

3. A Motion to Approve the City Council Meeting Minutes for the August 5, 2014 Regular Meeting was approved.

This is an administrative action to approve the City Council meeting minutes for the August 5, 2014 regular meeting.

**2. CITY MANAGER (presenter: Bill Cahill)
APPOINTMENTS TO THE AFFORDABLE HOUSING COMMISSION**

- 1. A Motion to Appoint Correy Fuqua to the Affordable Housing Commission for a Partial Term Effective until June 30, 2015 was approved.**
- 2. A Motion to Appoint Mechelle Martz-Mayfield to the Affordable Housing Commission for a Term Effective until June 30, 2017 was approved.**

These are administrative actions recommending the appointment of members to the Affordable Housing Commission.

**3. INFORMATION TECHNOLOGY (presenter: Bill Westbrook)
SUPPLEMENTAL APPROPRIATION FOR FIBER OPTIC CABLE INSTALL**

A Motion to Approve and Order Published on Second Reading Ordinance #5877 Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for the Installation of Fiber Optic Cable on 29th Street from Taft Avenue to Wilson Avenue was approved.

This is an administrative action. The appropriation funds a project to bury, install, and terminate a fiber optic cable on 29th Street to provide connection to the new Fire Station 2, the Olde Course and the Cattail Creek Golf Courses. Revenues in the total amount of \$112,910 are hereby requested for appropriation and transfer to the Capital Projects for installation of fiber optic cable. Fund balance is used for the Golf Enterprise's share and reduces the flexibility to fund other projects in the Enterprise. This ordinance was approved unanimously on first reading by Council at the August 5, 2014 regular meeting.

**4. PUBLIC WORKS (presenter: Dave Klockeman)
IGA & SUPPLEMENTAL APPROPRIATION TO UPDATE CDOT TRAFFIC OPERATIONS CENTER EQUIPMENT**

1. A Motion to Adopt Resolution #R-52-2014 Approving an Intergovernmental Agreement between the City of Loveland, Colorado, and the State of Colorado, Acting by and through the Colorado Department of Transportation (CDOT), to update equipment at the Traffic Operations Center (TOC) in the City of Loveland was approved.

2. A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Update Equipment at the Traffic Operations Center (TOC) in the City of Loveland was approved.

These are administrative actions. The City has received a Federal grant, not to exceed \$205,000 of the \$247,615 total project cost, through the STP-Metro program to fund the upgrade of equipment at the existing TOC. This item includes consideration of a resolution approving an IGA between the City of Loveland and CDOT for the project and consideration of the first reading of an ordinance to appropriate the funds included in the IGA. The City of Loveland local match funds are in the amount of \$42,615. The City funds are included within the approved 2014 budget for Public Works Transportation Capital Improvement Projects.

**5. PUBLIC WORKS (presenter: Dave Klockeman)
IGA & SUPPLEMENTAL APPROPRIATION FOR ROADWAY WEATHER INFORMATION UPDATES**

1. A Motion to Adopt Resolution #R-53-2014 Approving an Intergovernmental Agreement between the City of Loveland, Colorado, and the State of Colorado, Acting by and Through the Colorado Department of Transportation (CDOT), to Update the Existing Roadway Weather Information System in the City of Loveland was approved.

2. A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Update the Existing Roadway Weather Information System in the City of Loveland was approved.

These are administrative actions. The City has received a CDOT grant, not to exceed \$304,000 of the \$380,000 total project cost, through the Responsible Acceleration of Maintenance and Partnerships (RAMP) program to fund the expansion and upgrade of the roadway weather information system throughout the City of Loveland. This item includes consideration of a resolution approving an intergovernmental agreement between the City of Loveland and CDOT for the project and consideration of the first reading of an ordinance to appropriate the funds included in the intergovernmental agreement. The City of Loveland local match funds are in the amount of \$76,000. The City funds are included within the approved 2014 budget for Public Works Transportation Capital Improvement Projects.

6. **PUBLIC WORKS** (presenter: Dave Klockeman)
**GRANT AGREEMENT AND SUPPLEMENTAL APPROPRIATION FOR
I-25/CROSSROADS ANTI-ICING SYSTEM**

1. A Motion to Adopt Resolution #R-54-2014 Authorizing the City Manager to Execute a Grant Agreement with the State of Colorado Transportation Department (CDOT) (Federal Aid Project No. STU M830-0687 (19886)) for I-25/Crossroads Anti-Icing System was approved.

2. A Public hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the Transportation Fund Capital Program for I-25/Crossroads Anti-Icing System was approved.

These are administrative actions. The City has received a CDOT grant, not to exceed \$200,000 of the \$250,000 total project cost, through the Responsible Acceleration of Maintenance and Partnerships (RAMP) program for the expansion and upgrade of the roadway weather information system throughout the City. This item includes consideration of a resolution approving an intergovernmental agreement between the City and CDOT for the project and consideration of the first reading of an ordinance to appropriate the funds included in the intergovernmental agreement. The City of Loveland local match funds are in the amount of \$50,000. The City funds are included within the approved 2014 budget for Public Works Transportation Capital Improvement Projects.

7. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
EASEMENT VACATION FOR RESURRECTION FELLOWSHIP CHURCH

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Vacating an Emergency Access Easement Across Lot 1, Block 1, Kness Addition, City of Loveland, County of Larimer, State of Colorado was approved.

This item is a legislative action to adopt an ordinance vacating a public emergency access easement on Lot 1, Block 1, Kness Addition to the City of Loveland. The applicant and owner of the property is Resurrection Fellowship Church.

8. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)

AMENDMENT TO BOYD LAKE VILLAGE CONCEPT MASTER PLAN

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Approving a First Amendment to the Conceptual Master Plan for the Waterfall Fourth Subdivision and the Waterfall Fifth Subdivision, City of Loveland, County of Larimer, State of Colorado, also Known as Boyd Lake Village was approved.

This item is a quasi-judicial action to consider amending the Boyd Lake Village Conceptual Master Plan (the "Master Plan"). The applicant is McWhinney Inc. Currently, the Master Plan designates specific primary and non-primary land uses for each lot so that at build out the project satisfies the zoning requirement that 60% of the land area is developed into primary jobs. There are seven vacant lots remaining in the 32-acre development located on the north side of East Eisenhower Boulevard, south of Boyd Lake. The removal of the specific designations will provide the applicant greater flexibility in locating primary and non-primary jobs on the remaining vacant lots within the development. Development standards contained in the Master Plan will ensure that the mix of primary and non-primary jobs remain in compliance with the zone district requirements. The amendment would not change the designations of existing uses or alter the design standards approved for the development.

9. WATER & POWER (presenter: Melissa Morin)

TEMPORARY WORK SPACE EASEMENT FOR PUBLIC SERVICE COMPANY

A Motion to Approve Resolution #R-55-2014 Granting a Temporary Work Space Easement to the Public Service Company of Colorado was approved.

This is an administrative action to grant a temporary easement to Public Service Company of Colorado to permit the use of a city owned property for access to their facilities within an existing easement. To access their facilities, they are seeking access through the City's water tank property located at the southwest corner of County Road 14 and County Road 17 (South Taft Ave).

10. LOVELAND FIRE RESCUE AUTHORITY (presenter: Randy Mirowski)
AMENDMENT TO IGA BETWEEN LFRA AND JOHNSTOWN FIRE PROTECTION DISTRICT

A Motion to Adopt Resolution #R-56-2014 Approving an Amendment to the Exhibits Attached to the Intergovernmental Automatic Response Agreement Between the Loveland Fire Rescue Authority and the Johnstown Fire Protection District was approved.

This is an administrative action to approve the amendment to the exhibits attached the intergovernmental automatic mutual aid agreement between Loveland Fire Rescue Authority (LFRA) and the Johnstown Fire Protection District (JFPD) are based on a recent evaluation of the response plans by both organizations based on resource location and availability. The areas of auto aid response are expanded for both the aid provided by LFRA to JFPD and the aid provided by JFPD to LFRA based on the relocation of LFRA Station 2 and the coverage area proposed within the plan for the development of an Authority between the JFPD and the Milliken Fire Protection District (MFPD). The Loveland Fire Rescue Authority Board approved this amendment July 10, 2014.

11. POLICE (presenter: Tim Brown)
AMENDMENT TO ADD A SEX OFFENDER REGISTRATION FEE

This item was moved to the Regular Agenda.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

1. **Presentation from Long-Term Recovery Group** (presenter: Glorie Magrum)
Glorie Magrum and Phyllis Kane co-chairs of the Larimer County Long-Term Recovery Group gave Council an update of the long term recovery from the 2013 flood.

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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. **CULTURAL SERVICES** (presenter: Susan Ison)
AMENDMENT TO THE RIALTO RATES AND FEES

Cultural Services Director, Susan Ison introduced this item to Council. This is an administrative action. The Rialto Theater Center Business Plan presented to City Council on July 1, 2014, included a revision of rates, charges and fees for both the theater-side and the event-side. The accompanying resolution identifies the proposed rates, charges and fees for adoption by City Council, effective September 1, 2014. The Resolution increases Rates and Fees for the Theater-side of the Rialto Theater Center and reduces fees for the Event-side, which should increase overall revenue. **Consensus of Council was to consider Alternative Resolution #R-60-2014**, in place of Resolution #R-58-2014. The Mayor asked for public comment. Gail Bregaha Miller spoke in support of the alternative resolution. Tim Webb spoke in support of the resolution. Jim Welker, resident of Loveland, spoke in opposition and suggested looking into creating an enterprise fund. Rob Poke, Loveland Opera Theater member, spoke in support of resolution. Lynn Milar, resident of Loveland, spoke in support of the resolution. Dr. Julia Bishop Hope supported the resolution. Arial Krakafka spoke in support of the resolution. Trishar Banter, resident of Loveland, supported the resolution. David Meneo, Berthoud Dance Theater member spoke in support of the resolution. Cathryn Barrett supported the resolution. Ron Kelton spoke in support of the resolution. Craig Cable, Lifetree International Film Festival member supported the resolution. Larry Westron, Moon Theater Company member supported the resolution. Kate Eleanor, Loveland resident, spoke in support of the resolution.

Councilor Shaffer moved to Approve Resolution #R-60-2014 Amending the 2014 Schedule of Rates, Charges and Fees for City Services, Other than Services Provided by the Water and Power Department and the Stormwater Enterprise. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

13. **DEVELOPMENT SERVICES** (presenter: Brian Burson)
AMENDMENTS TO LOVELAND EISENHOWER 1ST SUBDIVISION CONCEPT MASTER PLAN

Senior City Planner, Brian Burson introduced this item to Council. This is a legislative action to amend the annexation and development agreement and a quasi-judicial action

to amend the Concept Master Plan for the Loveland Eisenhower 1st Subdivision. The amendments would allow development of 240-368 apartment units in the northeasterly portion of the site as an additional non-primary workplace use under the MAC zoning. With the proposed amendments, the original requirement set forth in the Concept Master Plan for a minimum of 23.9 acres of land area and 300,000 square feet of floor area to be developed for primary jobs would still be met. The applicant is Greg Parker representing Loveland Eisenhower Investments, Inc. Mayor opened the public hearing at 9:52 and asked for public comment. With no further public comment, Mayor Gutierrez closed the public hearing at 8:52 p.m.

Councilor Shaffer moved to Approve and Order Published on First Reading an Ordinance Approving a First Amendment to the Conceptual Master Plan and a First Amendment to the Annexation and Development Agreement for the Loveland Eisenhower First Subdivision, City of Loveland, County of Larimer, State of Colorado. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

14. **DEVELOPMENT SERVICES** (presenter: Greg George)
AMENDMENT TO OIL AND GAS CAPITAL EXPANSION FEES

Development Services Director, Greg George introduced this item to Council. This item is an administrative action to adopt a resolution establishing capital expansions fees (CEFs) for oil and gas development within the city limits of the City of Loveland. This resolution amends the "2013 Schedule of Capital Expansion Fees for Fire and Rescue, Law Enforcement and General Government" and the "2013 Schedule of Street Capital Expansion Fees," both of which establish CEFs for the years 2013 – 2017. 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. The streets CEFs would also be based on the same rate currently being charged for other new development, which is \$238.21 per trip end. The fee rate for fire protection would be higher than for other types of industrial development to reflect the likelihood that there may be a greater demand for emergency response and capital needs for fire protection. In order to collect CEFs, the subject resolution must be legally effective prior to the City accepting its first application for oil and gas development. City staff anticipates receiving our first application in the very near future.

Councilor Shaffer moved to approve Resolution #R-59-2014 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. Councilor Farley seconded the motion which carried with five councilors voting in favor, and Councilors McKean, Gutierrez and Krenning voting against.

11. **POLICE** (presenter: Tim Brown)
AMENDMENT TO ADD A SEX OFFENDER REGISTRATION FEE

This is an administrative action. This resolution sets fees for State-mandated sex offender registration and provides for a waiver of fees for indigence. The \$75 and \$25 registration fee will offset a small portion of the cost to the City to administer the State-mandated sex offender registration. It is anticipated that the fees collected under this structure would be approximately \$5200 per year.

Councilor Shaffer moved to approve Resolution #R-57-2014 Amending the 2014 Schedule of Rates, Charges and Fees for Police Records and Services Provided by the City of Loveland, CO by adding a Sex Offender Registration Fee. Councilor Farley seconded the motion, which failed with two councilors voting in favor and

Councilors Gutierrez, Farley, Krenning, Shaffer, Trenary, McKean voting against.

BUSINESS FROM CITY 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.*

Trenary: Watershed information including Big Thompson.
Farley: Human Services Commission (HSC) - no eligible applicants and Youth Advisory Council members are ok to serve on HSC; Update on Sculpture Show from the Visual Arts Commission produced another \$1 million show.
Krenning: Asked staff to look at the Denver Bond idea; Sent a link in an email to other Councilors regarding the "Little Tiny House" and talked about the "no zoning" in certain parts of other communities and the feasibility of doing that in Loveland as an affordable housing option- discussion ensued, with Council supported the idea of Staff looking at this idea and bringing the idea to the Planning Commission. Requested staff follow up with some type of action for Council consideration regarding Restorative Justice and Teen Court; School Board issues of common interest, suggested to host a joint meeting.
McKean: Announced the Corn Roast Festival this weekend.
Fogle: Announced the new Corn Roast Parade Route from the Chamber of Commerce and cautioned staying off 1st Street east of Lincoln because Railroad Avenue is not available.
Gutierrez: Announced School begins tomorrow; Attended meeting with CDOT and the North I-25 with the County Commissioner update.

CITY MANAGER REPORT: Announced the Fire Chief recruitment process with presentations, Wednesday 1 - 3:30 p.m. and then interviews on Thursday; Public Works Interviews are on Monday; Ice Bucket Challenge for Chief Hecker and City Manager out in front of the Municipal Building.

CITY ATTORNEY REPORT: None.

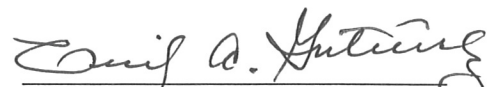
ADJOURNMENT

Having no further business to come before Council, the August 19, 2014, Regular Meeting was adjourned at 11:56 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor

