

**LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, APRIL 19, 2011
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

**5:45 P.M. DINNER—CITY MANAGER’S CONFERENCE ROOM
6:30 P.M. REGULAR MEETING—City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING MARCH 30, 2011 AS “WELCOME HOME VIETNAM VETERANS’ DAY”

PROCLAMATION DECLARING APRIL 10-16, 2011 AS “NATIONAL LIBRARY WEEK”

PROCLAMATION DECLARING APRIL 2011 AS “FAIR HOUSING MONTH”

PROCLAMATION OF APPRECIATION FOR THE GIFT FROM THE GEORGE K. KROH CHARITABLE REMAINDER TRUST

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. You 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 your comments to no more than three minutes.

CONSENT AGENDA

1. MINUTES

CONSIDERATION OF MINUTES FOR:

- a) March 22, 2011 Special Meeting
- b) March 22, 2011 Study Session
- c) April 5, 2011 Regular Meeting

2. POLICE

MUNICIPAL CODE CHANGE – SPECIAL EVENT DEFINED

Consideration on second reading of an ordinance amending Chapter 12.26 of the Loveland Municipal Code and other related code provisions to replace the term Special Event with the term Local Event to distinguish between the City's event permitting process and the State's liquor code special event permitting process

This is a legislative action. The proposed ordinance amending Chapter 12.26 changes the term Special Event to Local Event to distinguish between the City's event permitting process and the State's Liquor Code special event permitting process. City Council unanimously approved this item on first reading on April 5, 2011.

3. DEVELOPMENT SERVICES

DRAINAGE EASEMENT VACATION – PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION

Consideration on second reading of an ordinance vacating a drainage easement located on Lot 6 Block 1, Amended Plat of Peakview Commercial Park First Subdivision, City of Loveland, Larimer County, Colorado

This is a legislative action to adopt an ordinance on second reading to vacate a drainage easement located on Lot 6, Block 1, Amended Plat of Peakview Commercial Park First Subdivision. The applicant is Galloway & Company Inc. on behalf of the owner (Murphy Oil USA). City Council unanimously approved this item on first reading on April 5, 2011.

4. DEVELOPMENT SERVICES

PUBLIC HEARING

HISTORIC LANDMARK DESIGNATION – 1005 NORTH GARFIELD AVENUE

Consideration on first reading of an ordinance of the City Council designating as a Historic Landmark the Remington House located at 1005 North Garfield Avenue in Loveland, Colorado

A public hearing to consider a legislative action to approve, on first reading, an ordinance to designate as a Historic Landmark the "Remington House" at 1005 North Garfield Avenue. The property would be designated a Historic Landmark under Section 15.56 of the Municipal Code. The application is owner-initiated and staff has met with the owner to review the benefits and obligations of historic designation.

5. WATER & POWER

EASEMENT GRANT – PUBLIC SERVICE COMPANY OF COLORADO

Consideration of Resolution #R-22-2011 granting an easement to Public Service Company of Colorado for installation of facilities within a portion of the City of Loveland's Airport Substation

This is an administrative action to grant an easement to the Public Service Company of Colorado ("PSCo") which will allow PSCo to extend transmission to the north of the Airport substation for PSCo's new substation.

6. **WATER & POWER**
REVOCABLE LICENSE TO PLATTE RIVER POWER AUTHORITY
Consideration of Resolution #R-23-2011 granting a Revocable License to Platte River Power Authority to construct and maintain facilities owned by Public Service Company of Colorado and installed within a portion of the City of Loveland's Airport Substation
This is an administrative action to grant a revocable license to Platte River Power Authority ("PRPA") so that PRPA can perform the interconnection work in the Airport substation for Public Service Company of Colorado.
7. **LIBRARY & MUSEUM**
TERMINATION OF GEORGE K. KROH CHARITABLE REMAINDER TRUST
Consideration of Resolution #R-24-2011 of the Loveland City Council consenting to the termination of the designated principal of the George K. Kroh Charitable Remainder Trust and accepting a distribution of the assets from said trust to the City of Loveland for the use and benefit of the Loveland Public Library and the Loveland Museum/Gallery
This is an administrative action to consent to the termination of the designated principal of the George K. Kroh Charitable Remainder Trust and to accept a distribution of Trust assets to benefit the Library and the Museum/Gallery. The request to terminate was made by the Trustee, Home State Bank, in order to make available remaining funds to community organizations with expressed needs consistent with the purposes of the Trust. If the designated principal is terminated, the Trust would provide an asset distribution for use by the Library and the Museum/Gallery of over \$600,000 each.
8. **DEVELOPMENT SERVICES**
PUBLIC HEARING
TEMPORARY DISCONNECT – MYERS GROUP PARTNERSHIP #949 SECOND SUBDIVISION
Consideration on first reading of an ordinance approving the disconnection of a certain parcel in the Myers Group Partnership # 949 Addition from the City Of Loveland boundaries
Consideration of a legislative action to adopt an ordinance, on first reading, to temporarily disconnect Outlot B of the Myers Group Partnership # 949 Second Subdivision from the City. This will be the first step to prepare for the subsequent annexation of the Motorplex Entry Addition, of which this outlot will be a part. The applicant and sole owner is the City of Loveland.
9. **DEVELOPMENT SERVICES**
PUBLIC HEARING
ANNEXATION & ZONING – TIMKA FIRST ADDITION
1. **Consideration of Resolution #R-25-2011 concerning the annexation to the City of Loveland, Colorado, of a certain area designated as Timka First Addition more particularly described herein, and setting forth findings of fact and conclusions based thereon as required by the Colorado Constitution and by State Statute**
 2. **Consideration on first reading of an ordinance approving the annexation of certain territory to the City Of Loveland, Colorado, to be known and designated as "Timka First Addition" to the City Of Loveland**
 3. **Consideration on first reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for Timka First Addition to the City of Loveland**

A public hearing to consider:

1. A legislative action to adopt a resolution making findings of facts regarding certain statutory requirements for the proposed Timka First Addition;
2. A legislative action to adopt an ordinance on first reading annexing the Timka First Addition to the City of Loveland, subject to an annexation agreement; and
3. A quasi-judicial action to adopt an ordinance on first reading zoning the Timka First Addition as I-Developing Industrial District.

**10. DEVELOPMENT SERVICES
PUBLIC HEARING**

REZONE OF PROPERTY – 1629 WEST 8TH STREET

Consideration on first reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for certain property located in the North Taft Avenue First Addition, City of Loveland, Larimer County, Colorado

A public hearing to consider a quasi-judicial action to adopt an ordinance on first reading to rezone a 0.50-acre property located at 1629 W. 8th Street from R2 Developing Two-Family Residential to A Muse Planned Unit Development. The PUD includes a non-phased preliminary development plan which is integral to the rezoning application. The property is located on the north side of W. 8th Street, west of N. Taft Avenue and east of Kelly Drive. The applicant is Kyle Dallabetta.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from 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.*
- c. **City Manager Report**
- d. **City Attorney Report**

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. 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

**11. DEVELOPMENT SERVICES
RIALTO BRIDGE PROJECT**

1. **Consideration of Resolution #R-26-2011 approving and authorizing the City Manager to execute the Project Development Agreement for the Rialto Bridge Project**
2. **Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the Community Foundation contribution and additional construction and contingency funding to the Rialto Bridge Project**

These are administrative actions to consider a resolution and a supplemental appropriation ordinance on second reading.

1. The resolution would authorize the City Manager to sign the Project Development Agreement with the Rialto Bridge LLC.
2. The supplemental budget appropriation funds the \$700,000 contribution by the Community Foundation. The Community Foundation is funding approximately 3,500 square feet of construction on the 2nd floor. Staff is also asking for an additional \$318,780 to complete the construction and \$178,920 for the construction contingency. The funds will be drawn from the Cultural Services CEFs. The supplemental budget appropriates the contribution for the Community Foundation and the \$497,700 from the Cultural Services CEFs. City Council unanimously approved this item on first reading on February 15, 2011.

12. FINANCE

PUBLIC HEARING

REAPPROPRIATION OF 2010 FUNDS (GENERAL FUND & AIRPORT)

- A. **Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget to reappropriate remaining funds for projects approved but not completed in 2010 and new projects**
- B. **Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins-Loveland Municipal Airport budget to appropriate funds for projects approved but not completed in 2010 and for compensation to the Public Works Director for extra duties**

These are administrative actions. The ordinances reappropriate funding for capital projects and other one-time projects approved but not completed in the prior year and a small number of new projects that were not anticipated at the time of budget adoption.

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

13. FINANCE

PUBLIC HEARING

REAPPROPRIATION OF 2010 FUNDS

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Loveland Urban Renewal Authority budget for the Facade Grant Program

This is an administrative action. The ordinance reappropriates the remaining balance of funding put in place for the program. Fund balance is available for the appropriation.

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND RECONVENE AS CITY COUNCIL

14. FINANCE

PUBLIC HEARING

EMPLOYEE MERIT-BASED RECOGNITION PROGRAM

- A. Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the Employee Merit-Based Recognition Program
- B. Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins-Loveland Municipal Airport budget for the Employee Merit-Based Recognition Program
- C. Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Loveland-Larimer Building Authority budget for the Employee Merit-Based Recognition Program

These are administrative actions. The positive General Fund budget performance both in terms of revenues in excess of the budget and expenditures below the budget allowed for the 2010 ending fund balance to exceed the projected ending fund balance by \$3.8 million. The proposal is to use one quarter of that additional fund balance to recognize employees with lump sum raises based on performance in 2010. The lump sum raise is preferred to a percentage added to the employees' base pay to prevent cumulative impacts on future year budgets. The funding is from higher than anticipated fund balance at the end of the 2010 fiscal year.

15. **DEVELOPMENT SERVICES**

PUBLIC HEARING

MUNICIPAL CODE AMENDMENTS – APPEALS PROVISIONS

- A. Consideration on first reading of an ordinance amending Titles 16 and 18 of the Loveland Municipal Code by revising provisions of Titles 16 and 18 and enacting a new Chapter 18.80 regarding appeal provisions
- B. Consideration on first reading of an ordinance amending Titles 16 and 18 of the Loveland Municipal Code by revising provisions of Titles 16 and 18, which retains the Zoning Board Of Adjustment Hearing Officer, and enacting a new Chapter 18.80 regarding appeal provisions
- C. Consideration of Resolution #R-27-2011 amending the City of Loveland Site Development Performance Standards and Guidelines Adopted October 1989, Updated January 2000

A public hearing to consider legislative actions to:

- A. Adopt an ordinance on first reading: (i) amending Title 16 and Title 18 relating to appeals of subdivision, zoning and land use actions; (ii) adding Chapter 18.80 to consolidate and clarify appeal provisions; (iii) amending Chapter 18.60 concerning the Zoning Board of Adjustment; and (iv) amending Chapter 18.52 concerning Supplementary Regulations; and
- B. Adopt a resolution amending the appeal provisions in the Site Development Performance Standards and Guidelines to ensure procedural consistency.

16. **CITY MANAGER**

Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

ADJOURN