#### AMENDED AGENDA LOVELAND CITY COUNCIL MEETING TUESDAY, FEBRUARY 17, 2015 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 <u>bettie.greenberg@cityofloveland.org</u> or 970-962-3319.

5:30 P.M.DINNER6:30 P.M.REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

# PROCLAMATION DECLARING FEBRUARY 22 THROUGH 28, 2015 AS NATIONAL ENGINEERS WEEK (Dave Klockeman)

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

1. A Motion to Approve the City Council Meeting Minutes for the January 20, 2015 Regular Meeting

(presenter: Terry Andrews)

This is an administrative action to approve the City Council meeting minutes for the January 20, 2015 Regular Meeting.

2. A Motion to Approve the City Council Meeting Minutes for the January 27, 2015 Study Session and Special Meeting

This is an administrative action to approve the City Council meeting minutes for the January 27, 2015 Study Session and Special Meeting.

3. A Motion to Approve the City Council Meeting Minutes for the January 30, 2015 Special Meeting

This is an administrative action to approve the City Council meeting minutes for the

January 30, 2015 Special Meeting.

#### 2. **DEVELOPMENT SERVICES**

FOX POINTE FIRST SUBDIVISION EMERGENCY ACCESS EASEMENT VACATION A Motion to Approve and Order Published on Second Reading an Ordinance Vacating an Emergency Access Easement across Tract F of the Fox Pointe Subdivision, City of Loveland, County of Larimer, State of Colorado

This is a legislative action to consider adoption of an ordinance on second reading vacating an emergency access easement. The 24 ft. wide by 18 ft. long easement is located on vacant land in the Fox Pointe First Subdivision, north of the Orchards commercial development. The applicant, Traditions at Loveland LLC, has also submitted a site development plan application to construct a 161,176 sq. ft., 155 unit independent senior housing development on the property and an accompanying amended plat application. The amended plat includes new emergency access easements in locations suitable for the development, making the existing emergency access easement established with the Fox Pointe First Subdivision unnecessary. This item was approved unanimously by Council at the February 3, 2015 regular meeting.

#### 3. FIRE RESCUE AUTHORITY

PUBLIC HEARING

CODE AMENDMENT CONCERNING FIRE CODE APPEALS

#### A Motion to Approve and Order Published on First Reading an Ordinance Amending the Loveland Municipal Code Chapter 15.04 Concerning Fire Code Appeals

This is a legislative action to consider an ordinance on first reading. The Loveland Fire Rescue Authority Board at their meeting on January 28, 2015 voted to recommend to City Council that a new Fire Code Board of Appeals be established. The Fire Rescue Advisory Commission currently serves in this capacity (per Loveland Municipal Code Section 15.04.150). The Fire Authority Board recommends that the Appeals Board be comprised of the Fire Chief and two LFRA Board members, one from the City and one from the Rural District.

#### 4. FIRE RESCUE AUTHORITY

PUBLIC HEARING

### DISSOLUTION OF THE FIRE RESCUE ADVISORY COMMISSION

### A Motion to Approve and Order Published on First Reading an Ordinance Amending the City Code to Dissolve the Fire Rescue Advisory Commission

This is a legislative action to dissolve the Fire Rescue Advisory Commission. The Commission over the years has played an important role in strategic planning and policy considerations. Since the Loveland Fire Rescue Authority (LFRA) Board is responsible for setting policy for the Authority, the Citizen Advisory Board that is responsible for bringing the citizens' perspective to policy considerations should be aligned with the decision-making authority. Therefore the LFRA Board unanimously voted at their meeting on January 28, 2015 to make a recommendation to the Loveland City Council to dissolve the commission as a City Commission. If the City Council approves that action, then the LFRA Board would reinstate the existing members as an ad hoc commission and the LFRA Bylaws would be amended to accomplish this.

#### 5. FIRE RESCUE AUTHORITY

#### IGA MUTUAL AID AGREEMENT WITH POUDRE FIRE AUTHORITY A Motion to Approve a Resolution #R-17-2015 Approving an Intergovernmental Mutual Aid Response Agreement Between the Loveland Fire Rescue Authority and

the Poudre Fire Authority This is an administrative action to consider a resolution approving an intergovernmental

automatic mutual aid agreement between the Loveland Fire Rescue Authority (LFRA) and

(presenter: Mark Miller)

## (presenter: Mark Miller)

(presenter: Mark Miller)

(presenter: Noreen Smyth)

the Poudre Fire Authority. It was approved by the LFRA Board on January 28, 2015.

### 6. FIRE RESCUE AUTHORITY

SECOND AMENDMENT TO IGA FOR LFRA OPERATIONS

A Motion to Adopt a Resolution #R-18-2015 to Approve a Second Amendment to the Intergovernmental Agreement Between the City of Loveland and the Loveland Rural Fire Protection District for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity Concerning Section 1.9(H) Mutual Aid and Automatic Aid Agreements

This is an administrative action to allow the LFRA Board to approve mutual and auto aid agreements without also needing City Council approval. The Loveland Fire Rescue Authority (LFRA) Board on January 28, 2015 unanimously voted to recommend to City Council and the Rural Fire Protection District that a second amendment to the intergovernmental agreement that established the Loveland Fire Rescue Authority as a separate legal entity be approved.

#### 7. <u>PUBLIC WORKS</u> CHANGE ORDER FOR CONCRETE REPAIR

#### (presenter: Dave Klockeman)

#### A Motion to Approve a Change Order Request to Existing Street Rehabilitation Concrete Repair Contract Purchase Order

This is an administrative action. It adds a Second Change Order of \$150,000 to the initial \$800,000 contract with JAG's Enterprises, Inc. for concrete repair. The original contract has previously been amended by the first Change Order of \$137,500. This Change Order is brought to Council because the contract and changes exceed the administrative approval limit of \$500,000. The Street Rehabilitation Concrete Repair Contract is available through March 18, 2015 and funding for this Change Order request is available in the 2015 Street Rehabilitation Program Budget. Expanding the concrete repair work that is currently underway given the favorable weather, would enhance the overall project delivery related to this year's Annual Asphalt Paving Program.

### 8. FINANCE

### FINANCIAL REPORT FOR DECEMBER 2014

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 December 31, 2014.

#### 9. <u>CITY MANAGER</u>

#### **INVESTMENT REPORT FOR DECEMBER 2014**

This is an information only item. The 2014 budget projection for investment earnings for 2014 was \$2,025,920. On the portfolio's January beginning balance this equates to an annual interest rate of 0.94%. For December, the amount posted to the investment account is \$201,852. For the year-to-date, the amount posted is \$1,968,423. Actual earnings are below the year-to-date budget projection by 1.63%. In addition to the interest received, the City also received a services credit on banking services of \$66,000, putting the combined total over the annual target. Based on the monthly statement, the estimated annualized yield in December on the securities held by US Bank was 1.08%. Due to draws from fund balances to pay for the cost scheduled capital projects and flood response and project repair, the portfolio is about \$6 million lower than December 2013 and \$17 million lower than the pre-flood peak.

#### END OF CONSENT AGENDA CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

#### (presenter: Brent Worthington)

(presenter: Alan Krcmarik)

(presenter: Mark Miller)

#### **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

#### 10. DEVELOPMENT SERVICES

(presenter: Alison Hade)

LOVELAND HOUSING AUTHORITY FEE WAIVER A Motion to Approve Resolution #R-19-2015 Granting an Exemption from Certain Capital Expansion Fees and Other Development Fees for Qualified Affordable Housing to be Constructed by the Loveland Housing Authority

This is an administrative action. The Loveland Housing Authority is requesting a waiver of fees for the construction of 70 multi-family dwelling units for people living between 30% and 60% of the Area Median Income. Ten of these units will house homeless veterans. The total fee waiver request for the project is \$1,247,170.30, of which \$402,099 would be required to be backfilled by City Council. The \$1.247 million fee waiver request consists of \$643,771.84 in permit and capital expansion fees that do not need to be backfilled, but would constitute a potential revenue loss to the City. Enterprise fees in the amount of \$402,099 would require backfilling from the unassigned General Fund balance, which has sufficient balance to fund the request.

#### 11. <u>ECONOMIC DEVELOPMENT</u> (presenter: Mike Scholl) A PROPOSED ECONOMIC INCENTIVE AGREEMENT WITH ESH'S SURPLUS MARKET, LLC.

This is an informational item. Under the City's approved Economic Incentive Policy, any proposed agreement over \$20,000 must go before the City Council as an information item before full consideration. The Economic Incentive Agreement with Esh's Surplus Market, LLC would be for a deferral of fees not to exceed \$200,000 for a 33,000 square foot store and warehouse on 71st Street off of Highway 287. Esh's currently operates in Larimer County outside of City limits west of the City on Highway 34. The location on 71st would help make the store more accessible to residents in Fort Collins and Loveland. An appropriation from the Economic Incentive Fund will be required to backfill the Capital Expansion Fees that will be deferred under the proposed agreement. The agreement would defer \$200,000 in building permit fees and capital expansion fees to be repaid through collection of normal sales tax over 18 months.

#### **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

#### ADJOURN