

**AMENDED AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, MAY 17, 2016
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

The City of Loveland is committed to providing an equal opportunity for services, programs and activities and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or [970-962-2372](tel:970-962-2372). The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or [970-962-3319](tel:970-962-3319).

"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 TitleSix@cityofloveland.org 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 bettie.greenberg@cityofloveland.org o al 970-962-3319".

Please Note: Starting times shown on agenda are estimates only; actual times may vary.

(5:00 P.M.) DINNER – City Manager's Conference Room

(6:00 P.M.) REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING MAY 21, 2016 AS KIDS TO PARKS DAY (Parks and Recreation Director, Elizabeth Anderson)

PROCLAMATION DECLARING May 15-21, 2016 AS NATIONAL POLICE WEEK (Officer Tim Yunger)

PROCLAMATION DECLARING MAY AS MOTORCYCLE SAFETY AWARENESS MONTH (Kristy McNeill, Brandi Jaramillo, Michelle Brassell)

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. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

(6:30) CONSENT AGENDA

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF MEETING MINUTES
A Motion To Approve City Council Minutes For the April 26, 2016 Study Session and the May 3, 2016 Regular Meeting Minutes.
This is an administrative action item to approve the City Council minutes for the April 26, 2016 study session and the May 3, 2016 regular meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE PLANNING COMMISSION
 1. A motion to appoint David Cloutier to the Planning Commission for a partial term effective until December 31, 2016.
 2. A motion to appoint Jamie Roskie to the Planning Commission for a full term effective until December 31, 2018.This is an administrative item appointing members to Planning Commission.

3. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENT TO THE YOUTH ADVISORY COMMISSION
A motion to make the following appointments to the Youth Advisory Commission for the School Year 2016-2017:
Reappointments as YAC Commissioners: **Oliver Byles, Jack Crowley, Nick Jacoby, Mark McKenna, Caitlin Parets, Stirling Pettit, Lorenzo Scalise, and Hattie Volk.**
Appointments as YAC Commissioners: **Zoe Keeler, Brandon Lindsey, Ava McQuade, and Megan Valliere**
Appointments as YAC Alternates: **Travis Pflock, Heather Price, Lincoln Solt, and Lauryn Starke**
This is an Administrative Item recommending appointments of members for the Youth Advisory Commission.

4. **PUBLIC WORKS** (presenter: Kevin Gingery)
AMENDING FLOOD PLAIN BUILDING CODE
A Motion To Approve On Second Reading, Ordinance #6012 Amending The Loveland Municipal Code At Chapter 15.14.020 Regarding Definitions For The Floodplain Building Code
This is an administrative action to simplify two definitions and add seven additional definitions to the Floodplain Building Code chapter. This action has no cost associated with it. The ordinance was approved unanimously on first reading by City Council on May 3, 2016.

5. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
FAIRGROUNDS 8TH ADDITION ANNEXATION
 1. A Motion To Approve On Second Reading, Ordinance #6013 Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Fairgrounds Eighth Addition" To The City Of Loveland
 2. A Motion To Approve On Second Reading, Ordinance #6014 Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Fairgrounds Eighth Addition" To The City Of LovelandThis is a public hearing to consider the following items on second reading: A legislative

action to adopt an ordinance to annex 4 acres of City owned property to be known as the Fairgrounds Eighth Addition; and A quasi-judicial action to zone the 4 acres to the I-Developing Industrial District. The property is located immediately west of the existing Loveland Fire Training Facility and east of S. Roosevelt Avenue, approximately 1200 feet north of 14th Street SW. The applicant is the City of Loveland. The ordinance was approved unanimously on first reading by City Council on May 3, 2016.

6. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)
AIRPORT MARKETING

A Motion To Approve On Second Reading, Ordinance #6015 Enacting A Supplemental Budget And Appropriation To The 2016 Northern Colorado Regional Airport Budget For Airport Marketing

This is an administrative action. The ordinance provides \$50,000 from the Lodging Tax Fund to support the Northern Colorado Regional Airport marketing and PR efforts through a comprehensive marketing campaign which would include advertising. The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. The current balance of the Lodging Tax reserves is \$781,053. The ordinance was approved unanimously on first reading by City Council on May 3, 2016.

7. **NORTHERN COLORADO REGIONAL AIRPORT** (presenter: Jason Licon)
PUBLIC COMMENT

AIRPORT IGA AMENDMENTS

1) **A Motion To Approve On First Reading, An Ordinance For The First Amendment To The Amended And Restated Intergovernmental Agreement For The Joint Operation Of The, Fort Collins-Loveland Municipal Airport, To Be Henceforth Known As The Northern Colorado Regional Airport And Ratification Of Previous Actions**

2) **A Motion To Approve On First Reading, An Ordinance Amending Portions Of The Loveland Municipal Code Concerning The Northern Colorado Regional Airport**

This is an administrative action to adopt two ordinances involving the Northern Colorado Regional Airport Commission. The first ordinance amends the Amended and Restated Intergovernmental Agreement for the joint operation of the Airport for the Northern Colorado Regional Airport Commission to delegate, within specific parameters, the authority for the Airport Commission to enter into longer lease agreements, grant agreements, and make expenditures for Airport needs from appropriated, but unassigned reserves. This ordinance also corrects a procedural defect by ratifying all actions taken pursuant to the Airport IGA dated January 22, 2015. The second ordinance changes certain other provisions of the City Code related to the Airport, particularly the delegation of powers and the change of the airport name.

8. **CITY MANAGER** (presenter: Alan Krcmarik)
PUBLIC COMMENT

INVESTMENT POLICY CORRECTION

A Motion To Approve On First Reading, An Ordinance Amending The City Of Loveland Investment Policy

This is a legislative action to consider a technical amendment to correct a prior amendment to the City's Investment Policy. In the fall of 2015, the Citizens' Finance Advisory Commission ("CFAC") reviewed the Investment Policy and recommended a few changes to the City Council. Council adopted the changes on second reading on January 5, 2016. The form of the amendments presented to Council did not capture all of the limitations on the investments allows under Section VIII. of the policy. The CFAC intended to limit investments by an expressed dollar amount *and* as a percentage of the total portfolio. As previously adopted the percentage limitations were inadvertently omitted.

9. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)

HOUSE OF NEIGHBORLY SERVICE REQUEST

A Motion To Approve Resolution #R-36-2016 Approving Subordination Of Five Deeds Of Trust Held By The City Of Loveland Totaling One Million Ninety Thousand One Hundred Ninety Six Dollars Associated With Property Located At 1511 East 11th Street Owned By House Of Neighborly Service

This is an administrative action item. House of Neighborly Service (HNS) is requesting that the City of Loveland subordinate the position of its Deeds of Trust to allow the agency to refinance two current loans that were incurred for the purchase and remodeling of the property located at 1511 East 11th Street. HNS purchased an office building in 2012, and in 2013, the City of Loveland provided grants and fee waivers for remodeling that were accompanied by restrictions that, if the agency sells the building within 20 years or discontinues providing a social service, the grants and fee waivers must be repaid.

ADDENDUM ITEM

13. **CITY CLERK** (presenter: Terry Andrews)
SPECIAL MEETING ON MAY 24, 2016

A Motion To Call For A Special Meeting Immediately Following The Study Session On May 24, 2016. The Purpose Of The Special Meeting Is To Update City Council On The South Catalyst Project. An Executive Session May Be Held.

An Executive Session may only be called at a Regular or Special Meeting. Staff would request an opportunity to update Council on the South Catalyst Project, which may require an executive session.

END OF CONSENT AGENDA

- (6:40) **CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

- (6:50) **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

- (7:10) 10. **PARKS AND RECREATION** (presenter: Elizabeth Anderson)
CDOT RIGHTS OF WAY ON HWY 34

A Motion To Approve Resolution #R-37-2016 Approving Possession And Use Agreement Between The City Of Loveland, Colorado And The Colorado Department Of Transportation For Public Rights Of Way For Construction On Highway 34 And Authorizing The City Manager To Execute The Agreement

This is an Administrative action item. The City of Loveland and the Colorado Department of Transportation ("CDOT") seek a mutual decision that benefits both the City of Loveland

and CDOT regarding the reconstruction of US 34. A Possession and Use Agreement (“Agreement”) will allow CDOT to move forward with the first phase of re-construction for US 34, in the Big Thompson Canyon. Construction package one includes the rock blasting to construct the new roadway alignment at the horseshoe curve west of VSMP. The Agreement will permit CDOT to move forward with construction prior to a final agreement on the value of the required Loveland right of way. Final plans and values will be determined in the next 90 days and will be presented to Council in July along with a formal intergovernmental agreement for construction and use of additional City property.

(8:10) 11. CITY ATTORNEY (presenter: Tami Yellico)
PUBLIC HEARING

COUNTY ANIMAL SHELTER FEE WAIVERS

A Motion To Approve On First Reading, An Ordinance Granting Larimer County An Exemption From Certain Capital Expansion Fees And Other Development Fees For The Larimer County Animal Shelter Project And Authorizing The City Manager To Enter Into An Intergovernmental Agreement With The County For The Payment Of The Remainder Of The Fees

This is an administrative action to consider approving an Ordinance Granting Larimer County An Exemption from Certain Capital Expansion Fees and other Development Fees for the Larimer County Animal Shelter Project.

Staff will update City Council on discussions with Larimer County regarding waiving certain capital expansion fees (CEFs) and other impacts fees assessed to Larimer County by the City in the amount of approximately \$7,080 for the construction of a new animal shelter within the City and not to require reimbursement of such fees to the CEFs by the general fund or other fund.

(9:10) 12. ECONOMIC DEVELOPMENT (presenter: Susan Grafton)
REGIONAL TOURISM ACT (RTA) PROJECT

This item includes an update on the Regional Tourism Act (RTA) Projects, and a possible executive session on the projects to develop strategy for negotiations, to instruct negotiators, and to determine positions relative to matters that may be subject to negotiations, and for the receipt of legal advice.

This is an administrative action. The Go NoCO Board and the project team have been working on the terms and conditions for the four approval RTA projects since the end of 2015. The state Economic Development Commission (EDC) approved the projects and the state increment funding amount in November 2015 and provided additional guidance on terms and conditions in December of that year. The purpose of the possible Executive Session is to provide Council with an update on the current negotiations to develop strategy for negotiations, to instruct negotiators, and to determine positions relative to matters that may be subject to negotiations, and for the receipt of legal advice.

(10:00) 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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