

CALL TO ORDER

Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Rice, McEwen, Johnson, Shaffer and Solt.

PROCEDURAL INFORMATION

Mayor Gutierrez made the following procedural announcement: 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

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor Shaffer and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES

- a) Minutes for the May 24, 2011 study session were approved.
- b) Minutes for the May 24, 2011 special meeting were approved.
- c) Minutes for the June 7, 2011 regular meeting were approved.

2. CITY MANAGER'S OFFICE

Board & Commission Appointments

Motion

Administrative Action: A motion recommending the reappointment of Linda Hughey and the appointment of Justin Erion to three year terms effective until June 30, 2013 was approved.

3. CITY MANAGER

Municipal Code Amendment – Volunteer Firefighters' Pension System

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND" was approved and ordered published on first reading.

4. DEVELOPMENT SERVICES

Motorplex Entry Addition Annexation & Zoning

a) Resolution #R-42-2011

Legislative Action: Resolution #R-42-2011 concerning the annexation to the City of Loveland, Colorado, of a certain area designated as "Motorplex Entry 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 was approved.

RESOLUTION #R-42-2011

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "MOTORPLEX ENTRY 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

WHEREAS, on April 28, 2011, a Petition for Annexation was filed by persons comprising more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petition requests the City of Loveland to annex said area to the City; and

WHEREAS, pursuant to Resolution No. R-30-2011, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, on June 21, 2011, commencing at 6:30 p.m., pursuant to the notice required by §31-12-108, C.R.S., the City Council held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements Section 30 of Article II of the Colorado Constitution and of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO THAT:

1. The City Council of the City of Loveland makes the following findings of fact:

A. The subject Petition for Annexation was signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed, who own more than fifty percent (50%) of said area, excluding public streets and alleys.

B. Pursuant to Resolution No. R-30-2011, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution §31-12-107(1), C.R.S.

C. Pursuant to Resolution No. R-30-2011, a public hearing was held on June 21, 2011, commencing at the hour of 6:30 p.m., to determine whether the proposed annexation complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in The Loveland Reporter Herald on May 21, May 28, June 4, and June 11, 2011, in the manner prescribed by §31-12-108(2), C.R.S. The Loveland Reporter Herald is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail by the City Clerk to the Board of County Commissioners of Larimer County and to the Larimer County Attorney and to all special districts and school districts having territory within the area proposed to be annexed at least 25 days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the 2005 Comprehensive Plan, as amended. Therefore, pursuant to Section 3.3.1 of the Intergovernmental Agreement with Larimer County, the annexation impact report requirement of §31-12-108.5, C.R.S. has been waived.

F. The perimeter of the area proposed to be annexed is 27,035 linear feet, of which 22,216 linear feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

G. A community of interest exists between the area proposed to be annexed and the City of Loveland.

H. The area proposed to be annexed is urban or will be urbanized in the near future, and said area is integrated with or is capable of being integrated with the City of Loveland.

I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

J. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

K. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

L. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

M. The annexation of the area proposed to be annexed would not have the effect of extending the boundary of the City of Loveland more than three miles in any direction from any point of such boundary in any one year.

N. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

O. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the City of Loveland.

2. The City Council reaches the following conclusions based on the above findings of fact:

A. The proposed annexation of the area described on Exhibit A complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.

B. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

C. No additional terms and conditions are to be imposed.

3. This Resolution shall become effective on the date and at the time of its adoption.

APPROVED the 21st day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

b) 1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND" was approved and ordered published on first reading.

c) 1st Rdg Ord & P.H.

Quasi-judicial Action: A public hearing was held and "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MOTORPLEX ENTRY ADDITION" TO THE CITY OF LOVELAND" was approved and ordered published on first reading.

5. LIBRARY

Supplemental Appropriation – Temple Hoyne Buell Foundation Grant

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR LIBRARY MATERIALS AND AN INTERACTIVE PLAY/LEARNING AREA AT THE LOVELAND PUBLIC LIBRARY" was approved and ordered published on first reading.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

b) Business from Council

Heckel

Councilor Heckel attended the grand opening of Smashburger.

Rice

Councilor Rice congratulated the House of Neighborly Services on their 50th anniversary celebration.

Shaffer

Councilor Shaffer mentioned the Loveland Police Department's annual Community Night Out and thanked her escort Officer Marchio. She also mentioned the summer solstice and be careful of fireworks. She expressed congratulation to Betsey Hale and Leslie Young for being chosen as 2011 Colorado Women of Influence.

Gutierrez

Mayor Gutierrez expressed to the courtesy patrol and congratulated the Loveland Fire and Rescue Department on their 100th anniversary celebration.

c) City Manager Report

None

d) City Attorney Report

None

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 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. DEVELOPMENT SERVICES

Loveland Classical School

Ordinance #5592

Legislative Action: City Attorney John Duval introduced this item to Council. City staff members Troy Bliss and Dave Klockeman were also present. Also present were Dustin Jones, President of Education Facility Solutions and Michael Delich representing the school. This is a legislative action to consider an ordinance on second reading to amend the Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14th Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14th Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is Loveland Classical School Project Development, LLC. Loveland Classical School is seeking to expand the existing church building for operating a charter school including grades kindergarten through ninth grade initially. Under the current agreement use of the property is limited to a church. The proposed amendment would allow a variety of uses, including public and private schools and accessory uses. The ordinance was approved on first reading by City Council on May 17, 2011 by a vote of eight to one. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO". Councilor Heckel seconded the motion and a roll call vote was taken with eight Councilors present voting in favor and Councilor Shaffer voting against.

7. DEVELOPMENT SERVICES

Grant funding recommendations from Human Services and Affordable Housing Commissions

Administrative Action: Community Partnership Administrator Alison Hade introduced this item to Council. Presenting to Council were Dwayne Thompson and Jenny Michler from the Affordable Housing Commission and Jackie Elliot from the Human Services Commission. This item is an administrative action to adopt a resolution approving the 2011 grant allocation recommendations of the Human Services Commission and the Affordable Housing Commission. The resolution authorizes the allocation of the 2011 Human Services Grant that was appropriated in the 2011 City budget. The 2011 Community Development Block Grant funds will be appropriated in October, 2011. Councilor Johnson made a motion to approve Resolution #R-43-2011 of the City Council of the City of Loveland, Colorado approving the grant funding recommendations of the Loveland Human Services Commission and the Loveland Affordable Housing Commission. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-43-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING THE GRANT FUNDING RECOMMENDATIONS OF THE LOVELAND HUMAN SERVICES COMMISSION AND THE LOVELAND AFFORDABLE HOUSING COMMISSION

WHEREAS, the City of Loveland, Colorado recognizes the valuable services provided by human services agencies in the Loveland community; and

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City has established the Human Services Grant Program to provide financial assistance to agencies meeting the human services needs in the community; and

WHEREAS, the City has budgeted \$450,000 in the 2011 City of Loveland budget for the Human Services Grant Program; and

WHEREAS, the City receives federal Community Development Block Grant funds through the U.S. Department of Housing and Urban Development to assist in meeting the housing needs for Loveland citizens with low incomes; and

WHEREAS, the City anticipates receiving a total of \$275,178 in Community Development Block Grant funds for the 2011 – 2012 federal fiscal year; and

WHEREAS, the City desires to reprogram \$11,053 of 2009 – 2010 Community Development Block Grant funds available for the allocation in addition to the 2011 – 2012 anticipated grant amount; and

WHEREAS, the City Council has charged the Human Services Commission with the task of reviewing all grant applications made to the City for Human Services Grant funds and for Community Development Block Grant funds, except for “bricks and mortar” applications that are housing related, and making a funding recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all “bricks and mortar” grant applications made to the City for Community Development Block Grant funds related to housing and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the Human Services Commission and the Affordable Housing Commission have reviewed all grant applications made to the City for Human Services Grant funds and Community Development Block Grant funds, and have made a recommendation to the City Council regarding distribution of those grant funds; and

WHEREAS, the City Council desires to approve the grant funding recommendations of the Human Services Commission and the Affordable Housing Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the 2011 grant funding recommendations of the Human Services Commission regarding the distribution of Human Services Grant funds are hereby approved as follows, subject to Agency execution of a recipient contract with the City of Loveland on or before August 31, 2011:

<u>Agency</u>	<u>Total Grant Amount</u>
Alternatives to Violence	\$47,830

Boys & Girls Club	\$24,262
Catholic Charities	\$ 7,507
Center for Adult Learning	\$21,115
Community Kitchen	\$ 4,290
Court Appointed Special Adv.	\$14,861
Elderhaus	\$12,962
Food Bank for Larimer County	\$32,911
Hearts and Horses	\$ 1,362
House of Neighborly Service	\$49,445
Larimer Center for Mental Health	\$22,992
Larimer County Partners	\$ 4,190
Matthews House	\$20,477
Meals on Wheels	\$29,264
Neighbor to Neighbor	\$27,341
Northern Colorado AIDS Project	\$ 8,054
Project Self-Sufficiency	\$15,612
Reflections for Youth	\$ 2,335
Rehab and Visiting Nurses Assoc	\$14,423
Respite Care	\$ 5,896
Senior Alternatives in Transp.	\$ 5,255
Teaching Tree	\$ 9,601
Thompson R2J	\$ 7,022
Thompson Valley Preschool	\$ 9,185
Turning Point Center	\$15,058
United Way 2-1-1	\$ 2,644
WINGS	\$10,053
Women's Resource Center	\$24,053
Total Grant Amount	\$450,000

Section 2. That the 2011 grant funding recommendations of the Human Services Commission and the Affordable Housing Commission for the 2011 Community Development Block Grant Program are hereby approved as follows, subject to the approval of the U.S. Department of Housing and Urban Development and the allocation of Community Development Block Grant funds to the City of Loveland in 2011, and subject to City Council budget and appropriation of such allocated funding, and subject to Agency or Project Owner execution of a subrecipient contract with the City of Loveland on or before December 31, 2011:

<u>Agency</u>	<u>Total Grant Amount</u>
Alternatives to Violence	\$81,000
Catholic Charities	\$ 5,841
House of Neighborly Service	\$18,739
Housing Authority of the City of Loveland	\$41,500
Interfaith Hospitality Network	\$17,666
Neighbor to Neighbor	\$50,450
Volunteers of America	\$16,000
City of Loveland Program Administration	\$55,035
Total Grant Amount	\$286,231

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 21st day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

8. DEVELOPMENT SERVICES

Postal and utility Easement Vacation

Ordinance #5596

Mayor Gutierrez recused himself from the vote as he serves on the HOA Board for the property under consideration. Legislative Action: City Planning Manager Bob Paulsen introduced this item to Council. This is a legislative action to adopt an ordinance on first reading vacating a 59 square foot postal and utility easement located in Lot 1, Block 17, Alford Lakes First Subdivision. The applicant is Tom Kennedy of Serenity Homes of Northern Colorado. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

9. DEVELOPMENT SERVICES

Municipal Code Amendment BE – Established Business District

Legislative Actions: Development Services Manager Greg George introduced this item to Council. This item is a comprehensive re-write of the zoning district for Loveland's Downtown area. It contains updated standards covering topics such as allowed uses, building design, building height, and approval process. The code amendments were drafted with the assistance of an ad-hoc committee composed of stakeholders and experts including downtown property owners, real estate professionals, architects and Councilor Larry Heckel.

a) Ordinance #5597

Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT". Councilor Heckel seconded the motion and a roll call vote was taken with eight Councilors present voting in favor and Councilor Johnson voting against.

b) Ordinance #5598

Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS". Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

10. CITY MANAGER

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

Administrative Action: City Manager Bill Cahill introduced this item to Council. The City has competed successfully to be named as the candidate site for the ACE project. The City has entered into a Purchase and Sale Agreement to purchase the subject Agilent property for \$5.5 million, in order to transfer the property for ACE. This action gives final direction from the Council to the City Manager to complete the purchase.

a) Motion

Councilor Johnson made a motion authorizing and directing the City Manager to complete the purchase of the former Agilent property, executing closing documents and taking other necessary actions. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

b) Motion

Councilor Johnson made a motion authorizing and directing the City Manager to sign a letter of agreement with United Properties with a corrected Exhibit A (Property Map). Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

Gutierrez

Mayor Gutierrez directed staff to response to a memo sent to Council regarding the Boyd Lake Road Re-alignment.

ADJOURNMENT

Having no further business to come before Council, the June 21, 2011 Regular Meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

draft