-date earnings are much lower than the budget projection. Earlier this year, several very high interest rate corporate bonds matured, so future yields will be lower. The estimated annualized yield on market value for securities held by US Bank decreased to 1.09% at the end of September, lower than the 1.14% yield reported at the end of August. The yield is still under the annual target rate of 1.20% for 2013. Reinvestment rates have risen recently after being at near record low levels. Current reinvestment rates are now higher than the budget projection target.

**ADJOURN**