AGENDA

LOVELAND CITY COUNCIL MEETING TUESDAY, NOVEMBER 18, 2014 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 THE MONTH OF NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH (Kara Friedrich)

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. Members of the public 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 comments to no more than three minutes.

CONSENT AGENDA

1. <u>CITY CLERK</u> APPROVAL OF MEETING MINUTES (presenter: Jeannie Weaver)

1. A Motion to Approve the City Council Meeting Minutes for the October 21, 2014 Regular Meeting

This is an administrative action to approve the City Council meeting minutes for the October 21, 2014 Regular Meeting.

2. A Motion to Approve the City Council Special Meeting Minutes for the October 28, 2014 Special Meeting.

This is an administrative action to approve the City Council Special Meeting minutes for the October 28, 2014 Special Meeting.

- 2. <u>BOARDS & COMMISSION APPOINTMENTS</u> (presenter: Bill Cahill) APPOINTMENTS TO THE LOVELAND UTILITIES COMMISSION AND PLANNING COMMISSION
 - 1. A Motion to Appoint Anita Marchant to the Loveland Utilities Commission for a Partial Term Effective Until June 30, 2015
 - 2. A Motion to Appoint Patrick McFall to the Planning Commission for a Partial Term Effective Until December 31, 2015

These are administrative actions recommending the appointment of members to the Loveland Utilities Commission and the Planning Commission.

3. <u>FINANCE</u> (presenter: Brent Worthington) WRAP-UP SUPPLEMENTAL APPROPRIATION FOR 2014 BUDGET

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget

This is an administrative action. The ordinance on second reading appropriates funding for police overtime and equipment costs funded by Federal and State grants and rebudgets items previously approved by Council for accounting and audit purposes in the amount of \$1,248,760. The ordinance is funded by Federal and State revenues not anticipated in the 2014 Budget adoption and by available reserves in the Fleet Fund, which reduces the flexibility to fund other Fleet projects. The items re-budgeted is movement of costs between funds and does not affect the overall budget. This ordinance was approved unanimously on first reading by Council at the November 4, 2014 regular meeting.

4. PUBLIC WORKS
SAFE ROUTES GRANT PROJECT- GARFIELD ELEMENTARY SCHOOL SIDEWALKS
A Motion to Approve and Order Published on Second Reading an Ordinance
Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland
Budget for Garfield Elementary School Sidewalk Improvements

This is an administrative action. The City has received a CDOT grant through the Safe Routes to School (SRTS) Program for the construction of sidewalk improvements in the vicinity of Garfield Elementary School at 8th and Colorado. The Ordinance appropriates the Grant funds in the amount of \$113,000. The project is funded from federal funds. The ordinance was approved unanimously on first reading by Council at the November 4, 2014 regular meeting.

5. <u>CITY CLERK</u> (presenter: Jeannie Weaver)

PUBLIC HEARING

DDA ELECTION PROCEDURES AND CALL FOR SPECIAL ELECTION

- 1. A Motion to Approve and Order Published on Second Reading an Ordinance Authorizing Election Procedures in Connection with Downtown Development Authority Elections Conducted by the City Clerk
- 2. A Motion to Approve and Order Published on First Reading an Ordinance Calling a Special Election of the City of Loveland, Colorado on February 10, 2015 to Submit to the Qualified Electors of a Proposed Loveland Downtown Development Authority ("The DDA") the Question Concerning the Establishment of the DDA
- 3. A Motion to Approve Resolution #R-82-2014 Calling a Special Election of the City of Loveland, Colorado on February 10, 2015 to Submit to the Qualified Electors of a Proposed Loveland Downtown Development Authority ("The DDA") the Question Concerning the Formation of the DDA

This is a combination of legislative and administrative actions, including:

1. An ordinance on second reading amending the term "eligible elector" to mean the same as "qualified elector" for purposes of conducting elections relative to a "DDA". This ordinance was approved unanimously by Council on November 4, 2014;

- 2. An ordinance on first reading submitting the question of whether a "DDA" should be formed to the qualified electors, as required by Colorado Revised Statute §31-25-804; and
- 3. A resolution calling a special election for the purposes of submitting the question of whether a "DDA" should be formed to qualified electors, as required by Section 6-3 of the Municipal Charter for the City of Loveland.

(presenter: Troy Bliss)

(presenter: Randy Mirowski)

6. <u>DEVELOPMENT SERVICES</u>

PUBLIC HEARING

VACATION OF PUBLIC RIGHTS-OF-WAYS

A Motion to Approve and Order Published on First Reading an Ordinance Vacating Public Right-of-Ways (Alley) within the Webster Addition, City of Loveland, Larimer County and within the Water Addition, City of Loveland, Larimer County and Vacating a Public Right-of-Way (Undeveloped Street) within the Water Sixth Subdivision, City of Loveland, Larimer County, Colorado

Webster Addition/Water Addition – Alley Vacation (PZ #14-00115)

This is a legislative action to consider adoption of an ordinance on first reading, vacating a non-existent undeveloped 15-foot wide alley that runs from N. Boise Avenue to N. Madison Avenue.

Water Sixth Subdivision – Dolomite Place Vacation (PZ #14-00054)

This is a legislative action to consider adoption of an ordinance on first reading, vacating a non-existent undeveloped street named Dolomite Place that was dedicated for a specific development proposal in 2005.

The two applications are associated with one another due to their proximity and relationship to the undeveloped property known as the Water Sixth Subdivision. This is an undeveloped subdivision of approximately 0.8 acres in size, located on the west side of N. Boise Avenue between E. 4th Street and Zinc Street. The intent is to vacate the undeveloped rights-of-way that encumber this subdivision and all the lots within the block. This would allow for future development opportunities on the Water Sixth Subdivision and remove any non-conformities that may exist on individual lots to the west, such as structures being built onto or over the existing alley.

7. FIRE & RESCUE

PUBLIC HEARING

SALE OF OLD FIRE STATION NO. 2

A Motion to Approve and Order Published on First Reading an Ordinance Authorizing the Sale of Old Fire Station No. 2 Located at 2750 North Taft Avenue Pursuant to Section 4-7 of the City of Loveland Municipal Charter

This is an administrative action to approve the sale of the real property and structure(s) of old Fire Station Two located at 2750 North Taft Ave., Loveland, CO 80538, subject to certain terms and conditions. This is a direct cash sale of the property to Thompson Valley Health Services District (TVHSD) from the City of Loveland for a total price of \$450,000. The funds from the sale of the old fire station are expected to return to the General Fund.

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.

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

8. HUMAN RESOURCES

HEALTHSTAT UPDATE

Healthstat Employee Clinic Update

This is an information only item to update Council on the City's Employee Clinic.

9. <u>DEVELOPMENT SERVICES</u>

PUBLIC HEARING

KENDALL BROOK APPEAL HEARING

Appeal of the August 11, 2014, Planning Commission Decision Regarding the Kendall Brook Multi-Family Preliminary Development Plan and Preliminary Plat

(presenter: Julia Holland)

(presenter: Troy Bliss)

(presenter: Julia Holland)

This appeal requires a public hearing and quasi-judicial action by the City Council. The appellant, Larry Buckendorf on behalf of Journey Homes, LLC, is appealing the Planning Commission's August 11, 2014 denial of the proposed 120-unit Kendall Brook multi-family project to be located on 7.6 acres on the south side of 50th Street between Georgetown Drive and Avon Avenue, west of N. Taft Avenue. As a de novo hearing, new evidence and testimony are allowed. There has been extensive neighborhood objection expressed about this project.

10. HUMAN RESOURCES

APPOINTMENT OF THE CITY ATTORNEY

A Motion to Appoint Tami Yellico as the Loveland City Attorney and Authorize the Mayor to Execute an Employment Agreement with Ms. Yellico on Terms and Conditions Consistent with Council's Direction to its Negotiators

This is an administrative action to appoint Ms. Tami Yellico as City Attorney based on the recruitment process and to authorize the Mayor to execute an employment contract consistent with direction provided to negotiators.

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.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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