



AGENDA

TUESDAY, NOVEMBER 15, 2016

5:00 PM - Dinner - City Manager's Conference Room

6:00 PM LOVELAND CITY COUNCIL MEETING

Loveland Urban Renewal Board of Commissioners

CITY COUNCIL CHAMBERS

500 EAST THIRD STREET

LOVELAND, COLORADO

Notice of Non-Discrimination

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

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 . 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 ADACoordinator@cityofloveland.org or 970-962-3319 .

Notificación en contra de la discriminación

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org o al 970-962-2372 . La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en ADACoordinator@cityofloveland.org o al 970-962-3319 .

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org

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

(6:00
PM)

1. INTRODUCTION

1.1 CALL TO ORDER

The password to the public access wireless network (colguest) is accesswifi

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

1.4 PROCLAMATIONS AND PRESENTATIONS

(6:05
PM)

THE RANCH PRESENTATION

(presenter: Diana Frick and Bob
Herrfeldt)

THE RANCH EVENTS COMPLEX STRATEGIC PLANNING UPDATE

[Presentation The Ranch Events Complex Strategic Planning Update](#)

(6:25
PM)

**LOVELAND DOWNTOWN PARTNERSHIP &
DOWNTOWN DEVELOPMENT AUTHORITY
PRESENTATION**

(presenter: Stacey Voigt, LDP &
DDA Project Coordinator)

**THE DOWNTOWN COLORADO, INC. 2016 GOVERNOR'S AWARD FOR THE FIRE AND
ICE FESTIVAL**

Presented to Council; Nate and Heidi Webb, Blazen Illuminations; and Cindy Mackin,
Visitor Services Coordinator

(6:40
PM)

2. 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.

2.1 CITY CLERK
APPROVAL OF MINUTES

(presenter: Terry Andrews)

Approval of the City Council minutes for the October 25, 2016 Study Session and the November 1, 2016 Regular Meeting.

A Motion to Approve the City Council minutes for the October 25, 2016 Study Session and the November 1, 2016 Regular Meeting.

[10-25-2016 Minutes](#)

[11-1-2016 Minutes](#)

**2.2 CITY MANAGER (presenter: Steve Adams)
APPOINTMENTS TO THE PLANNING COMMISSION**

This is an item appointing a member to the Planning Commission.

A Motion to appoint Jeff Fleischer to the Planning Commission for a partial term effective until December 31, 2017.

[2.2 CM B+C Appointment Coversheet](#)

**2.3 PARKS AND RECREATION (presenter: Janet Meisel-Burns)
VIESTENZ-SMITH MOUNTAIN PARK RECONSTRUCTION PROJECT**

City Council approval is necessary to accept a Community Development Block Grant – Disaster Recovery (CDBG-DR) implementation grant awarded by the State of Colorado to the City of Loveland. The grant is intended to reimburse the City of Loveland for the cost of construction for river realignment, bank restoration and resiliency efforts at Viestenz-Smith Mountain Park (VSMP). This grant will provide supplemental funding essential to the full restoration work for the completion of Phase I reconstruction caused by the 2013 flood in the Big Thompson canyon.

The project is anticipated to cost up to \$4,029,725, of which \$501,620 will be reimbursed by the CDBG-DR implementation grant. The City's has no obligation to cost share on this grant agreement. The City will use funding from the grant solely for river restoration within the Viestenz-Smith Mountain Park. The agreement expires on December 31, 2017.

The first reading of the ordinance was unanimously approved by City Council at the November 1, 2016 Council meeting.

1. A Motion to Approve, on Second Reading, Ordinance #6072 Enacting a Supplemental Budget Appropriation to the 2016 City of Loveland Budget for the Viestenz-Smith Mountain Park (Phase I) Reconstruction Project.

2. A Motion to Adopt Resolution R-112-2016 Authorizing The City Manager To Execute The Community Development Block Grant – Disaster Recovery (CDBG-DR) Watershed Resilience Pilot Program Implementation Grant Agreement (CDBG-DR WI 17-114) Between The City Of Loveland And The State Of Colorado Department Of Local Affairs.

[2.3 PR VSMP CDBG-DR Grant Coversheet](#)

[PR Att 1 VSMP ORD](#)

[PR Att 2 RES CDBG Grant VSMP](#)

[PR Att 3 VSMP Main Grant Agreement](#)

[PR Att 4 VSMP Vicinity Map](#)

**2.4 DEVELOPMENT SERVICES (presenter: Kerri Burchett)
PUBLIC COMMENT**

CODE AMENDMENT TO CHAPTER 12.08 NAMING OF STREETS

This is a public hearing to consider the following item on first reading: Approval of an

ordinance to modify Section 12.08.160 of the Municipal Code to provide an additional street name category of “agricultural terms” to property within the Millennium Northwest 8th Subdivision. The subdivision is located at the southwest corner of Rocky Mountain Avenue and East 37th Street. The property is currently being planned and developed as a mixed use development themed around a working farm and a farm to table restaurant. The property is also the location for the corporate headquarters of Agrium. The applicant is McWhinney Enterprises.

A Motion to Approve, on First Reading, An Ordinance Amending Chapter 12.08 Of The Loveland Municipal Code Concerning The Naming Of Streets.

[2.4 DS Street Naming Convention in Centerra Coversheet](#)

[DS Att 1 ORD Street Naming Conventions](#)

[DS Att 2 Street Naming Convention Letter and street layout](#)

[DS Att 3 Street Naming Convention Vicinity Map](#)

[DS Att 4 Street Naming Convention Context diagram](#)

[DS Att 5 Street Naming Convention Section 12.08](#)

2.5 FINANCE

(presenter: Matthew Elliott)

PUBLIC HEARING

2016 BUDGET YEAR-END

Each year in November, staff brings year-end budget “wrap-up” ordinances to address unresolved budget items remaining at year-end and ensure there are sufficient appropriations available to meet projected expenditures. Items may include simple transfers and administrative corrections or new appropriations (if warranted). These ordinances are necessary to finalize the 2016 budget and ensure that the budget remains balanced. Budget Office staff works with departments to resolve budget items throughout the year. The items included in these ordinances represent items that could not be resolved through preferred methods of being absorbed within existing appropriation or through budget transfers within a given department and single fund. Budget transfers can be made within a given department and single fund without City Council approval, however, the City Charter requires City Council approval of budget transfers between funds.

1. A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For Year-End Appropriations.

[2.5 FIN 2016 Year-End Wrap-up Coversheet](#)

[FIN Att 1 2016 Year-end Wrap-up Items](#)

[FIN Att 2 2016 Budget Ordinance - Wrap-Up](#)

[FIN Att 3 2016 Budget Ordinance - LURA Wrap-Up](#)

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

2. A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 Loveland Urban Renewal Authority Budget For Redistribution Of Property Tax.

ADJOURN AS THE BOARD OF THE LOVELAND URBAN RENEWAL AUTHORITY

(LURA) AND RECONVENE AS CITY COUNCIL

2.6 HUMAN RESOURCES (presenter: Julia Holland) EMPLOYEE PAY PLAN DEC 1, 2016 - DEC 31, 2017

The adoption of the resolution will approve the City's Pay Plan for December 1, 2016 through the December 31, 2017. Typically Council has approved Pay Plans on an annual basis only. However, due to the federal regulatory changes through the Department of Labor's Fair Labor Standards Act an update is necessary effective December 1, 2016. The City's Pay Plan assists in delivering cost efficient, high quality services to citizens by establishing a competitive market based plan, while adhering to budgetary constraints. Annually the City utilizes salary survey data for market analysis to develop pay ranges and compare current pay rates with the identified labor market, while also providing a financially sustainable plan. 2017 costs associated with personnel have been approved through the adoption of the 2017 Budget. There are minimal costs associated with the changes for December 2016, which will be addressed through the current 2016 adopted budget.

A Motion to Adopt Resolution R-113-2016 Adopting A Pay Plan For City Employees, And Superseding All Prior Ordinances And Resolutions Adopting Such A Pay Plan.

[2.6 HR Employee Pay Plan Coversheet](#)

[HR Att 1 RES 2017 Pay Plan](#)

[HR Att 2 EXH A Proposed Dec 2016 and year 2017 Pay Plan](#)

2.7 CULTURAL SERVICES (presenter: Jenni Dobson) AMENDING 2017 FEES FOR MUSEUM EVENT VENDORS

The resolution corrects errors and omissions that were included in the original resolution and revises the event vendor fees charged by the Cultural Services Department. The 2017 revenue budget was developed based on these fees.

A Motion to Adopt Resolution R-114-2016 Amending Resolution #R-100-2016 And The 2017 Schedule Of Rates, Charges And Fees For City Services.

[2.7 CS Amend Fees for Museum Coversheet](#)

[CS Att 1 RES Amendment to 2017 Rates Charges & Fees](#)

2.8 ECONOMIC DEVELOPMENT (presenter: Mike Scholl) THE PULLIAM DOLA GRANT

The Resolution directs staff to submit a grant application to the Department of Local Affairs (DOLA) in support of the Pulliam building. The deadline for this grant round is December 1, 2016 with a final decision expected in March of 2017. The grant would be for up to \$1 million dollars. The funding would be used in support of the renovation of the Pulliam Building. The grant is an opportunity for the City to leverage its proposed investment in the building to receive additional financial support. According to DOLA staff, having a proposed partnership with the Pulliam Community Building Foundation helps to make the grant application more competitive. The grant would add an additional \$1 million towards the renovation of the Pulliam Building.

A Motion to Adopt Resolution R-115-2016 Approving Submission Of An Application By The City Of Loveland For Energy And Mineral Assistance Grants From The Colorado Department Of Local Affairs For The Renovation Of The Pulliam Building.

[2.8 ED Pulliam DOLA Grant Coversheet](#)
[ED Att 1 RES Approving Submission of DOLA Grant for Pulliam](#)

2.9 DEVELOPMENT SERVICES (presenter: Bob Paulsen)
LARIMER COUNTY FACILITIES RELOCATION AND EXPANSION FEE WAIVERS

Larimer County is requesting City Council approval of a package of development-related fee waivers for the two-building office development scenario that is proposed to replace and expand the County's 6th Street office facilities. The project includes a new 50,000 sf building at 1st Street and Denver Avenue and a 10,000 sf expansion of the Police & Courts building. The total fee waiver request is \$590,942. These fees are required to be back-filled. An IGA addressing operational and ownership parameters for the expanded Police & Courts building is being drafted by City and County staff; the IGA is expected to be on the Council agenda in December. Similarly, details of how the County's 6th Street properties will figure into the financial arrangements between the City and County have yet to be determined. As determined by the City Attorney's Office, the fees requested to be waived must be backfilled and it is expected that the General Fund will be used for this purpose. Sufficient general funds exist to backfill these waivers.

A Motion to Adopt Resolution R-116-2016 Approving An Exemption Of Larimer County From Capital Expansion And Other Fees Imposed Upon New Development Related To The First And Denver Development And Expansion Of The Police And Courts Building.

[2.9 DS Larimer Cty Facilities Request Coversheet](#)
[DS Att 1 RES Larimer County Relocation and Expansion Fees Exemption](#)
[DS Att 2 EXH to Resolution Larimer County](#)
[DS Att 3 Larimer County Letter and enclosures](#)
[DS Att 4 Larimer Cty Request Power Point](#)

2.10 CITY CLERK (presenter: Terry Andrews)
SET A SPECIAL MEETING FOR NOVEMBER 22, 2016

The City Charter provides for the Mayor and three other Council members may call a special meeting. Also addressed in the Charter is the provision that City Council may not take an action on an item that has not been posted at least 24 hours prior to the meeting.

The urgency attached to this request is driven by the interest rate on the bonds. The Federal Open Market Committee is scheduled to meet on December 14, 2016. Market analysts are placing the probability of an increase in the federal funds rate by at least ¼% at 72%. Other rates are likely to move higher on this event. A delay may result in a higher interest rate for the bonds.

The City Charter requires an election to fill the vacated seat on Council. Establishing the special election date will set the calendar for deadlines that must be met in order to hold the election.

A Motion Calling A Special Meeting For November 22, 2016 Preceding The Study Session For The Purposes: 1) Of Considering An Ordinance Approving The Special Revenue Bonds For The Wastewater Enterprise Fund. 2) Discussion and possible action regarding A Special Election to seat a Council member to complete the term, vacated by Ward 3 Councilor, Hugh McKean (2017).

[2.10 CCO Special Meeting Coversheet](#)
[item 2.10 Ward election schedule 2017](#)

(6:45 PM) **3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA**

(6:50 PM) **4. PUBLIC COMMENT**

Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.

(7:10 PM) **5. BUSINESS FROM CITY COUNCIL**

This is an opportunity for Council Members to introduce new business for discussion at this time or on a future City Council agenda.

(7:55 PM) **6. REGULAR AGENDA**

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.

6.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

(8:05 PM) **6.2 ECONOMIC DEVELOPMENT (presenter: Mike Scholl)**

THE FOURTH AMENDMENT TO THE ENA WITH BRINKMAN

This resolution directs the City Manager to sign the Fourth Amendment to the Exclusive Negotiation Agreement (ENA) with the Brinkman Capital, LLC (Brinkman) for the Foundry Project, formerly the South Catalyst Project. The Fourth Amendment to the Exclusive Negotiation Agreement (see attached) changes the deadline for presenting the terms of Disposition and Re-Development Agreement (DRA) to Council for review from November 15, 2016 to December 13, 2016 and extend the term of the ENA through December 31, 2016. Because there is no administrative extension allowed under the original agreement, this amendment is required to go before City Council for consideration. The amendment will not have an impact on the budget.

A Motion to Adopt Resolution R-118-2016 Approving The Fourth Amendment to the Exclusive Negotiation Agreement With Brinkman Capital, LLC For The South Catalyst Project And Authorizing The Execution Of Said Amendment.

[ED 4th Amend to Brinkman ENA Coversheet](#)

[ED Att 1 RES 4th Amendment to ENA with Brinkman Capital LLC](#)

(8:35
PM)

6.3 **HUMAN RESOURCES**

(presenter: Julia Holland)

EVALUATION PROCESS FOR CITY COUNCIL EMPLOYEES

Council created a subcommittee to review and revise the annual evaluation process for each of the appointed positions, including City Attorney, City Manager and Municipal Judge. The subcommittee met on two separate occasions and is prepared to support the attached recommendation and evaluation templates.

A Motion to Adopt Resolution R-117-2016 Approving A Process To Be Used By The Loveland City Council To Evaluate The Appointed Positions Of City Manager, City Attorney And Municipal Judge.

[6.3 HR Evaluation Process for Council Employees Coversheet](#)

[HR Att 1 RES Evaluation Process for Appointed Positions](#)

[HR Att 2 EXH A Evaluation Process Recommendation](#)

[HR Att 3 EXH A Evaluation Proposed Forms](#)

(9:15
PM)

7. REPORTS

7.1 **CITY COUNCIL REPORTS**

This is an opportunity for Council Members to report on recent activities.

7.2 **CITY MANAGER REPORT**

7.3 **CITY ATTORNEY REPORT**

8. ADJOURN