

**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.

**PROCLAMATION** Councilor Rice read a proclamation declaring June 20, 2011, as "Ride to Work Day". The proclamation was received by Jeff Jensen. Mr. Jensen spoke about a practice range at Timberline Church where they will hold Biker Sunday sessions promoting responsible riding by giving everyone a free and safe place to practice their skills.

**PROCLAMATION**

WHEREAS, scooters and motorcycles use less fuel, cause less pollution and have little impact on our infrastructure; and

WHEREAS, scooters and motorcycles require only a fraction of space taken by other vehicles to park, thereby addressing an ongoing problem in our City; and

WHEREAS, for these reasons, scooters and motorcycles offer a form of daily transportation to be encouraged; and

WHEREAS, June 20, 2011 has been designated as "Ride To Work Day" to highlight the positive daily use of scooters and motorcycles.

NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim June 20, 2011 as

**RIDE TO WORK DAY**

and to encourage scooter and motorcycle riders to ride to work on that day.

Signed this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

**PROCLAMATION** Councilor Johnson read a proclamation declaring June 20 through 24, 2011 as "Bike Week". The proclamation was received by Robin Hildenbrand of the Loveland Pedal Club. She acknowledged staff's assistance and thanked Shelley Aschenbrenner, Justin Stone, and Derek Schuler.

**PROCLAMATION**

WHEREAS, the City of Loveland is dedicated to providing safe and alternative modes of transportation; and

WHEREAS, the benefits of bicycling are numerous, both to the individual and to the community as a whole; and

WHEREAS, the City of Loveland received a Bicycle Friendly Community Honorable Mention recognition from the League of American Bicyclists in 2010.

WHEREAS, our fair city maintains nearly 140 miles of bicycle routes, lanes and trails; and

WHEREAS, persons of all ages and abilities are encouraged to use helmets for their protection; and

WHEREAS, the month of June has been declared as Bike Month to recognize and encourage bicycling as a viable source of transportation and recreation.

NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim the week of June 20 through June 24, 2011 as

**BIKE WEEK**

in Loveland and encourage citizens to try bicycling as an alternative transportation method and to participate in Bike-to-Work Day on Wednesday, June 22.

Signed this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

**PROCLAMATION**

Keith Reichert and Buck Moskalski with the 2011 Greeley Independence Stampede Committee, presented the City Council with a Proclamation declaring Wednesday, June 29, 2011 "City of Loveland Day" at the Greeley Independence Stampede.

**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. Mayor Gutierrez asked to remove Item 10. Councilor Johnson moved to approve the Consent Agenda with the exception of Item 10. The motion was seconded by Councilor McEwen and a roll call vote was taken with all councilors present voting in favor thereof.

**1. MINUTES**

- a) Minutes for the May 10, 2011 study session were approved.
- b) Minutes for the May 10, 2011 special meeting were approved.
- c) Minutes for the May 17, 2011 regular meeting were approved.

**2. CITY MANAGER'S OFFICE**

**Board & Commission Appointments**

**Motion**

Administrative Action: A motion recommending the following appointments or reappointments to the Youth Advisory Commission for June, 2011 through May, 2012: Hope Skeen, Alisha Wolfe, Natalie Howard, Erik Trenary, Alison Geroche, Emily Erickson, Aimee Molloy (reappoint as Commissioners); Logan Peiffer, Wesley Walton, Mallory Leach, Reid Maynard, Mary Askham (appoint as Commissioners); Dylan Crescibene, Alvin Perry, Andrew Woodward, Michal Bower (appoint as Alternates) was approved.

**3. CITY MANAGER'S OFFICE**

**Scheduled Meeting Dates for Youth Advisory Commission**

**Resolution #R-38-2011**

Administrative Action: Resolution #R-38-2011 amending the scheduled meeting dates for the Youth Advisory Commission was approved.

**RESOLUTION #R-38-2011**

**A RESOLUTION AMENDING THE SCHEDULED MEETING DATES FOR THE YOUTH ADVISORY COMMISSION**

WHEREAS, on December 7, 2010, the City Council adopted Resolution #R-67-2010 setting the 2011 meeting dates for the City's Boards and Commissions; and

WHEREAS, on May 4, 2011, the Youth Advisory Commission ("YAC") adopted a motion recommending that the City Council change the YAC's meeting dates from the first Wednesday of every month to the first Wednesday of each month during the months of September through May, with no meetings in June, July, or August.

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

Section 1. That the meeting dates adopted in Resolution #R-67-2010 are hereby amended to change the YAC's meeting dates from the first Wednesday of every month, to the first Wednesday of each month during the months of September through May, with no meetings in June, July, or August.

Section 2. That except as amended by this Resolution, Resolution #R-67-2010 shall remain in full force and effect.

Section 3. That pursuant to City Code Section 2.14.020B, the City Clerk is directed to publish the revised meeting dates established by this Resolution within seven days after the date of this Resolution to be published in a newspaper of general circulation in the City and in addition post such notice of revised meeting dates in a conspicuous place in the City Municipal Building.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

#### **4. PUBLIC WORKS**

##### **Supplemental Appropriation – Traffic Signal Updates**

**Ordinance #5587**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR TRAFFIC SIGNAL UPGRADES IN THE US 34, WILSON AVENUE, AND TAFT AVENUE CORRIDORS" was approved and ordered published on second reading.

#### **5. PUBLIC WORKS**

##### **Supplemental Appropriation – Message Signal & Traffic Signal Improvements**

**Ordinance #5588**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR TRAFFIC SIGNAL UPGRADES IN THE US 34, WILSON AVENUE, AND TAFT AVENUE CORRIDORS" was approved and ordered published on second reading.

#### **6. PUBLIC WORKS**

##### **Supplemental Appropriation – Improvements to Transit Center & Bus Replacement**

**Ordinance #5589**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR IMPROVEMENTS TO THE ORCHARDS REGIONAL TRANSIT CENTER AND THE REPLACEMENT AND RETROFIT OF ONE BUS WITH LIGHTNING HYBRID" was approved and ordered published on second reading.

#### **7. WATER & POWER**

##### **Municipal Code Amendment – Commercial Wastewater Charge**

**Ordinance #5590**

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 13.08.100 CONCERNING THE WASTEWATER CHARGE AND AUTHORIZING A REFUND TO CERTAIN NONRESIDENTIAL WASTEWATER CUSTOMERS WHO RECEIVE METERED WATER SERVICE FROM NON-CITY PROVIDERS" was approved and ordered published on second reading.

#### **8. DEVELOPMENT SERVICES**

##### **Municipal code Amendment Title 6 Animals**

**Ordinance #5591**

Legislative Action: "AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS" was approved and ordered published on second reading.

## **9. DEVELOPMENT SERVICES**

### **Municipal Code Amendments – 2009 Edition International Building Codes**

- a. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION" was approved and ordered published on first reading.
- b. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION" was approved and ordered published on first reading.
- c. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION" was approved and ordered published on first reading.
- d. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION" was approved and ordered published on first reading.
- e. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION" was approved and ordered published on first reading.
- f. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION" was approved and ordered published on first reading.
- g. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION" was approved and ordered published on first reading.
- h. 1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION" was approved and ordered published on first reading.

## **10. DEVELOPMENT SERVICES**

### **Vacation of a Postal and Utility Easement**

- 1<sup>st</sup> Rdg Ord & P.H.** This item was removed from the Consent Agenda.

## **11. FINANCE**

### **Strategy for Financial Sustainability**

**Resolution #R-39-2011** Administrative Action: Resolution #R-39-2011 adopting a Strategy for Financial Sustainability Dated June 7, 2011 was approved.

**RESOLUTION #R-39-2011**

A RESOLUTION ADOPTING A STRATEGY FOR FINANCIAL SUSTAINABILITY DATED JUNE 7, 2011

WHEREAS, based on structural economic changes and current information available, it has become clear that the City's projected annual general fund revenues will not be sufficient to cover its projected annual general fund expenditures, sometimes referred to as a "structural deficit" in the coming years; and

WHEREAS, it is projected that this structural deficit in the City's general fund budget will average approximately \$3.5M annually over the period from 2012 through 2020, this structural deficit; and

WHEREAS, beginning in December, 2010, the City has engaged in a dynamic process, including stakeholder and citizen input, to define guiding principles, collect data, evaluate, and recommend to City Council potential actions and measures to address this anticipated structural deficit known as the Financial Sustainability Process; and

WHEREAS, the Financial Sustainability Process resulted in the "Strategy for Financial Sustainability" dated June 7, 2011 attached hereto and incorporated herein by this reference (the "Strategy") and the Recommendations and Long Term Measures set forth therein, which include revenue enhancements and expenditure reductions, but no new taxes; and

WHEREAS, the Council desires to approve the Strategy and direct the City Manager and City Staff to proceed with steps to implement the Recommendations and further evaluate Long Term Measures identified therein beginning with the 2012 budget year.

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

Section 1. That the "Strategy for Financial Sustainability" dated June 7, 2011 attached hereto and incorporated herein by this reference is hereby approved.

Section 2. That the City Manager and City Staff are directed to proceed with steps to implement the Recommendations and further evaluate Long Term Measures identified in the Strategy beginning with the 2012 budget year and to include presentation of action items to Council for approval as may be necessary or appropriate as implementation proceeds.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **12. DEVELOPMENT SERVICES**

### **Municipal Code Amendment – Historic Preservation**

**1<sup>st</sup> Rdg Ord & P.H.**

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION" 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

Johnson

Councilor Johnson mentioned two items to add to the rolling calendar: Community Grants and TABOR ballot language ordinance.

Solt

Councilor Solt attended a meeting of a task force looking at the issue of poverty. Other members of the task force include Alison Hade, Dr. Judy Skupa, and Lynn Sherman.

McEwen

Councilor McEwen attended the informational event and tour at Woodward on May 25<sup>th</sup>.

Klassen

Councilor Klassen also attended the Woodward tour as well as the tour of S.A. Composites. He also attended the Rialto Bridge groundbreaking ceremony on June 2<sup>nd</sup>.

- Shaffer Councilor Shaffer provided an update on activities at the North Front Range Metropolitan Organization. She informed Council that Bill Kaufman is leaving the Colorado Transportation Commission. The Mayor will send a letter of appreciate for Bill's service on behalf of Council. Councilor Shaffer attended the Colorado Airport Association meeting hosted by Keith Reester and Jason Licon.
- Gutierrez Mayor Gutierrez expressed appreciation to staff for the Colorado Airport Association. The Mayor spoke at the Memorial Day Service in Loveland.
- 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**

#### **10. DEVELOPMENT SERVICES**

##### **Vacation of a Postal and Utility Easement 1st Rdg Ord & P.H.**

Legislative Action: 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. Mayor Gutierrez recused himself from the vote as he serves on the HOA Board for the property under consideration. Mayor Pro Tem opened the public hearing at 7:14 p.m. and hearing no comments closed the hearing at 7:14 p.m. Councilor Johnson made a motion to approve and ordered published on first 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 Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

#### **13. DEVELOPMENT SERVICES**

##### **Loveland Classical School Ordinance #5592**

Legislative Action: City Planner Troy Bliss introduced this item to Council. Also present were Dustin Jones, President of Education Facility Solutions, Tamara Cramer associated with the charter school and City Engineer Dave Klockeman. This is a legislative action to adopt an ordinance on second reading amending 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 CDF Holdings, LLC. An updated Annexation Agreement which has been signed by the new property owner Loveland Classical School Project

Development, LLC, A Utah Limited Liability Company was entered into the record. John McCrimmon, resident, suggested Council look at some alternatives, such as adding a Frontage Road, removing the median and/or lining up the school exit with Bengal St. and marking it as a crosswalk. Dan Feller, 2053 Chavano, spoke in support of the school. Councilor Johnson made a motion to continue this item to June 21, 2011 and have staff address the school coming back to the City if they have more than 620 students or they expand to the north. Councilor McKean seconded the motion and a roll call vote was taken with two Councilors present voting in favor and Councilors Rice, Gutierrez, Shaffer, Solt, McEwen, Klassen, and Heckel voting against. The motion failed. Councilor Johnson made a motion to approve and ordered published "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 four Councilors present voting in favor and Councilors Gutierrez, Shaffer, Solt, McEwen and Johnson voting against. The motion failed. Councilor Johnson made a motion to continue this item to June 21, 2011 and directed staff to draft an amendment requiring the school to come back to the City if they have more than 620 students or they expand to the north. Council Shaffer requested an amendment that Staff look at the City's liability to the Homeowners Association for Blackbird Knolls Subdivision if the median is altered. The Amendment was accepted. Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Councilors Shaffer, Solt, McEwen and Gutierrez voting against. The motion passed.

#### **14. DEVELOPMENT SERVICES**

##### **Municipal Code Amendment BE – Established Business District**

Legislative Action: City Planner Karl Barton introduced this item to Council. A public hearing to consider a legislative action to adopt on first reading: a) An ordinance repealing and reenacting Chapter 18.24 BE District – Established Business District; and b) An ordinance amending Chapter 18.54 Building Height Regulations relating to the building height allowances in the BE Established Business Zoning District. The Mayor opened the public hearing at 10:02 p.m. and hearing no comments closed the hearing at 10:02 p.m.

##### **a. 1<sup>st</sup> Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first 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. 1<sup>st</sup> Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first 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.

#### **15. CITY MANAGER**

##### **Visitors Center Lease Agreement**

**Resolution #R-40-2011**

Administrative Action: Assistant City Manager Rod Wensing introduced this item and Brian Wilms presented to Council. The Resolution amends the current building lease to allow the Loveland Chamber of Commerce to accept a Lodging Tax Grant from the Community Marketing Commission. It also authorizes the City Manager to execute the amended lease. Councilor Johnson made a motion to approve Resolution #R-40-2011 approving Amendment No.2 between the City of Loveland and the Loveland Chamber of Commerce concerning the lease and operation of the Visitors Center. Councilor McKean seconded the motion and a roll call vote was taken with seven Councilors present voting in favor and Councilors Gutierrez and Solt voting against.

RESOLUTION #R-40-2011

A RESOLUTION APPROVING AMENDMENT NO. 2 BETWEEN THE CITY OF LOVELAND AND THE LOVELAND CHAMBER OF COMMERCE CONCERNING THE LEASE AND OPERATION OF THE VISITORS CENTER

WHEREAS, on October 23, 1995, the City of Loveland ("City") and the Loveland Chamber of Commerce ("Chamber") entered into that certain "Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce" ("the Lease Agreement") concerning the construction and lease of an office and visitors center building located on portions of Lots 2 and 3, Block 1, McWhinney Second Subdivision, Loveland, Colorado ("the Visitors Center"); and

WHEREAS, the City and the Chamber subsequently entered into that certain "Amendment No. 1 to the Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce" dated April 16, 1996 ("Amendment No. 1") pursuant to which the Lease Agreement was amended in several respects arising out of the settlement of a lawsuit brought by five individuals against the City and the Chamber, known as Civil Action 95-CV-814-2 filed in Larimer County District Court ("the Lawsuit"); and

WHEREAS, as a result of the City and the Chamber entering into Amendment No. 1, the plaintiffs in the Lawsuit agreed to the dismissal of the Lawsuit, which occurred; and

WHEREAS, the settlement and dismissal of the Lawsuit does not restrict the parties' ability to amend the Lease Agreement as hereafter provided; and

WHEREAS, one of the new terms and conditions added to the Lease Agreement by Amendment No. 1 was Section 10.9 which reads in full as follows:

"The City shall not make any financial payments to the Chamber during the Initial or any Extended Term of this Agreement unless the City receives goods or services in return of approximately equal fair market value.;"

and

WHEREAS, the City and the Chamber have determined that Section 10.9 is no longer in the best interest of the City or of the Chamber due to the current economic conditions, particularly as they now affect the Chamber in its operation of the Visitors Center; and

WHEREAS, attached hereto is Exhibit A and incorporated by reference is a copy of a proposed "Amendment No. 2 Between the City of Loveland and the Loveland Chamber of Commerce" (Amendment No. 2") pursuant to which the Lease Agreement, as amended by Amendment No. 1, would delete and remove Section 10.9 from the Lease Agreement; and

WHEREAS, by entering into Amendment No. 2, the City and the Chamber will be able to enter into a proposed amendment to that certain "Contract for City of Loveland Lodging Tax Grant Funds," dated November 22, 2010, previously entered into by and between the City and the Chamber; and

WHEREAS, that amendment, titled "Amendment No. 1 to Contract for City of Loveland Lodging Tax Grant Funds" will provide additional funds to the Chamber to allow it to continue to operate the Visitors Center as contemplated by the parties in the Lease Agreement, as amended in Amendment No. 1 and Amendment No. 2, for approximately the next twenty-two weeks.

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

Section 1. That the City Council hereby approves Amendment No. 2

Section 2. That the City Manager and the City Clerk are hereby authorized to execute Amendment No. 2 substantially in the form attached as Exhibit A, with such modifications as to form and substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 5. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor  
Attest: Teresa G. Andrews, City Clerk  
Exhibit A is available in the City Clerk's Office

## **16. BUSINESS DEVELOPMENT**

### **Amendment to Chamber of Commerce 2010 Lodging Tax Grant**

#### **Resolution #R-41-2011**

Administrative Action: Business Development Manager, Betsey Hale introduced this item to Council. This is an administrative action. The Resolution awards an amendment to the Grant Contract agreed to by all parties in October 2010. It also authorizes the City Manager to execute the amended grant contract with the new Scope of Work.. \$30,000.00 was paid in 2010 from the lodging tax fund. Councilor Johnson made a motion to approve Resolution #R-41-2011 amending a 2010 Lodging Tax Grant to the Loveland Chamber of Commerce. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

#### RESOLUTION #R-41-2011

#### A RESOLUTION AMENDING A 2010 LODGING TAX GRANT TO THE LOVELAND CHAMBER OF COMMERCE

WHEREAS, the City imposes a lodging tax pursuant to Chapter 3.24 of the Loveland Municipal Code (the "Lodging Tax") for the purpose of promoting tourism, conventions and related activities within the City by marketing the City and sponsoring community events, both in support of this purpose (the "Dedicated Purpose"); and

WHEREAS, the Community Marketing Commission ("Commission") serves as an advisory body to the City Council concerning the City's use of the revenues received from the Lodging Tax for the Dedicated Purpose pursuant to Section 2.60.075 of the Loveland Municipal Code; and

WHEREAS, the Commission made a recommendation to Council and Council adopted Resolution #R-50-2010 approving certain Lodging Tax Grants, including a Grant to the Loveland Chamber of Commerce Inc., a Colorado nonprofit organization (the "Chamber") as set forth in that certain Contract for City of Loveland Lodging Tax Grant Funds dated November 22, 2010 (the "2010 Chamber Grant Contract"); and

WHEREAS, the Chamber has requested that the 2010 Chamber Grant Contract be amended to modify the definition of the Project described therein; and

WHEREAS, City Council desires to authorize amendment of the 2010 Chamber Grant Contract to modify the Project and authorize the City Manager to enter into an amendment to the 2010 Chamber Grant Contract.

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

Section 1. That the City Council hereby finds that 2010 Chamber Grant Contract, as modified by Amendment Number One to Contract for City of Loveland Lodging Tax Grant Funds attached hereto as Exhibit A and incorporated herein by this reference, satisfies the requirements regarding use of the Lodging Tax for the Dedicated Purpose as set forth in Section 3.24.105 of the Loveland Municipal Code.

Section 2. That the Amendment Number One to Contract for City of Loveland Lodging Tax Grant Funds between the City and the Chamber attached hereto as Exhibit A and incorporated herein by this reference (the "Grant Contract Amendment"), is hereby approved.

Section 3. That the City Manager and the City Clerk are hereby authorized to execute the Grant Contract Amendment substantially in the form attached as Exhibit A hereto and incorporated herein by this reference, with such modifications in form or substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or protect the interests of the City.

Section 4. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor  
Attest: Teresa G. Andrews, City Clerk  
Exhibit A is available in the City Clerk's Office

## **17. CITY MANAGER'S OFFICE**

### **Annual Inflation Increases in Capital Expansion Fees**

**Ordinance #5593**

Administrative Action: Executive Fiscal Advisor Alan Krcmarik introduced this item to Council. This is an administrative action to consider an ordinance on second reading to repeal Ordinance No. 5540. On May 17, 2011 Council voted 5-4 to approve the proposed ordinance on second reading. Ordinance No. 5540 suspended the annual inflation increases to the capital expansion fees for 2011 pending the outcomes of a public comment process that was completed in April, 2011. The inflationary increases based on the construction cost index would have been 8.62%. Based on the suspension there was no increase in capital expansion fees for 2011. If this Ordinance is approved by a majority of Council, the fee increases would be effective beginning July 1, 2011. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE REPEALING ORDINANCE NO. 5540 WHICH SUSPENDED THE ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO SECTION 16.38.110 OF THE LOVELAND MUNICIPAL CODE FOR 2011" Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Councilors Rice, Klassen, Heckel, and Johnson voting against. The motion passed.

**18. FINANCE**

**April 2011 Financial Report**

Council did not hear this information only item. Questions or comments should be directed to City Manager Bill Cahill and copied to all other Councilors.

**19. CITY MANAGER**

**Investment Report for April 2011**

Council did not hear this information only item. Questions or comments should be directed to City Manager Bill Cahill and copied to all other Councilors.

**20. DEVELOPMENT SERVICES**

**MUNICIPAL CODE AMENDMENT OFF-TRACK BETTING FACILITIES**

**Ordinance #5594**

Legislative Action: City Planner Manager, Bob Paulson introduced this item to Council. This item is a legislative action to adopt an ordinance on second reading amending Title 18 relating to off-track betting facilities. The ordinance was approved by City Council on May 17, 2011 by a vote of five to four. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ALLOW FOR OFF-TRACK BETTING FACILITIES IN CERTAIN DISTRICTS WITHIN THE CITY OF LOVELAND". Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor thereof and Councilors Gutierrez, Solt, McEwen and Heckel voted against. The motion passed.

**21. CITY MANAGER**

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

The City Manager reviewed the parameters of the discussion for the special meeting on June 9. Council took no action at this meeting.

**22. CITY MANAGER**

**Setting Special Council Meetings**

**Motion**

Administrative Action: City Manager Bill Cahill introduced this item. The City of Loveland has been working on a discussion and consideration that may fall outside of the regular meeting times. Staff is requesting City Council call Special Meetings, on Thursday, June 9, 2011 at 4:00 p.m. and Tuesdays, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500 E. 3<sup>rd</sup> St, Loveland, CO to allow opportunity to discuss and consider any necessary items including holding an Executive Session, if necessary.

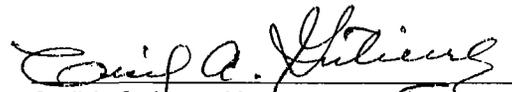
Councilor Johnson moved to call special meetings on June 9, 2011 at 4:00 and on June 14 and 28, 2011 at 6:30 pm in the City Council Chambers 500 E. 3<sup>rd</sup> St, Loveland, CO. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**ADJOURNMENT**

Having no further business to come before Council, the June 7, 2011 Regular Meeting was adjourned at 11:10 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

