

**LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS
TUESDAY, NOVEMBER 6, 2012
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.

5:30 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 NOVEMBER 16, 2012 AS LOVELAND SALVATION ARMY RED KETTLE KICKOFF DAY

PROCLAMATION DECLARING NOVEMBER 2012 AS AMERICAN MUSIC MONTH

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. CITY CLERK

APPROVAL OF COUNCIL MINUTES

Consideration of a motion approving Council minutes

This is an administrative action to approve Council minutes from the following meetings: October 8, October 9, October 10 and October 16, 2012.

2. **PUBLIC WORKS**

MUNICIPAL CODE AMENDMENT – CONSTRUCTION IN FLOODPLAINS

Consideration on second reading of an ordinance amending the Loveland Municipal Code at Sections 15.14 and Chapter 18.45 regarding construction in floodplains

This is a legislative action to adopt an ordinance amending Sections 15.14.020, 15.14.040, 15.14.050, 15.14.060, 15.14.070, 15.14.074, 15.14.080, 18.45.030, 18.45.060, and adding 18.45.065 of the Loveland Municipal Code concerning the City of Loveland Floodplain Building Code and Floodplain Regulations. These amendments are required by the Federal Emergency Management Agency and the Colorado Water Conservation Board in order to remain compliant under the National Flood Insurance Program. City Council unanimously approved the first reading of the ordinance on October 16, 2012.

3. **DEVELOPMENT SERVICES**

MUNICIPAL CODE AMENDMENT – HISTORIC PRESERVATION COMMISSION MEMBERSHIP

Consideration on second reading of an ordinance amending Section 2.60.130 of the Loveland Municipal Code pertaining to the Historic Preservation Commission

This item is a legislative action to consider approval on second reading of an ordinance amending Section 2.60.130 of the Loveland Municipal Code. The Historic Preservation Commission unanimously recommends that the City Council amend the code to designate one member of the Commission to be a representative of the Loveland Historical Society. City Council unanimously approved the first reading of the ordinance on October 16, 2012.

4. **CITY MANAGER**

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Consideration of a motion to appoint Mike Perry to serve as the Loveland Historical Society's member of the Historic Preservation Commission

This is an administrative action recommending appointment of a member to the Historic Preservation Commission.

5. **HUMAN RESOURCES**

COMPENSATION OF THE CITY ATTORNEY AND CITY MANAGER

a) **Consideration of Resolution #R-71-2012 of the Loveland City Council regarding the compensation of the City Attorney**

b) **Consideration of Resolution #R-72-2012 of the Loveland City Council regarding the compensation of the City Manager**

This is an administrative action regarding compensation of the City Attorney and the City Manager. At the direction of City Council, the 2013 annual base salary for the City Attorney and City Manager shall receive a three and a half percent (3.5%) merit increase beginning on the initial pay period in 2013.

6. **PUBLIC WORKS**

IGA – TRAFFIC SIGNAL INTERCONNECT SYSTEM

Consideration of Resolution #R-73-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, acting by and through the Colorado Department of Transportation, for design and construction of a Traffic Signal Interconnect System expansion along regionally-significant corridors

This is an administrative action. This project would design and construct a reliable fiber optics traffic signal/ITS devices interconnect system expansion along regionally significant corridors in Loveland. The project would include fiber optics for portions of US 34, US 287, Colorado Highway 402, SW 14th Street (US 287 to Taft), Taft Avenue and Wilson Avenue and provide high-speed, reliable communications from field devices back to the Loveland Traffic Operations (TOC) at 105 W. 5th Street. The funding for this grant, which brings a significant amount of unexpected federal funding to the City, along with the City General portion, was approved by Ordinance at the July 17, 2012 meeting.

7. **PUBLIC WORKS**

IGA – PASS-THRU GRANT ASSISTANCE FOR BERTHOUD RURAL TRANSIT

Consideration of Resolution #R-74-2012 approving an Intergovernmental Agreement between the City of Loveland and the Town of Berthoud, Colorado for 2012 Rural Larimer County Transit Services

This is an administrative action to approve an intergovernmental agreement with the Town of Berthoud for the operation of Larimer County rural transit service in 2012. City of Loveland Transit (COLT) is the designated recipient of the Section 5311 funds and as such, is providing pass-thru grant assistance to Berthoud. Loveland is not operating any service for the Town of Berthoud.

8. **PUBLIC WORKS**

AGRICULTURAL FARMING LEASE

Consideration of Resolution #R-75-2012 approving an agricultural farming lease with Dennis Orback for real property owned by the City of Loveland near the intersection of State Highway 402 and Interstate 25

This is an administrative action to adopt a resolution approving a lease with Dennis Orback to farm the 97 acres of City-owned property at the southwest corner of Highway 402 and I-25.

9. **AIRPORT**

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION & AUTHORIZATION FOR GRANT AGREEMENT

a) **Consideration of Resolution #R-76-2012 authorizing the City Manager to execute a grant agreement with the State of Colorado Division of Aeronautics (CDAG #13-FNL-S01) for equipment, improvements and funding pertaining to the Fort Collins-Loveland Municipal Airport**

b) **Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 Ft. Collins-Loveland Municipal Airport budget for the purchase of snow removal equipment**

This is an administrative action. The ordinance appropriates a State grant and the local match for the purchase of snow removal equipment for the Airport. The resolution authorizes the City Manager to execute the grant agreement.

10. **FINANCE**

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FINALIZE 2012 CITY BUDGET

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget

This is an administrative action. The ordinance is necessary to resolve several year-end issues and finalize the 2012 budget. Several of the issues are new and the remainder we have been following throughout the year and have waited until now to provide the best forecast for the cost to the end of the year.

11. **FINANCE**
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION 2012 SPECIAL IMPROVEMENT DISTRICT #1
Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to Loveland Special Improvement District #1 2012 budget and authorizing district bond prepayment
This is an administrative action. The ordinance appropriates reserves from prepaid assessments to call bonds, reducing the principal amount on the bonds to be repaid.

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

12. **FINANCE**
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION LOVELAND URBAN RENEWAL AUTHORITY
Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 budget for the Loveland Urban Renewal Authority
This is an administrative action. The ordinance appropriates tax increment financing (TIF) revenues above what was anticipated in the budget for projects previously approved and under contractual relationships. Additional revenues will be used to improve a new parking lot, continue the Facade Grant program, and pay down contractual reimbursements to developers.

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

13. **FINANCE**
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION GENERAL IMPROVEMENT DISTRICT #1
Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 Loveland General Improvement District #1 budget for downtown parking improvements
This is an administrative action. The ordinance appropriates funding for improvements necessary to construct a new parking lot in the downtown area.

ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 AND RECONVENE AS CITY COUNCIL

14. **HUMAN RESOURCES**
PUBLIC HEARING
2013 PAY PLAN AMENDMENT – POLICE DEPARTMENT STEP PLAN
Consideration on first reading of an ordinance amending Ordinance 5709 to remove from the 2013 Pay Plan and adopt a revised Police Department Step Plan for nine (9) designated Police Department positions
This is an administrative action. Approval of this ordinance amends the 2013 Pay Plan, adopted by Council on second reading on October 16, 2012, to include the addition of the revised Police Department Step Plan for nine (9) designated Police Department positions. These nine (9) positions are currently in a modified step plan, placed within the City-wide Pay Plan established ranges. As a result of a compensation survey, conducted with the assistance of a third party, Mountain States Employers' Council (MSEC), it is necessary to adjust the Step Plan to ensure the City fosters appropriate

workplace performance/practices and attracts and retains employees.

**15. WATER & POWER
PUBLIC HEARING**

MUNICIPAL CODE AMENDMENT – WATER RIGHTS FOR SERVICE OUTSIDE CITY LIMITS

Consideration on first reading of an Ordinance amending the Loveland Municipal Code at Section 19.04.023 regarding water rights for service outside the City limits
This is a legislative action to amend the Loveland Municipal Code at Section 19.04.023. The proposed ordinance is intended to clarify when water rights are required for city water service to property not annexed into the City of Loveland.

**16. CITY MANAGER
PUBLIC HEARING**

AMEND CITY OF LOVELAND INVESTMENT POLICY

Consideration on first reading of an ordinance amending the City of Loveland Investment Policy

This is a legislative action to adopt an ordinance on first reading that will provide for more discretion in the management of the City's investment portfolio. The proposed ordinance implements a change to the City's Investment Policy Section VIII regarding prohibited investments. The specific provisions currently in place provide that investments that fall in a credit rating below the required level for acquisition are to be sold as soon as practical. The proposed change allows the City to conduct analysis of the downgraded investment to determine the risk of default prior to maturity and sets up a procedure to allow downgraded securities to be held to maturity or to a more profitable time. The purpose is to reduce realized losses to the City's portfolio. The impetus for the policy change is a series of downgrades by rating agencies of securities issued by highly rated banks and financial institutions. All corporate securities held by the City are high quality investment grade.

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

17. **DEVELOPMENT SERVICES**

AMEND MIRASOL COMMUNITY GENERAL DEVELOPMENT PLAN

Consideration on second reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for property located in the “Mirasol First Subdivision” to the City of Loveland, Larimer County, Colorado

This is a quasi-judicial action to consider an ordinance on second reading that would amend the density, maximum number of units and off-street parking ratios established in the Mirasol Community General Development Plan. The Mirasol PUD consists of 24 acres located south of 4th Street SE, east of S. Madison Avenue and west of S. St. Louis Avenue. The applicant is the Housing Authority of the City of Loveland. City Council unanimously approved the first reading of the ordinance on October 16, 2012.

18. **WATER & POWER**

IGA - HIGH PARK FIRE RECLAMATION WORK

Consideration of Resolution #R-77-2012 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the City of Greeley, Colorado for High Park fire reclamation work on Buckhorn Creek

This is an administrative action to adopt a resolution approving an intergovernmental agreement with Greeley to share in the cost of reclamation work along Buckhorn Creek, which is tributary to the Big Thompson River, necessitated by damage resulting from the High Park Fire this summer. This work benefits Loveland’s residents by protecting river flows and reservoirs within the city from potentially high levels of ash filled “black water” pollution as a result of runoff and erosion in the burn area. The work does not serve to protect the city’s sources of drinking water from the Big Thompson River, which fortunately were not affected by the High Park Fire.

19. **FINANCE**

September 2012 Financial Report

This is an information only item. The Snapshot Report includes the City’s preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves year to date, ending September 30, 2012.

20. **CITY MANAGER**

Investment Report for September 2012

This is an information only item. The budget estimate for investment earnings for 2012 is \$2,729,560. Through September 2012, the amount posted to the investment account is \$2,087,650 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$36,838. Based on the August monthly statement, the estimated annualized yield on the U.S. agencies and corporates was to 1.27%, well under the annual target rate of 1.7% for 2012. Reinvestment rates are still near record low levels, much lower than the budget projection.

ADJOURN