AGENDA

LOVELAND CITY COUNCIL MEETING
TUESDAY, JULY 19, 2016
(5:00 P.M.) DINNER – City Manager's Conference Room
(6:00 P.M.) REGULAR MEETING - City Council Chambers
CITY COUNCIL CHAMBERS

500 EAST THIRD STREET LOVELAND, COLORADO

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

(6:00) REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING JULY AS NATIONAL PARKS AND RECREATION MONTH (Elizabeth Anderson, Parks and Recreation Director)

PRESENTATION OF THE ROCKY MOUNTAIN NATIONAL PARK ANNUAL UPDATE
(Ben Bobowski, Acting Superintendent and Kyle Patterson, Public Information Officer)

SPECIAL AGENDA ITEM

(6:25) 1. <u>CITY ATTORNEY</u>

COUNCIL MEETING RULES CHANGES

A Motion To Adopt Resolution #R-53-2016 Rescinding All Prior Resolutions Concerning The Rules Of Procedure For The City Council Of The City Of Loveland, Colorado And Adopting Consolidated Rules Of Procedure

(presenter: Tami Yellico)

This is an administrative action item placed on the July 5, 2016 agenda at City Council's request to update its rules on public comment. The proposed resolution also rescinds and replaces three resolutions to consolidate the rules governing City Council meetings into one resolution. At the July 5, 2016 City Council meeting, Councilor Krenning suggested

that an additional rule be added to City Council rules to allow 10 members of the public to make a written request to the City Manager for such members of the public to make 30 minute presentation and discussion with Council on any topic. Such a study session could only be scheduled with the concurrence of 2 or more members of City Council. A draft rule to that effect has been added as section 4.h in the attached draft rules.

(6:40) CONSENT AGENDA

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.

2. <u>CITY CLERK</u> (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

A Motion To Approve City Council Minutes For June 28, 2016 Study Session and the July 5, 2016 Regular Meeting

This is an administrative action item to approve the City Council minutes for the June 28, 2016 Study Session and the July 5, 2016 Regular Meeting.

- 3. <u>CITY MANAGER</u> (presenter: Steve Adams)
 REAPPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION AND
 AMENDED APPOINTMENTS TO THE HUMAN SERVICES COMMISSION
 - 1. Adopt a motion to reappoint Jim Cox to the Historic Preservation Commission for a term effective until June 30, 2019
 - 2. Adopt a motion to amend the reappointment Amy Olinger to the Human Services Commission for a term effective until June 30, 2019
 - 3. Adopt a motion to amend the appointment Maren Soreide to the Human Services Commission for a term effective until June 30, 2019
 - 4. Adopt a motion to amend the reappointment Stan Taylor to the Human Services Commission for a term effective until June 30, 2019

These are administrative action items to approve the reappointment of a Historic Preservation Commissioner and to amend the July 5, 2016 Council meeting approving appointment terms for Human Services Commission members from December 31, 2019 to June 30, 2019.

4. <u>CITY CLERK</u> (presenter: Terry Andrews)

CODE AMENDMENT TO INCREASE TASTING DAYS

A Motion To Approve On Second Reading, Ordinance #6024 Amending Section 8.08.030(K) Of The Loveland Municipal Code To Increase The Number Of Days Tastings Are Permitted

This is a legislative action item to consider amending Section 8.08.030(K) of the Loveland Municipal Code to increase the frequency and total number of tastings a retail liquor store or liquor-licensed drug store can conduct sample tastings. The increase would move from fifty two tastings yearly, for no more than two times between Monday and Saturday, to one hundred and four tastings, for no more than four times between Monday and Saturday. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

5. <u>CULTURAL SERVICES</u> (presenter: Susan Ison)
SUPPLEMENTAL APPROPRIATION FOR RIALTO AND MUSEUM PROGRAMS
A Motion To Approve On Second Reading, Ordinance #6025 Enacting A
Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For
The Rialto Theater Cinema Series Program And Also The Loveland
Museum/Gallery's Education, Classes And Programs

This is an administrative action item. A donation of \$14,201 has been received by the Rialto Theater from the Backstage Rialto to expand the theater's Cinema Series Program. Also, an appropriation of \$8,000 to fund the Cherry Pie Celebration, Halloween Fun Festival and the Lone Tree School programs. The City has received donations in the amount of \$14,102 to support the Rialto Theater Cinema Series and \$8,000 is anticipated to be generated from the Museum events. Thus, there is no impact on unassigned General Fund balance. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

6. INFORMATION TECHNOLOGY
SUPPLEMENTAL APPROPRIATION TO INVENTORY FIBER OPTIC
A Motion To Approve On Second Reading, Ordinance #6026 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For An Inventory Of City Owned Fiber Optic Assets

This is an administrative action item. Information Technology is requesting an expense supplemental budget appropriation to support the broadband initiative for Loveland and internal traffic & IT operations. We are requesting an appropriation of \$86,515 for the 2016 budget from the Fiber Network Fund. This appropriation is intended to cover expenses for a physical inventory of eleven miles of City owned fiber infrastructure consisting of 67 splice hand holes and 464 slack (pull) hand holes, in coordination with a separate Platte River Power Authority funded project to perform a physical inventory of all fiber assets owned by PRPA. The partner performing this project will be Backbone Fiber, LLC, who is contracted with the City to perform fiber services including installation, splicing, maintenance, and researching and gathering of information for the City owned fiber network. The project will start immediately upon budget approval and is expected to last up to four months. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

7. <u>PARKS AND RECREATION</u> (presenter: Molly Elder) SUPPLEMENTAL APPROPRIATION FOR MEHAFFEY DOG PARK

A Motion To Approve On Second Reading, Ordinance #6027 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget To Fund Safety Repairs At Mehaffey Dog Park

This is an administrative action item. The ordinance provides \$41,000 from the General Fund to support emergency repairs made to the Mehaffey Dog Park to address safety concerns. The funding for the requested appropriation is from unreserved fund balance in the General Fund. The appropriation of this fund reduces the flexibility to fund other future events or projects. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

8. <u>PUBLIC WORKS</u> (presenter: Jeff Bailey)

IGA WITH COOT FOR HIGHWAY 34 AND BOYD LAKE AVE CONSTRUCTION

A Motion To Approve On Second Reading, Ordinance #6028 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Upgrades To The Intersection Of U.S. Highway 34 And Boyd Lake Avenue.

This is an administrative action item. City Council approval is necessary to appropriate the funds to authorize the use of the Federal Hazard Elimination funds that were recently awarded to upgrade the intersection. Overall funding approval will be required once this project is competitively bid and a contractor is selected to complete the work. The Ordinance was approved unanimously on first reading by City Council on July 5, 2016. This coversheet has been revised since first reading to provide additional information based on the Council discussion on July 5, 2016.

Project Funds

CDOT & FHWA HES Grant = \$495,000 (appropriated in August 2013)

Local Contribution (design, signal equipment and roadway construction) = \$1,800,000 (appropriated in October 2015).

CDOT FASTER Safety Mitigation funds = \$900,000

Approval of this item will allocate funds for the construction of this project (EN1302) and allow an agreement to be in place for reimbursement of construction costs.

9. <u>YOUTH ADVISORY COMMISSION</u> (presenters: Beth Gudmestad & YAC Members) ELECTRONIC SMOKING DEVICE RESTRICTIONS

A Motion To Approve On Second Reading, Ordinance #6029 Amending Chapter 7.40 Of The Loveland Municipal Code To Address The Use Of Electronic Smoking Devices In Indoor Areas Within City Owned Facilities

This is a legislative action item providing two alternative and mutually exclusive ordinances to prohibit the use of electronic smoking devices in public places. The Youth Advisory Commission Ordinance seeks to treat all emissions from electronic smoking devices the same as conventional tobacco smoke and the Council Directed Ordinance seeks to prohibit emissions from electronic smoking devices only within City buildings. This ordinance was approved unanimously on first reading by City Council on July 5, 2016.

10. <u>CITY ATTORNEY</u> (presenter: Tami Yellico) SALES TAX EXEMPTION ON PRESCRIPTIONS FOR ANIMALS

A Motion To Approve On Second Reading, Ordinance #6030 Amending Sections 3.16.010 And 3.16.020 Of The Loveland Municipal Code Creating A New Sales Tax Exemption Mirroring The State Sales Tax Exemption For Animal Prescriptions And Medical Devices

This is a legislative action to consider amending Sections 3.16.010 and 3.16.020 of the Loveland Municipal Code to specifically exempt Prescriptions for Animals from the City's sales tax. This ordinance was amended and approved unanimously on first reading by City Council on July 5, 2016.

11. <u>PUBLIC WORKS</u> (presenters: Leah Browder, Steve Southard and Tim Brown) GOLF CAR CODE AMENDMENT

A Motion To Approve On Second Reading, Ordinance #6031 To Amend The Loveland Municipal Code With Respect To The Authorization And Regulation Of Golf Cars On Certain Public Streets Within The City Of Loveland

This is a legislative action item. During the City Council Meeting on March 15, 2016 it was requested that bollards within a City emergency access path be adjusted to allow privately-owned golf cars to travel to The Olde Course. In order to implement the City Council's preferred approach as interpreted by staff, as-simple-an-amendment-as-possible to the Municipal Code to allow golf car travel to Loveland's municipal golf courses is

recommended. The Ordinance was approved unanimously on first reading at the July 5, 2016 meeting; however, a change to the insurance requirement and additional information were requested.

Estimated costs to adjust bollard locations are \$5,000. These funds will be identified within the Public Works Project Engineering budget. Should funding be required to secure an alternate entry point to replace the private Vista Verde gate access now closed to the general public by the governing HOA, a supplemental appropriation may be requested by Parks and Recreation.

12. <u>PARKS AND RECREATION</u> (presenter: Janet Meisel-Burns) TAP GRANT TO IMPROVE SAFE ACCESS TO REC TRAIL

A Motion To Adopt Resolution #R-57-2016 Documenting Financial Support For The Namaqua Underpass As A Financial Match For A Transportation Alternatives Program Grant Request And Authorizing The City Manager To Execute A Support Letter

This is an administrative action item. The City of Loveland is seeking financial support from the Colorado Department of Transportation ("CDOT"), Transportation Alternatives Program Grant ("TAP") to improve safe access to the proposed and planned construction of the City of Loveland Recreation Trail at Namaqua Road. The new underpass will provide a safe, grade-separated crossing for the City recreation trail. The grant request seeks funding for design of the underpass in 2018 and construction of the underpass in 2019. Conservation Trust Funds will be requested in the 2018 and 2019 budget cycle if the TAP Grant is awarded to the City. Matching funds up to \$600,000 will be requested for the TAP grant. CDOT seeks a letter of financial support with the grant application documenting that the City of Loveland is committed to fund the matching grant request.

13. <u>PUBLIC WORKS</u> (presenters: Leah Browder and Elizabeth Anderson) TAP GRANT TO IMPROVE SIDEWALK AND TRAIL CONNECTIVITY

A Motion To Adopt Resolution #R-58-2016 Of Support Documenting Financial Support For A Collaborative Transportation Alternatives Program Grant Request For A Sidewalk And Trail Project With Larimer County

This is an administrative action item. Larimer County has extended an invitation to the City of Loveland to participate in a collaborative application for a Colorado Department of Transportation ("CDOT"), Transportation Alternatives Program ("TAP") Grant to improve sidewalk and trail connectivity in the northeast corner of North US287 and 57th Street. While a more comprehensive presentation to City Council regarding sidewalk connectivity is planned for August, the grant application due date requires submittal of a letter of support before then and will not negatively impact future action that may arise from the August Council discussion on this topic. There is no financial impact at this time. Should the \$601,000 grant application be successful, matching funds of approximately \$60,000 will be presented for City Council consideration at a future date.

14. <u>ECONOMIC DEVELOPMENT</u> (presenters: Mike Scholl and Jacque Wedding-Scott) PUBLIC HEARING

DDA PLAN OF DEVELOPMENT

A Motion To Adopt Resolution #R-59-2016 Of The Loveland City Council Approving The Amended Plan Of Development For The Loveland Downtown Development Authority (DDA)

This is an administrative action item. The Amended Plan of Development (the "Plan") for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed and adopted by the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. The DDA may not undertake any development projects until the City Council has approved the DDA Plan.

The Loveland Downtown Partnership (LDP) and DDA boards have approved the DDA Plan as submitted, and are recommending the Plan to the City Council for review and consideration. Two minor modifications are recommended, a clarification on the legal description of the District, and the exclusion of sales tax on food purchased for home consumption in both the sales tax increment and base. The DDA Plan excludes sales tax revenues obligated under any economic incentive agreement that is in place as of the approval date of the DDA Plan. On June 27, 2016 the Planning Commission approved a motion recommending approval of the Amended DDA Plan to the Loveland City Council. A redline of the amended Plan was reviewed with City Council during the Study Session on July 12, 2016 and is attached.

15. LOVELAND FIRE RESCUE AUTHORITY (presenter: Pat Mialy) IGA FOR EMERGENCY MANAGEMENT MUTUAL AID

A Motion To Adopt Resolution #R-60-2016 Approving An Intergovernmental Mutual

Aid Agreement For Disaster-Emergency Mutual Aid And Disaster-Emergency **Funding Assistance**

This is an administrative action item. The newest version of this intergovernmental agreement for Emergency Management Mutual Aid includes language for an agreement between governments, and between governmental and non-governmental agencies to fill a gap in current agreements for resource management assistance. It is intended to ensure efficient resource management in the event of an incident.

16. LOVELAND FIRE RESCUE AUTHORITY (presenter: Mark Miller) LFRA GRANT FUNDS

A Motion To Adopt Resolution #R-61-2016 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-066 For The **Loveland Fire Rescue Authority's 2016 Budget**

This is an administrative action item. There are three grants included in this appropriation that do not require any additional matching funds from LFRA or our governing partners. The grant funds will be used to purchase Emergency Operations Center (EOC) communications equipment, draft an Emergency Operations Plan and conduct an exercise, Big Thompson Canyon bunker gear, and a second set of hoods, gloves and helmets for fire personnel related to cancer prevention. The intergovernmental agreement that established the Fire Authority requires that both the City of Loveland City Council and the Loveland Rural Fire Protection District Board approve all budget appropriations to make them effective. The Loveland Fire Rescue Authority Board adopted this supplemental budget appropriation at their meeting on June 29, 2016. The Loveland Rural Fire Protection District approved it at their July 6, 2016 meeting.

17. **PUBLIC WORKS** (presenter: Eric Lessard)

STORMWATER CAPITAL IMPROVEMENT PROJECTS

A Motion To Adopt Resolution #R-62-2016 Authorizing A Notice Of Award For The 2016 Stormwater Capital Improvements Projects And Authorizing The City Manager To Execute The Contract

This is an administrative action item awarding a construction contract for the 2016 Stormwater Capital Improvement Projects to Premier Earthworks & Infrastructure, Inc., for the amount of \$2,453,566.08, which was lower than the engineer's estimate and was part of the approved 2016 budget. The contract includes 26 individual stormwater improvement projects consisting of the installation of new master planned stormwater infrastructure and/or the replacement of aging, undersized, or failing existing stormwater infrastructure throughout the City of Loveland. The project will be funded through the Stormwater Utility's Capital Improvement Project Fund and Stormwater System Investment Fees.

END OF CONSENT AGENDA

(6:50) CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

(6:55) 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) 18. <u>CITY MANAGER'S OFFICE</u>

PUBLIC HEARING

COMCAST FRANCHISE AGREEMENT

1. A Motion To Approve On First Reading, An Ordinance of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC

(presenter: Rod Wensing)

2. A Motion To Approve On First Reading, An Ordinance amending the Loveland Municipal Code at Section 13.16.030 concerning Customer Service Standards for Cable Television Operators

This is both an administrative and legislative action item to separately consider approving an Ordinance granting a renewal of a non-exclusive 10 year Cable Franchise Agreement from the City of Loveland to Comcast of Colorado II, LLC as well as considering an amended Ordinance establish updated Customer Service Standards for Cable Television Operators located in Section 13.16.030 of the Loveland Municipal Code.

The proposed cable franchise agreement renewal continues to collect 5% of gross revenues, as allowed by the federal cable act. Franchise fees are paid to compensate the City for Comcast's use of the public rights-of-ways and facilities.

The proposed cable franchise renewal agreement continues to collect 50 cents per month on residential subscribers with the purpose of funding capital and facility needs for Public, Educational and Government (PEG) cable television broadcasting. The revenues generated from this fee may be distributed among local PEG entities as determined by City Council.

In fact, the Council did just that in 2015 via an Intergovernmental Agreement (IGA) with Thompson School District that will provide approximately \$340,000 over the next 5 years for needed equipment upgrades associated with channel 14 broadcasts.

Average Franchise Fee Revenue: \$500,000 annually

Average PEG Fee Revenue: \$74,000 annually

(7:30)19. PARKS AND RECREATION (presenter: Janet Meisel-Burns) IGA W/ CDOT AND DISPOSAL AND USE AGREEMENT W/ KIEWIT

- 1. A Motion To Adopt Resolution #R-63-2016 Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The Colorado Department of Transportation Regarding the Restoration and Use of the Round Mountain Staging And Rock Spoil Site at Viestenz-Smith Mountain Park, For Construction On Highway 34 And Authorizing The City Manager To Execute The Agreement
- 2. A Motion To Adopt Resolution #R-64-2016 Approving The Disposal And Use Agreement Between The City Of Loveland, Colorado And Kiewit Infrastructure Co., For The Use Of The Round Mountain Staging and Rock Spoil Site at Viestenz-Smith Mountain Park, For Construction On Highway 34 And Authorizing The City Manager To Execute The Agreement

This is an administrative action item. The City of Loveland ("City") and the Colorado Department of Transportation ("CDOT") seek a mutual decision that benefits both the City and CDOT regarding the reconstruction of US 34. The agreements address the needs for construction staging, a rock spoil site and the reclamation of the staging area once CDOT and their contractor complete the US34 Work in the Big Thompson canyon. The Disposal and Use Agreement will allow Kiewit Infrastructure, CDOT's Construction Manager and General Contractor, to use a portion of the Round Mountain property, which is a part of the Viestenz-Smith Mountain Park, for staging and equipment storage and for a rock crushing operation. Kiewit will lease the site from the City for \$500,000 paid up front for a term of 42 months. At the end of the US 34 project work, Kiewit and CDOT will waste excess rock at the site and CDOT will regrade and restore the site for a future trail head for Round Mountain. The CDOT agreement addresses the reclamation of the Round Mountain staging site and defines the parameters for CDOT to provide road base, rock and rip/rap for the City's ongoing project at Viestenz-Smith Mountain Park. Both agreements will permit CDOT to move forward with the first phase of re-construction for US 34, in the Big Thompson Canyon.

(8:15)20. **DEVELOPMENT SERVICES CREATE LOVELAND COMP PLAN**

A Motion To Adopt Resolution #R-65-2016 Approving Create Loveland As The Master Plan For The Physical Development Of The City Of Loveland, Colorado

(presenter: Karl Barton)

This is an administrative action item. This Resolution is to adopt Create Loveland as Loveland's new Comprehensive Plan. As the new comprehensive plan, Create Loveland will act as an advisory guide for making growth and development related decisions and evaluating alternatives. The Plan was unanimously recommended for approval by the Planning Commission on February 22, 2016. On April 12, 2016 the Plan was discussed at a Council Study Session, comments from that Session, and received since, have been integrated into the Plan document.

DEVELOPMENT SERVICES (8:45)21.

(presenter: Brett Limbaugh) WEST EISENHOWER REINVESTMENT ZONE

A Motion To Adopt Resolution #R-66-2016 Establishing A West Eisenhower Reinvestment Zone Along West Eisenhower Boulevard In The City Of Loveland And Waiving Building Permit Fees, Capital-Related Fees And Granting Use Tax Credits For Development Within Such Zone

This is an administrative action item. The economic assistance for redevelopment in the West Eisenhower Reinvestment Zone would be similar to the current CEF exemptions for Historic Downtown Loveland. With the goal being to create a high level of motivation for redevelopment, the economic assistance recommended by City staff includes a waiver of building permit and capital-related fees, including both capital expansion fees (CEFs) and utility fees, and granting use tax credits. All developed property in the City receives credits on CEFs and utility fees at time of redeveloped. Since most properties within the reinvestment zone are currently developed, the amount of CEFs and utility fees waived would be diminished significantly by use of CEF and utility fee credits. The fee waivers and use tax credit may be approved by City Council by resolution, based on a finding of significant social, economic or cultural benefit. The Municipal Code requires that capital-related fees waived be paid by the general fund or other appropriate fund. The reinvestment zone would be effective on a trial basis for two years, unless extended by City Council.

(9:15) 22. CITY MANAGER APPOINTMENTS TO COUNTY AFFORDABLE HOUSING WORKING GROUP A Motion to Approve the Appointments Of A Council Member And A City Staff Member To Larimer County Affordable Housing Working Group

This is an administrative action item appointing a Council Member and a City staff member to the Larimer County Affordable Housing Working Group.

(9:25) 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