

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, AUGUST 4, 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 bettie.greenberg@cityofloveland.org or 970-962-3319.

5:30 P.M. DINNER
6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE AFFORDABLE HOUSING COMMISSION, COMMUNITY MARKETING COMMISSION, DISABILITIES ADVISORY COMMISSION AND HUMAN SERVICES COMMISSION.
 1. A motion to reappoint **Marcy Kasner** to the **Affordable Housing Commission** for a term effective until June 30, 2018.
 2. A motion to appoint **Janeen Sepulveda** to the **Affordable Housing Commission** for a term effective until June 30, 2018.
 3. A motion to reappoint **Kurt Albers** to the **Community Marketing Commission** for a term effective until June 30, 2018.
 4. A motion to reappoint **Tom Dwyer** to the **Community Marketing Commission** for a term effective until June 30, 2018.
 5. A motion to appoint **Laura Coale** as an alternate member on the **Community Marketing Commission** for a term effective until June 30, 2016.

6. A motion to reappoint **Chris Kanowitz** to the **Disabilities Advisory Commission** for a term effective until June 30, 2018.
7. A motion to reappoint **B. M. Michels** to the **Disabilities Advisory Commission** for a term effective until June 30, 2018.
8. A motion to reappoint **John Suess** to the **Disabilities Advisory Commission** for a term effective until June 30, 2018.
9. A motion to reappoint **Melody Glinsman** to the **Human Services Commission** for a term effective until June 30, 2018.

These are administrative actions recommending the appointment of members to the Affordable Housing Commission, the Community Marketing Commission, the Human Services Commission and the Disabilities Advisory Commission.

2. **POLICE** (presenter: Rick Arnold)

ANIMAL TRAPPING AND RETURN TO OWNERS

A Motion To Approve And Order Published On Second Reading An Ordinance Amending Chapter 6.16 Of The City Of Loveland Municipal Code Regarding The Humane Trapping And Return Of Animals To Their Owners Or Keepers.

This a legislative action. Larimer Humane Society requests a revision to Loveland City Code Section 6.16.040 to allow humanely trapped domestic animals to be returned to their owners or keepers. There is no budgetary impact. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

3. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Pat Mialy)

SUPPLEMENTAL APPROPRIATION FOR CHILSON EMERGENCY GENERATOR

A Motion To Approve And Order Published On Second Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For An Emergency Generator At The Chilson Recreation Center.

This is an administrative action to consider acceptance of an ordinance to appropriate the total cost of the project, including the grant proceeds. FEMA (Federal Emergency Management Agency) through the Colorado Division of Homeland Security and Emergency Management awarded the City of Loveland \$365,150 of a \$486,867 project to install a generator at the Chilson Center, a designated emergency evacuation center. This grant is awarded through the Hazard Mitigation Grant Program (HMGP). The State will contribute 12.5% or \$60,828.50 and the City of Loveland match would be 12.5% or \$60,828.50. This action would authorize the City Manager to sign a contract accepting the grant. A public hearing and first reading of the supplemental ordinance is the first step for appropriating the funds for the project. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

4. **DEVELOPMENT SERVICES** (presenter: Alan Krcmarik)

SUPPLEMENTAL BUDGET AND APPROPRIATION FOR CAPITAL EXPANSION FEE PLAN BASED STUDY

A Motion To Approve And Order Published On Second Reading An Ordinance Enacting a Supplemental Budget and Appropriation to the 2015 City of Loveland Budget for the Capital Expansion Fee Plan Based Study.

This is an administrative action. The proposed ordinance appropriates a total of \$35,800, \$27,932 from Capital Expansion Fee fund balances and \$7,868 from General Fund balance, the proceeds of which would be used to pay for additional professional and consulting services necessary to complete the Capital Expansion Fee Plan Based Study. The costs of plans may be charged to Capital Expansion Fee fund balances. The appropriations also provide for allocations of cost to the specific Capital Expansion Fees to make them more equitable. The work completed so far on the study has required more

research than originally anticipated and a higher level of interaction and participation with the Boards and Commissions that have a stakeholder interest in the level of the Capital Expansion Fees. The requested supplemental appropriation is necessary to complete the study in time for the September 22, 2015, Council study session. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

5. **CITY CLERK'S OFFICE** (presenter: Terry Andrews)
NOVEMBER 3, 2015 ELECTION COORDINATION WITH LARIMER COUNTY
A Motion to Approve And Order Published On Second Reading An Ordinance Providing That The City Of Loveland's Regular Election To Be Held November 3, 2015 Shall Be Conducted As A Coordinated Election With The Larimer County Clerk and Recorder And, To The Extent Necessary To So Conduct That Election As A Coordinated Election, The Colorado Uniform Election Code Of 1992 Shall Govern.
The proposed Ordinance is a legislative action needed to allow the City's regular election on November 3, 2015, to be so conducted on November 3, 2015 as a coordinated election with the Larimer County Clerk and Recorder. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

6. **ECONOMIC DEVELOPMENT** (presenter: Betsey Hale)
DDA ELECTION AND BALLOT QUESTION
A Motion To Approve And Order Published On Second Reading An Ordinance Approving A Downtown Development Authority Election To Be Held November 3, 2015, To Authorize Debt, Taxes And Revenue Retention.
This is an administrative action recommending the approval of the ordinance to direct the City Clerk and other staff to conduct an election on November 3, 2015 for the Downtown Development Authority (DDA) and submit ballot questions regarding an ad valorem tax increase and authorization of debt to the qualified electors within the DDA boundaries. The ballot language can be found in Section 1 of the attached City of Loveland ordinance. On July 21, 2015, City Council unanimously approved this ordinance on first reading.

7. **WATER & POWER AND INFORMATION TECHNOLOGY** (presenters: Steve Adams and Bill Westbrook)
BALLOT QUESTION REGARDING SB152 – BROADBAND
A Motion To Approve And Order Published On Second Reading An Ordinance Submitting To The Registered Electors Of The City Of Loveland At The City's Regular Election To Be Held On November 3, 2015, The Ballot Issue Of Whether, Without Increasing Taxes, And To Restore Local Authority, Shall The City Of Loveland Be Authorized To Provide Advanced Service (High Speed Internet), Cable Television Service, Or Telecommunications Service, Directly Or Indirectly With Public And/OR Private Sector Partners, To Residents, Businesses, Schools, Health Care Facilities, Libraries, Nonprofit Entities, And Other Users Of Such Services Located Within The Boundaries Of The City Of Loveland And The Service Territory Of The City Of Loveland's Power Enterprise As Expressly Permitted By Title 29, Article 27 Of The Colorado Revised Statutes.
This is a legislative action. At a May 12, 2015 City Council Study Session the project team of Loveland Water and Power, Information Technology (IT) and the City Attorney's Office received general guidance to draft a ballot question for the November 3, 2015 election. The ballot question proposes to voters that without increasing taxes, and to restore local authority that the City be authorized to provide high speed internet, cable television and telecommunication services either directly or indirectly with public or private sectors to residents, businesses and other users of such services within the boundaries of the City of Loveland and the service territory of the City of Loveland's power enterprise as expressly

Authority) be liable for the Bonds nor shall the Bonds constitute a debt of the State of Colorado, the City of Loveland or any other such political subdivision (other than the Authority).

**17. DEVELOPMENT SERVICES (presenter: Alan Krcmarik)
EDGE PROJECT TEFRA APPROVAL**

A Motion to Adopt Resolution #R-47-2015 Approving The Issuance Of Multifamily Housing Revenue Bonds By The Housing Authority Of The City Of Loveland For The Sole Purpose Of Qualifying The Interest Payable On The Bonds For Exclusion From The Gross Income Of The Owner Or Owners Of The Bonds For Federal Income Tax Purposes Under The Applicable Provisions Of The Internal Revenue Code Of 1986; And Related Matters.

This is an administrative action approving a tax-exempt financing of not more than \$12,500,000 of Multi-family Revenue Bonds by the Housing Authority of the City of Loveland. The proceeds of the bond issue will be used to finance a portion of the cost of constructing and equipping a 70-unit affordable housing project to be known as the EDGE Project. In no event shall the City of Loveland or any other political subdivision of the State of Colorado (other than the Housing Authority) be liable for the Bonds nor shall the Bonds constitute a debt of the State of Colorado, the City of Loveland or any other such political subdivision (other than the Authority).

**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**

**18. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR JUNE 2015**

This is an information only item. The budget projection for investment earnings for 2015 is \$1,759,080. On the portfolio's 2015 beginning balance this equates to an annual interest rate of 0.84%. Based on the monthly statement, the estimated annualized yield on the securities held by USBank was steady at 1.09%. For June, earnings of \$259,940 were posted to City funds and the year to date total is \$912,426. Interest rates rose again slightly in June; the unrealized loss rose to an estimated \$110,896 compared to \$73,816 in May. The end of June portfolio market value is estimated to be \$212.7 million. The total amount of the portfolio is growing, but is still not back to the peak amount reached

before the 2013 flood, when the portfolio carried an estimated market value of \$226.3 million.

**19. PUBLIC WORKS (presenter: Ken Cooper)
CONSTRUCTION CONTRACT FOR FAB AND MOC REMODEL**

A motion to award a construction contract award to BVB General Contractors, LLC, to remodel the Fire & Administration Building (FAB) and to remodel the Maintenance Operations Center (MOC).

This is an administrative matter approving a contract with BVB General Contractors to remodel the FAB, located at 410 E. 5th Street, and to remodel the MOC, located at 105 W. 5th Street. Construction at both buildings will begin in 2015 and will be completed in the first quarter of 2016. The MOC construction estimate was \$448,480, and the MOC construction bid (without construction contingency) was \$388,280. The FAB construction estimate was \$849,950, and the FAB construction bid (without construction contingency) was \$305,408. These are construction bid costs only and do not represent total project costs.

**20. PUBLIC WORKS (presenter: Dave Klockman)
NORTH BOISE AVENUE INTERIM EXTENSION (EN1501)**

A motion to award the North Boise Avenue Extension Project Contract (Project No. EN1501) to Coulson Excavating Company of Loveland, Colorado in the amount of \$782,764.50 and authorize the City Manager to execute the contract.

This is an administrative item. The North Boise Avenue Extension Project is an interim roadway extension of North Boise from Mount Columbia Avenue to a proposed T-intersection at East 37th Street. This project will extend North Boise Avenue approximately 1,000 linear feet to the north. East 37th Street will also be modified at the T-intersection location to safely accommodate the new access point which includes a left turn lane on the east approach. Bike lane and a pedestrian walkway will be constructed along E 37th Street within the limits of the project from Pikes Peak Drive on the west to the existing recreation trail on the east. The low bid for the construction was \$ 782,764.50, compared to the Engineer's Estimate of \$1,100,000. Project construction is planned to begin in late August 2015 and to be substantially complete by the end of October 2015. This schedule is weather dependent and may require adjustment should weather delays occur.

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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