

APPOINTMENTS TO THE DDA

Adopt a motion to reappoint Sharon Rae Cook and Ray Steele, Jr. for terms effective until June 30, 2020 to the Downtown Development Authority (DDA) Board was approved.

This is an administrative action item to approve the reappointment of members to the Downtown Development Authority (DDA) Board. If the motion is approved, Sharon Rae Cook and Ray Steele, Jr will be reappointed to four year terms effective until June 30, 2020.

4. **CITY MANAGER'S OFFICE** (presenter: Rod Wensing)
COMCAST FRANCHISE AGREEMENT
 1. **A Motion To Approve On Second Reading, Ordinance #6032 of the City of Loveland, Colorado Granting a Cable Franchise to Comcast of Colorado II, LLC**
 2. **A Motion To Approve On Second Reading, Ordinance #6033 amending the Loveland Municipal Code at Section 13.16.030 concerning Customer Service Standards for Cable Television Operators was approved.**

The Council will be asked to take both an administrative and legislative action separately to 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 Ordinance was approved unanimously on first reading by City Council on July 19, 2016.
5. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
PUBLIC COMMENT
WESTWOOD THIRD PEDESTRIAN EASEMENT

A Motion to Approve on First Reading, An Ordinance Vacating A Twenty Foot Pedestrian Access Easement Located Across Tracts A And G Of The Westwood Third Subdivision, City Of Loveland, County Of Larimer, State Of Colorado was approved.

This is an Administrative action item to consider an ordinance on first reading, vacating a 20' by 53' pedestrian easement across the Mariano Exchanged Ditch between the Westwood and Somerset Park subdivisions. The easement was established when the Westwood Third Subdivision was developed. A bridge was built over the easement to allow crossing of the ditch. Its purpose was to facilitate a connection between the adjoining subdivisions and improve pedestrian access to other destinations in the general area, such as schools and churches. However, over the years, the bridge has become a location for unwanted and criminal activities, causing concerns to the surrounding residents and the Westwood Home Owners Association (entity responsible for maintenance and liabilities). Because of continued problems, the bridge was barricaded with a fence and a request to vacate the easement submitted. If the easement is vacated, the bridge would be removed. The property is generally located south of W. 1st Street and east of S. Wilson Avenue between 5th Court SW and Natasha Court spanning the Mariano Exchange Ditch connecting Westwood and Somerset Park subdivisions. The applicant is Kathy Louderback with Touchstone Property Management, LLC on behalf of the Westwood Third Subdivision Home Owners Association.
6. **CITY ATTORNEY** (presenter: Tami Yellico)
PUBLIC COMMENT
DDA ELECTION AND BALLOT QUESTION APPROVAL

This item was considered on the Regular Agenda.
7. **NORTHERN COLORADO REGIONAL AIRPORT** (presenter: Jason Licon)

PUBLIC COMMENT

SUPPLEMENTAL APPROPRIATION FOR STRATEGIC PLAN

A Motion To Approve On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 Northern Colorado Regional Airport Budget For The Addition Of 1 FTE & Strategic Plan Implementation was approved.

This is an administrative action item. The purpose of this item is to approve an amendment to the 2016 Airport operating budget and appropriate funds from the Airport Reserve Fund to initiate work associated with the City Council approved Airport Strategic Plan. The Northern Colorado Regional Airport Commission has reviewed and approved this request. The 2016 Airport operating budget will be amended to authorize expenditure in the total amount of \$165,000 from the Airport Reserve Fund. The City of Loveland will appropriate 50% (\$82,500) of the total \$165,000 request, and the City of Fort Collins has approved their half of the appropriation at their July 19, 2016 City Council Meeting. This appropriation is needed as the funding resources were not included in the adopted 2016 Airport Budget approved by Council.

This initiative has a bottom line impact of \$165,000 to the Airport Reserve Fund, and ongoing impacts will be included in the 2017 and 2018 Airport budget. The Airport Reserve Fund unencumbered balance is approximately \$1.7 million and has been used historically to provide matching funds that leverage Federal and State grants. The City of Fort Collins is also being asked to appropriate the 50% match of \$82,500.

8. PUBLIC WORKS (presenter: Randy Maizland)

PUBLIC COMMENT

WAL-MART TRAFFIC SIGNAL INTERSECTION IMPROVEMENT

- 1. A Motion To Adopt Resolution #R-67-2016 Approving An Agreement Between The City Of Loveland, Colorado and Walmart Stores, Inc., for the Design and Construction of an Interim Traffic Signal at the Intersection of Crossroads Boulevard and Ward Avenue was approved.**
- 2. A Motion To Approve On First Reading An Ordinance Enacting A Supplemental Budget And Appropriation For The 2016 City Of Loveland Budget For The Construction Of An Interim Traffic Signal At The Intersection Of Crossroads Boulevard And Ward Avenue was approved.**

These are administrative action items. Walmart Distribution Center has approached the City with an offer and agreement to fund the design and construction of an interim traffic signal at the intersection of Crossroads Boulevard and Ward Avenue for an amount not to exceed \$300,000 for construction of the signal. The resolution would approve and authorize the City Manager to execute the agreement to accept payment of \$300,000 from Walmart to be used for the construction of the traffic signal. The ordinance appropriates the funds received, allowing them to be used by the City for this purpose. If Council approves the agreement with Walmart the City Traffic Engineering Division will select the contractor and provide all construction management responsibilities for the installation and completion of the traffic signal to ensure quality control.

9. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)

CDBG ANNUAL ACTION PLAN

A Motion to approve Resolution #R-68-2016 Of The City Council Of The City Of Loveland, Colorado Approving A Community Development Block Grant Annual Action Plan For 2016 – 2017 was approved.

This is an administrative action item. Each year, the Community Partnership Office submits a report to the U.S. Department of Housing and Urban Development (HUD) called the Annual Action Plan which identifies the housing and public services projects that will be funded with a Community Development Block Grant (CDBG) during the next grant year. This resolution approves the Annual Action Plan for 2016-2017 so it can be submitted to HUD. The resolution authorizes the allocation of the 2016 CDBG that was appropriated in the 2016 City Budget.

10. **CITY CLERK** (presenter: Terry Andrews)
COUNCIL EMAIL POLICY
A Motion to approve Resolution #R-69-2016 A Resolution Superseding Resolution 101-00 And Adopting Email Disclosure Policy
This is an Administrative action item. This resolution will supersede Resolution #R-101-00: "A Resolution adopting an e-mail disclosure policy concerning Electronic Mail Communication of Elected City Officials". On July 26, 2016 Staff presented to City Council a more transparent Email process regarding their electronic communications. The new software, "Global Relay" has been tested for four months by City Staff. This new process will allow Council email to be available to the public in "real time" and accessible from outside of the City's computer system.
11. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Mark Miller)
LFRA GRANT FUNDS
A Motion To Adopt Resolution #R-70-2016 Approving The Loveland Fire Rescue Authority's Supplemental Budget And Appropriation Resolution No. R-066 For The Loveland Fire Rescue Authority's 2016 Budget was approved.
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 Emergency Operations plans 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.
12. **PUBLIC WORKS** (presenter: Jeff Bailey)
ASPHALT PAVING CONTRACT CHANGE ORDER
Contract Change Order To 2016 Street Resurfacing Program, Asphalt Paving Schedule AP (Project ENSR005-AP) was approved.
This is an administrative action item. A contract change order of an Asphalt Maintenance Contract for Asphalt Paving for the 2016 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$635,000.00 and Authorization for City Manager to execute the contract change order. Funding is available in the Adopted 2016 Budget.
13. **FINANCE** (presenter: Brent Worthington)
JUNE FINANCE REPORT
This is an information only item. The Snapshot Report is submitted for Council review and includes the reporting of the City's revenue and expenditures, including detailed reports on tax revenue and health claims, as of June 30, 2016. Citywide Revenue (excluding internal transfers) of \$138.5 million is 96.5% of year to date (YTD) budget. Sales Tax collections are 2% above the same period in 2015, and 99% of the YTD budget. This data spans six months, and the trend has been slowly rising. Building Material Use Tax is 164.6% of YTD budget. Sales and Use Tax collections combined are 104.4% of YTD budget. Citywide total expenditures of \$131,505,533 (excluding internal transfers) are 64.7% of the YTD budget.
14. **CITY MANAGER** (presenter: Alan Krcmarik)
JUNE INVESTMENT REPORT
This is an information only item. The budget projection for investment earnings for 2016

is \$2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the June monthly report, the estimated yield on the fixed income securities held by USBank was at 1.27%, for total assets the yield was 1.07%. For the year-to-date, total earnings of \$1,206,918 have been posted to City fund accounts. U.S. short-term Treasury interest rates fell sharply in June; the portfolio's change in unrealized gain for the year-to-date rose to nearly \$2.3 million. The end of June portfolio market value is estimated to be \$220.5 million. The total market value of the portfolio is now higher than the end of 2015 by about \$3.2 million. The peak amount for the portfolio was reached before the 2013 flood when it had an estimated market value of \$226.3 million.

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.

Resident Larry Sarner, Ward 2, expressed concern on the classification of actions by Council on the agenda i.e. legislative or administrative. **Consensus of Council was to remove the classifications except for quasi judicial.**

Jackie Marsh, asked for clarification on the appointment of members to the Loveland Downtown Partnership.

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

6. CITY ATTORNEY (presenter: Tami Yellico)

PUBLIC COMMENT

DDA ELECTION AND BALLOT QUESTION APPROVAL

This is an administrative action item, recommending the approval of an ordinance on first reading. Approval of the ordinance will direct the City Clerk and other staff to conduct an election on November 8, 2016 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. Ward 2 resident, Larry Sarner spoke in opposition to the ordinance. **Councilor Shaffer moved To Approve On First Reading, An Ordinance Approving A Downtown Development Authority Election To Be Held November 8, 2016, To Authorize Debt, Taxes And Revenue Retention. The motion, seconded by Councilor Ball, carried with all councilors present voting in favor thereof.**

15. DEVELOPMENT SERVICES (presenter: Kerri Burchett)

WATERS EDGE ANNEXATION

This is a consideration of the following items on second reading: A legislative action to

adopt an ordinance to annex 82.6 acres of property to be known as the Waters Edge Addition; and A quasi-judicial action to zone the 82.6 acres to R1 Developing Low Density Residential District. The property is located north of 28th Street SW, south of Ryan's Gulch Reservoir and west of Taft Avenue and the Lakeside Terrace Subdivision. The applicant is Lynda Beierwaltes with Luxor, LLC. Jim Willard, spokesperson for the neighbors of this development, indicated they had over the last few weeks conferred with some of the 400+ residences in the area, and did not believe they would be able to come up with financing to purchase the property to be used for open space. Mr. Willard requested the neighbors be involved in a conversation with the developer to discuss buffer zones and impacts, when this development gets to that phase. **Councilor Shaffer moved To Approve On Second Reading, Ordinance #6034 Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Waters Edge Addition" To The City Of Loveland. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof. Councilor Shaffer moved to Approve On Second Reading, Ordinance #6035 Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Waters Edge Addition" To The City Of Loveland. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

16. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)

PUBLIC HEARING

FLEXIBLE ZONING OVERLAY DISTRICT

This is a legislative action item to consider adoption of the Flexible Zoning Overlay District provisions. This new chapter of the zoning code responds to the interest of City Council in providing property owners with relief from regulatory standards that may be restraining development. The provisions are intended to promote development and redevelopment opportunities in locations experiencing disinvestment or underutilization of land. Applications for overlay districts would require a neighborhood meeting, a public hearing before the Planning Commission, and an adoption hearing by City Council. This public input process is designed to ensure that resulting projects would be well-vetted and compatible with surrounding development. There were no public comments. **Councilor Shaffer moved to Approve, On First Reading, An Ordinance Amending Title 18 Of The Loveland Municipal Code To Add A New Chapter 18.44 Regarding A Flexible Zoning Overlay District. The motion, seconded by Councilor Krenning, carried with all councilors present voting in favor thereof.**

17. **ECONOMIC DEVELOPMENT** (presenter: Susan Grafton)

NORTHERN COLORADO REGIONAL TOURISM BOARD APPOINTMENTS

This is an administrative action item. The Go NoCO Board was put into place to facilitate the application by Larimer County, Town of Windsor, Town of Estes Park and City of Loveland for funding through the Economic Development Council of Colorado (EDC) for the purpose of financing regional tourism activity. That funding was approved by the EDC in December, 2015. A requirement of receiving funding is that a regional tourism authority be established to administer the receipt of funds and assure compliance to the state requirements for the approved projects. That new entity will be the Northern Colorado Regional Tourism Authority (NCRTA). City Council is asked to make two appointments to the NCRTA: a City Council member and a Community-at-large member. **Councilor Shaffer moved to Adopt Resolution #R-71-2016 Appointing Mayor Gutierrez as City Council Member And John Fogle as Community-At-Large Member To The Northern Colorado Regional Tourism Authority (NCRTA). The motion, seconded by Councilor Ball, carried with eight councilors voting in favor and Councilor McKean voting against.**

18. **PUBLIC WORKS** (presenters: Leah Browder and Jeff Bailey)
US 287 SIDEWALKS NEAR WAL-MART UPDATE

This item is intended to provide information regarding North US287 sidewalks at 57th Street following up to discussion at the March 15, 2016 City Council Meeting and to support City Council discussion regarding sidewalk projects in the area. This item provides information to support City Council decision making regarding capital program sidewalk projects. However, should City Council direct additional expenditures toward sidewalk design and construction, a negative budgetary impact could result. Kathie Guthrie from "CanDo" gave Council an update of the public work they have been doing related to walkability in the City.

19. **NORTHERN COLORADO REGIONAL AIRPORT** (presenter: Jason Licon)
AIRCRAFT WITHIN CITY LIMITS

Overview of Loveland Municipal Code 12.48.110 - Landing in City Prohibited

This is an informational item pertaining to the City of Loveland Municipal Code 12.48.110 - Landing in City Prohibited. Dave Vines, city resident and Hot air balloonist, 2101 Frances Dr, gave Council information of the nuances of "ballooning". **Councilor McKean moved to direct the City Attorney to come back to Council with an ordinance repealing sections 12.48.110 and 12.48.030 from the municipal code. The motion was seconded by Mayor Pro Tem Fogle. CALL THE QUESTION: Councilor Ball called the question. The motion, seconded by Councilor Krenning, carried with seven councilors present voting in favor and Councilors Clark and Gutierrez voting against. ORIGINAL MOTION: Roll was called on the original motion, which carried with seven councilors present voting in favor and Councilors Clark and Gutierrez voting against.**

20. **WATER & POWER** (presenter: Greg Dewey)
WINDY GAP FIRING PROJECT WATER STORAGE

This is an administrative action item. The City of Loveland has the immediate opportunity to acquire an additional 2,000 acre-feet of storage space in the Windy Gap Firing Project, which would increase the city's full participation in the Windy Gap Firing Project from its current subscription of 7,000 acre-feet to 9,000 acre-feet of storage. The City may seek other opportunities to increase the participation up to 10,000 acre-feet of storage. The LUC at its meeting on July 27, 2016 unanimously approved this item. Acquiring additional storage has a negative financial impact on the City. Acquisition of each 1,000 acre-feet of storage space would require an immediate payment to Northern Water of \$159,851 and an addendum to the *March 1, 2016 Fifth Interim Agreement Between the Municipal Subdistrict, Northern Colorado Water Conservancy District Windy Gap Firing Project Water Activity Enterprise and City of Loveland for Participation in the Windy Gap Firing Project* to reflect the increased storage capacity. This would adjust Loveland's proportional share on the ongoing Windy Gap Firing Project expenses for permitting and mitigation. Money is available in the 2016 budget for this purpose No public comment. **Councilor Shaffer moved to Adopt Resolution #R-72-2016 To Negotiate To Acquire Up To An Additional 3,000 Acre-Foot Of Windy Gap Firing Project Storage Space. The motion, seconded by Councilor McKean, carried with all councilors present voting in favor thereof.**

Councilor Shaffer moved to extend the meeting to 11:00 p.m. The motion, seconded by Mayor Pro Tem Fogle, failed with eight councilors voting against and Mayor Gutierrez voting in favor.

21. **ECONOMIC DEVELOPMENT** (presenter: Susan Grafton)
ECONOMIC DEVELOPMENT UPDATE

The Economic Development Office (EDO) is experiencing a good deal of activity at this time. To keep City Council abreast of projects and activities, an executive session is requested so that Economic Development staff can get direction and guidance concerning

project and prospect negotiations. Councilor Shaffer moved to move that the City Council go into executive session to discuss: 1) negotiations concerning the Brands, formally Eagle Crossing, request to modify an offer letter to reflect new development parameters; and 2) to discuss a request to modify the Crunchy Grocer existing business assistance agreement and instructing negotiators as to such projects as authorized by Colorado Revised Statutes Section 24-6-402(4)(e) and Loveland Charter Section 4-4(c)(1) concerning a matter that is subject to negotiations, to develop the City's negotiation positions and strategies, and to instruct the City's negotiators concerning those positions and strategies; and as authorized by Colorado Revised Statutes Section 24-6-402(4)(b) and Loveland Charter Section 4-4(c)(3) to receive legal advice from the City Attorney's Office at 9:53 p.m. The motion, seconded by Mayor Pro Tem Fogle, carried with eight councilors voting in favor and Councilor Krenning voting against.

Council reconvened at 10:24 p.m. Councilor Krenning was absent.

Councilor McKean moved to extend the meeting to 10:35 to include Council reports. The motion, seconded by Councilor Clark, failed with five councilors voting against and Councilors Overcash, Clark and McKean voting in favor.

Councilor McKean moved to release the Executive Session recording from the City Manager's evaluation on June 6, 2016. The motion, seconded by Mayor Pro Tem Fogle, failed with five councilors voting against and Councilors Overcash, Clark and McKean voting against.

Mayor Gutierrez moved to call a special meeting on August 10, 2016 to consider an Executive Session for the purpose of receiving legal advice and discuss negotiations with the City Attorney, negotiators and Council. The motion, seconded by Councilor Shaffer, carried with seven voting in favor and Councilor McKean voting against.

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.

None

CITY MANAGER REPORT

None

CITY ATTORNEY REPORT

None

ADJOURN

Mayor Gutierrez, hearing no further business before Council, adjourned the August 2, 2016 Regular meeting at 10:31 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

