AGENDA

LOVELAND CITY COUNCIL MEETING TUESDAY, NOVEMBER 3, 2015 CITY COUNCIL CHAMBERS 500 EAST THIRD STREET LOVELAND, COLORADO

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"La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al <u>TitleSix@cityofloveland.org</u> o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en <u>bettie.greenberg@cityofloveland.org</u> o al 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. <u>CITY CLERK</u> (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion to Approve the City Council Meeting Minutes for the October 13, 2015 Study Session and October 20, 2015 Regular Meeting.

- 1. This is an administrative action to approve the City Council meeting minutes for the October 13, 2015 Study Session.
- **2.** This is an administrative action to approve the City Council meeting minutes for the October 20, 2015 Regular Meeting.

2. <u>CITY MANAGER</u> (presenter: Bill Cahill)

APPOINTMENTS TO THE HUMAN SERVICES COMMISSION

- 1. A motion to appoint Rebecca Thorp to the Human Services Commission for a partial term effective until June 30, 2017.
- 2. A motion to appoint Carolyn Benson and Krystal Rowland as alternate members on the Human Services Commission, each for a term effective until June 30, 2016. These are administrative actions recommending the appointment of a member and alternates to the Human Services Commission.

3. <u>DEVELOPMENT SERVICES</u> (presenter: Alan Krcmarik) SUSPENDING INCREASES TO CEF'S FOR 2016

A Motion To Approve On Second Reading Ordinance #5974 Suspending Annual Increases In Capital Expansion Fees, Excepting The Street Capital Expansion Fee, Pursuant To Loveland Muncipal Code Section 16.38.110 For 2016

This is an administrative action. Using master plans prepared by City departments, BBC Research & Consulting and city staff completed a study demonstrating the results of using a "plans-based" approach to set capital expansion fees. Based on Council discussion at the September 22, 2015 study session the proposed Ordinance suspends the annual inflationary increase provided for in the City Code section 16.38.100. The suspension of the annual inflationary increase does not apply to the streets capital expansion fee; this fee is already determined on a plans-based approach. Cost of materials for street construction and repair have been rising. The Colorado Department of Transportation inflation adjustment is 8.66%. On October 20, 2015, City Council unanimously approved this ordinance on first reading.

4. <u>ECONOMIC DEVELOPMENT</u> (presenters: Marcie Erion & Chris Conrardy) EWI COLORADO PROJECT

A Motion To Approve On Second Reading Ordinance #5975 Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For Phase II Pilot Operation For Program And Facility Design Of The EWI Project

This is an administrative action. The City of Loveland is being asked to invest in the development, construction and initial operation of EWI Colorado which will be located at the Rocky Mountain Center for Innovation and Technology.

The ordinance is funded with available Economic Development Department Incentive funds and City Council Special Project funds that reduce the flexibility to fund other projects. Currently the balance in the Economic Development Incentive Fund is \$1,055,221. If approved, the new balance would be \$555,221 after the initial \$500K payment. Additional distributions will be paid as performance measures defined in the contract are met. On October 20, 2015, City Council unanimously approved this ordinance on first reading.

5. <u>DEVELOPMENT SERVICES</u> (presenters: Kerri Burchett & Steve Adams) LOVELAND FOOTHILLS SOLAR SUBSTATION

A Motion To Approve On Second Reading Ordinance #5976 Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located In A Portion Of Tract "C", Vanguard-Famleco Section Addition, City Of Loveland, Larimer County, Colorado

This is a quasi-judicial action to rezone 52.6 acres of City property from a residentially

zoned PUD to DR –Developing Resource. The property is located between West 22nd Street and West 29th Street, just west of Mehaffey Park. The property is currently zoned Meadowbrook Ridge PUD and is designated for single family and townhome uses. The City's Power Division recently purchased the property and is requesting the rezoning to construct a new substation and solar facility. This project would replace the Idylwilde Hydroelectric Facility that was significantly damaged during the 2013 flood. On September 28, 2015, the Planning Commission recommended approval of the rezoning request by a vote of 5-3. On October 20, 2015, City Council unanimously approved this ordinance on first reading.

6. DEVELOPMENT SERVICES

PUBLIC COMMENT

SPECIAL ASSESSMENT REFUNDING BONDS

A Motion To Approve On First Reading An Ordinance Authorizing The Issuance Of Special Assessment Refunding Bonds In The Maximum Aggregate Principal Amount Of \$5,480,000 Of The City Of Loveland, Colorado, For Special Improvement District No. 1; Prescribing The Form Of The Bonds And Providing For The Payment Of The Bonds And The Interest Thereon.

(presenters: Alan Krcmarik)

(presenter: Geri Joneson)

(presenter: Susan Ison)

This is an administrative action. Through the adoption of the Ordinance, the City will reduce the interest rate on the remaining Special Improvement District No. 1 bonds. The lower interest rate will mean lower assessment payments from property owners. The savings over the remaining life of the bonds 2029 will be approximately \$700,000. The savings would allow the special assessment being paid by property owners in the Special Improvement District No. 1 to be lowered by about 10 percent for the remaining term of the bonds that mature in 2029.

7. MUNICIPAL COURT

PUBLIC COMMENT

EXPUNGEMENT OF JUVENILE RECORDS

A Motion To Approve On First Reading An Ordinance Amending the Loveland Municipal Code at Section 1.12.020 to Authorize Expungement of Juvenile Records and Establish Expungement Procedures

This is a legislative action. This is a proposed Ordinance that will grant the Municipal Court the authority to expunge arrest and criminal records for Loveland Municipal Court juvenile offenders who successfully complete a diversion program, deferred prosecution or deferred sentence.

8. CULTURAL SERVICES

PUBLIC COMMENT

MUSEUM EXHIBIT, FEES AND BENCH

A Motion To Approve On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation To The 2015 City Of Loveland Budget For The Christo & Jeanne-Claude Exhibit, Architectural Fees For A Museum Conceptual Design, A Memorial Bench For The Main Gallery And A Colorado Creative Industries Grant For 2016 Art Exhibits

This an administrative action. The following donations were recently received to support activities in the Cultural Services Department:

- \$10,000 from the Erion Foundation for the Christo and Jeanne-Claude Exhibit.
- \$15,000 from the Erion Foundation to secure the services of Olson Kundig Architects, Seattle, Washington, to provide conceptual design support for a future Museum expansion.
- \$10,000 grant from Colorado Creative Industries for art exhibits in 2016.
- \$2,580 from the estate of Stephen Beale for a memorial bench in the gallery.

These activities would not be possible without the support of the donors.

9. CULTURAL SERVICES

MUSEUM STORAGE BUILDING PURCHASE

A Motion To Adopt Resolution #R-75-2015 Of The Loveland City Council Approving The Contract For Purchase Of A Commercial Building Located At 710 14th Street SW, Loveland, CO For Museum Storage Space And Authorizing The City Manager To Execute The Contract

(presenter: Susan Ison)

(presenter: Melissa Morin)

This is an administrative action seeking approval of a motion approving and authorizing the purchase of a commercial building located at 710 14th Street SW. The City's adopted 2016 Capital Plan includes the Museum Storage project to be paid wholly from Cultural Services CEFs. In addition, the annual facilities Operations and Maintenance cost of \$58,000 is included in the approved 2016 Budget. The listed asking price was \$2,250,000. Staff have negotiated and executed a conditional contract for \$2,105,000, well under the planned purchase budget of \$2,400,000. Please note that a subsequent property appraisal did not support the conditional contract price. Planned closing date is January 8, 2016, after the beginning of the new fiscal year.

10. <u>FORT COLLINS-LOVELAND MUNICIPAL AIRPORT</u> (presenter: Jason Licon) AIRPORT COMMISSION'S BYLAWS

A Motion To Adopt Resolution #R-76-2015 Approving The Bylaws Of The Northern Colorado Regional Airport Commission

This is an administrative action to adopt the bylaws governing the responsibilities and duties of the Northern Colorado Regional Airport Commission.

11. WATER AND POWER

WASTEWATER MAIN EXTENSION

A Motion To Adopt Resolution #R-77-2015 Authorizing The Provision Of Waste Water Service Outside Of The Loveland City Limits Pursuant To Loveland Municipal Code Sections 13.08.075 And 13.08.080

This is an administrative action approving a wastewater main extension and service for the Laurelwood Planned Land Division which is a five (5) lot residential subdivision located outside of the city limits in the vicinity of North St. Louis Ave and Sablewood Drive. On October 21, 2015 the Loveland Utilities Commission unanimously recommended that City Council approve a Resolution to extend a sanitary sewer line and provide sanitary sewer service to the five lots in Laurelwood Planned Land Division which is situated in Larimer County.

12. <u>MUNICIPAL COURT</u> (presenter: Geri Joneson)

MUNICIPAL COURT 2015 THIRD QUARTER REPORT

This is an information only item. 2015 Third Quarter Reports for Municipal Court activity.

13. <u>FINANCE</u> (presenter: Brent Worthington)

SEPTEMBER 2015 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, 2015.

14. <u>CITY MANAGER</u> (presenter: Alan Krcmarik)

INVESTMENT REPORT FOR SEPTEMBER 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 1.1%. For September, earnings of

\$204,105 were posted to City funds and the year to date total is \$1,360,782. U.S. short-term Treasury interest rates fell sharply in September; the portfolio had an unrealized gain of \$385,204 in September compared to an unrealized loss of \$148,348 in August. The end of September portfolio market value is estimated to be \$218.2 million. The total amount of the portfolio is higher compared to the beginning of the year, 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.

15. CITY CLERK

CALL FOR A SPECIAL MEETING

A Motion calling for a Special Meeting on November 10, 2015 at 6:30 prior to the regularly scheduled Study Session of City Council.

(presenter: Terry Andrews)

(presenter: Julia Holland)

(presenter: Steve Adams)

This is an administrative action. To set a Special Meeting to consider the November 3, 2015 Regular Meeting minutes and to swear in newly elected councilors. This meeting would be immediately followed by the Study Session.

16. HUMAN RESOURCES

DDA PARTICIPATION IN CIRSA

A Motion To Adopt Resolution #R-78-2015 Consenting To Participation Of The Loveland Downtown Development Authority In The Colorado Intergovernmental Risk Sharing Agency

The City desires to consent to the Loveland Downtown Development Authority's participation in the Colorado Intergovernmental Risk Sharing Agency ("CIRSA").

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

17. WATER AND POWER

FEMA ALTERNATE SOLAR PROJECT BID AWARD

A Motion To Adopt Resolution #R-79-2015 Authorizing A Notice Of Award For The Photovoltaic Facility Design And Construction And Authorizing The City Manager To Execute The Contract

This is an administrative action. Approval of this item will allow the Photovoltaic Facility for the Federal Emergency Management Authority (FEMA) Alternate Project to be awarded to Namaste Solar of Boulder, Colorado for work to begin following the final rezoning approval by Council and the special review appeal period for the Foothills site

and completing by December 31, 2016. On July 7, 2015, City Council approved a supplemental appropriation on second reading to appropriate money for this project. Loveland Water and Power (LWP) will seek maximum reimbursement from FEMA for expenses as this project progresses. October 21, 2015, the Loveland Utilities Commission recommended that City Council approved the resolution, contingent on receiving scope change approval for the project location from the State and FEMA. Funding for this project was appropriated by City Council on July 7, 2015.

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