

2. **CITY MANAGER** (presenter: Bill Cahill)
BOARD & COMMISSION APPOINTMENTS

Motion to approve the following appointments:

- Appoint Curtis Rowland to the Creative Sector Development Advisory Commission for a partial term effective until December 31, 2013.
- Reappoint Julie Nelson and appoint Tom O’Gorman and Jan Wall to the Golf Advisory Board, each for a term effective until December 31, 2015 and appoint Jerry Weitzel as an Alternate member for a term effective until December 31, 2013.
- Appointments to the Senior Advisory Board are as follows:
 - Reappoint Anne Brown, Betty Herder and Marigail Jury to the Senior Advisory Board, each for a term effective until December 31, 2015
 - Appoint Jacqueline Gresham to the Senior Advisory Board, for a partial term effective until December 31, 2014
 - Reappoint Richard Zlamany as an Alternate member on the Senior Advisory Board for a term effective until December 31, 2013
 - Reappoint Bobbi Sutton as the representative from McKee Medical Center to the Senior Advisory Board for a term effective until February 5, 2014
 - Reappoint Doug East as the representative from Chilson Senior Advisory Committee to the Senior Advisory Board for a term effective until February 5, 2014

This is an administrative action.

3. **ECONOMIC DEVELOPMENT** (presenter: Cindy Mackin)
SUPPLEMENTAL APPROPRIATION – PRO CYCLE CHALLENGE

Motion to approve and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for costs associated with hosting the US Pro Cycling Challenge event

This is an administrative action. The ordinance appropriates funds of \$100,000 associated with hosting the US Pro Cycling Challenge event. The funding is from reserves in the Lodging Tax Fund and reduces the flexibility for funding other future events or programs. City Council unanimously approved this ordinance on first reading January 15, 2013.

4. **AIRPORT & FINANCE** (presenter: Jason Licon)
SUPPLEMENTAL APPROPRIATIONS – FT COLLINS-LOVELAND MUNICIPAL AIRPORT

1. Motion to approve and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 Ft. Collins-Loveland Municipal Airport budget to realign the budget due to the loss of commercial service
2. Motion to approve and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget to increase the City’s contribution to the Ft. Collins-Loveland Municipal Airport due to the loss of commercial service

This is an administrative action. The first ordinance appropriates funding (\$92,500) to increase the City’s contribution to the Airport to partially offset revenue reductions due to the loss of commercial service. The second ordinance reduces the 2013 revenue and expense budget for the Airport due to the loss of commercial service. City Council unanimously approved both ordinances on first reading January 15, 2013.

5. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION - LOVELAND FIRE RESCUE AUTHORITY 2013 BUDGET
Motion to approve and order published on second reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for the City share of the costs for an additional position in the Loveland Fire Rescue Authority
This is an administrative action. The ordinance appropriates funds (\$58,220) from unassigned fund balance in the General Fund for the costs of an additional position in the Loveland Fire and Rescue Authority. City Council unanimously approved the first reading ordinance on January 15, 2013.
6. **FINANCE** (presenter: Jim Wedding)
AMENDMENT TO CENTERRA COLLECTION AGREEMENT
Motion to approve Resolution #R, approving the Second Amended and Restated Collection Agreement for the City of Loveland to collect Public Improvement Fee revenues and Retail Sales Fee revenues in the Centerra Retail Development
This is an administrative action to approve amendments to the existing agreement with the Centerra Public Improvement Collection Corporation, the Centerra RSF Corporation and G&I VI Retail Prom, LLC.
7. **LOVELAND FIRE RESCUE AUTHORITY** (presenter: Randy Mirowski)
PURCHASE OF HEAVY RESCUE TRUCK
Motion to approve the purchase of a Heavy Rescue Truck for the new Fire Station 2 from SVI Trucks, Inc. for an amount not to exceed \$635,000 and authorize the City Manager to sign the purchase order on behalf of the City
This is an administrative action approving an expenditure exceeding \$500,000 for the purchase of the Heavy Rescue Truck. Pursuant to Chapter 3.12 of the City Code, purchases exceeding \$500,000 must be approved by City Council. The truck purchase was included in the 2013 Fire Capital Expansion Fee budget with the construction of the new Fire Station 2 in the area of 29th Street and Wilson Avenue.
8. **FINANCE** (presenter: John Hartman)
SUPPLEMENTAL APPROPRIATION – LOVELAND FIRE RESCUE AUTHORITY, COMMAND VEHICLE
Motion to approve Resolution #R-, of the Loveland City Council approving a supplemental budget and appropriation by the Loveland Fire Rescue Authority to its 2013 budget
This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2013 Budget for the purchase of a command vehicle. The Council approval of the budget is required for the Authority’s budget to be in effect. The resolution provides approval of the budget changes for additional contributions from the Rural District to fund the vehicle. There is a \$75,000 change to the budget from these contributions. No City funds are required.
9. **HUMAN RESOURCES** (presenter: Julia Holland)
REAPPOINTMENT AND COMPENSATION – MUNICIPAL JUDGE
Motion to approve Resolution #R-, of the Loveland City Council regarding the compensation of the Municipal Judge and reappointing William E. Starks as the Municipal Judge for a new two-year term beginning February 15, 2013

This is an administrative action regarding compensation and reappointment of the Municipal Judge. At the direction of City Council, the 2013 annual base salary for the Municipal Judge shall receive a three and one half percent (3.5%) merit increase beginning on the initial pay period in 2013. City Council also determined to reappoint Williams Starks as the Municipal Judge to a new two-year term beginning February 15, 2013.

10. **PUBLIC WORKS** (presenter: David Klockeman)
PUBLIC HEARING

TRAFFIC SIGNAL REPLACEMENT – U.S. 34 & BOYD LAKE AVENUE

1. **Motion to approve Resolution #R-, 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 replacement at the intersection of U.S. 34 and Boyd Lake Avenue in Loveland, Colorado**
2. **Motion to approve and order published on first reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for signal replacement and other improvements at the intersection of US 34 and Boyd Lake Avenue**

This is an administrative action. The City has received a federal grant with state matching funds (\$495,000) through the Federal Hazard Elimination program for the signal replacement and other improvements at the US 34 and Boyd Lake Avenue intersection. This item includes consideration of a Resolution approving an intergovernmental agreement between the City of Loveland and the Colorado Department of Transportation (CDOT) for the project and consideration of the first reading of an ordinance to appropriate the federal and state funds for the project included in the intergovernmental agreement.

11. **PUBLIC WORKS** (presenter: David Klockeman)
PUBLIC HEARING

RAILROAD CROSSING REPAIR - U.S. HWY 287

1. **Motion to approve Resolution #R-, 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 repair of the Burlington Northern Santa Fe Railroad crossing at U.S. 287 in Loveland, Colorado**
2. **Motion to approve and order published on first reading an ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for railroad crossing repairs on U.S. 287**

This is an administrative action. The east/west railway crossings on Lincoln and Cleveland Avenues are in need of repairs. To accomplish these repairs Public Works Engineering (PWE) has worked out agreements with the stake holders to these railway crossings. The stake holders are the Burlington Northern Santa Fe Railway (BNSF), the Colorado Department of Transportation (CDOT) and the Great Western Railway Company (GW). Lincoln and Cleveland Avenues are part of US Highway 287; the crossings are owned by the BNSF; and these tracks also are the main connection for the transfer of rolling stock between the BNSF and GW. CDOT will provide federal and state funds to the City of Loveland to reimburse it for the costs, up to \$84,457, for the installation of railway crossing material at locations on US 287 (Lincoln & Cleveland Avenues).

12. **WATER & POWER** (presenter: Lindsey Bashline)
IGA WITH LARIMER COUNTY – WATER AND ENERGY PROGRAMS
Motion to approve Resolution #R-, approving an Intergovernmental Agreement between the City of Loveland, Colorado and Larimer County, Colorado for efficiency audits and training provided through the Larimer Conservation Corps Water and Energy Program
 This is an administrative action to approve a resolution for an Intergovernmental Agreement (IGA) between the City of Loveland and Larimer County in the amount of \$35,500 for the Larimer County Conservation Corps, Water and Energy Program Efficiency Audits and Training. The funds are available in the approved 2013 City of Loveland budget for Water and Power.
13. **WATER & POWER** (presenter: Greg Dewey)
CONVERSION OF COLORADO-BIG THOMPSON WATER UNITS
Motion to approve Resolution #R-, of the Loveland City Council authorizing an application to, and contract with, the Northern Colorado Water Conservancy District for beneficial use of 282 acre-feet of Colorado-Big Thompson Project Water
 This is an administrative action to adopt a resolution approving the conversion of 282 Colorado-Big Thompson (“C-BT”) units from a Temporary Use Permit to a Permanent Section 131 Contract. The units were purchased in 2012. No additional costs are associated with the conversion.
14. **WATER & POWER** (presenter: Greg Dewey)
IGA WITH NORTHERN COLORADO WATER CONSERVANCY DISTRICT – TRANSMISSION AND TREATMENT STUDY
Motion to approve Resolution #R-, approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Northern Colorado Water Conservancy District for participation in the 2012-2013 Regional Transmission and Treatment Study
 This is an administrative action to approve an intergovernmental agreement with the Northern Colorado Water Conservancy District for participation in the 2012-2013 regional transmission and treatment study. The funds to be committed are \$11,818 and have been appropriated and are available in the 2013 Water & Power budget.
15. **DEVELOPMENT SERVICES** (presenter: Karl Barton)
PUBLIC HEARING
AMEND COMPREHENSIVE MASTER PLAN (LAND USE PLAN)
Motion to approve Resolution #R-, of the Loveland City Council amending the future Land Use Plan set forth in Section 4.7 of the City of Loveland 2005 Comprehensive Master Plan
 This is a public hearing and legislative action to consider a resolution amending the City of Loveland Future Land Use Plan by changing the future land use designation on approximately 815 acres from DR- Development Reserve to a combination of RAC – Regional Activity Center and E – Employment. The area subject to the amendment is located west of I-25: extending to County Road 7 and north from State Highway 60 one and a half miles. This amendment is proposed by City staff. The Planning Commission held a public hearing to consider the Land Use Plan amendment on January 14, 2013 and unanimously approved the resolution recommending approval.

16. **PARKS & RECREATION** (presenter: Janet Meisel-Burns)
CONTRACT AMENDMENT – MEHAFFEY PARK DESIGN AND ENGINEERING FEE
Motion to approve an amendment to the service contract with Logan Simpson Design, Inc., to increase the fees for Mehaffey Park design and engineering services from a not to exceed amount of \$489,859 to a not to exceed amount of \$714,000 and to authorize the City Manager to execute the contract amendment on behalf of the City

This is an administrative action to authorize the City Manager to enter into a contract amendment with Logan Simpson Design, Inc. for additional design and engineering services for the Mehaffey Park project not to exceed \$714,000. The fee increase is desired to 1) expanded design services for a 29th Street access, 2) provide additional design required for the master planning and engineering for the 9.36 acres purchased to expand the park, and 3) complete additional design services to meet requirements for Special Review Plans and required Site Development Plans needed for approval of the entire 69 acre park through the City's development review process. Funding for the additional design services will be absorbed within the 2012 and 2013 approved Mehaffey Park project budget.

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** (presenter: Bethany Clark)
PUBLIC HEARING
HISTORIC DESIGNATION – ELKS LODGE / LOVELANDER HOTEL
Motion to approve and order published on first reading an ordinance designating as a historic landmark the Loveland Elks Lodge/Loveland Hotel located at 103 East 4th Street in Loveland, Colorado

A public hearing to consider a legislative action to adopt an ordinance on first reading designating as a Historic Landmark the "Elks Lodge/Loveland Hotel" at 103 East 4th

Street, per Chapter 15.56 of the Municipal Code dealing with Historic Preservation. The application is owner-initiated and staff reviewed the benefits and obligations of historic designation with the property owner. The Historic Preservation Commission on January 21, 2013, found the Elks Lodge/Loveland Hotel to be eligible for designation and is forwarding this recommendation to City Council.

18. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
Motion to approve Council minutes from the January 8, 2013 study session.
This is an administrative action. This item is on the regular agenda as not all Councilors were present at the meeting.

19. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENT TO SENIOR ADVISORY BOARD
Motion to appoint Paula Clark to the Senior Advisory Board for a term effective until December 31, 2015
This is an administrative action recommending the appointment of a member to the Senior Advisory Board.

20. **CITY MANAGER** (presenter: Rod Wensing)
PUBLIC HEARING
EXTENSION OF COMCAST FRANCHISE AGREEMENT
Motion to approve and order published on first reading an ordinance amending the Cable Franchise Agreement between the City of Loveland, Colorado and Comcast of Colorado II, LLC to extend the term of the Franchise Agreement
This is an administrative action. The ordinance moves the expiration of the current cable franchise from April 30, 2013 to December 31, 2013.

21. **ECONOMIC DEVELOPMENT** (presenter: Mike Scholl)
ARTSPACE PROJECT
Motion to approve Resolution #R-, approving a Conditional Loan and Materials Use Tax Waiver for the Artspace Project
This is an administrative action. The resolution approves and authorizes the City Manager to sign a commitment letter based on the term sheet negotiated by staff and Artspace. The commitment letter awards a loan of \$300,000 in support of the project. The loan would fill the gap in funding and complete the financing package for the CHFA tax credit application due on March 1. The commitment letter also includes a waiver of Construction Materials Use Tax estimated to be \$71,000. These commitments (the loan and use tax waiver) are expressly subject to satisfaction of the following conditions by December 31, 2013: (a) award of the tax credits by CHFA; (b) appropriation of loan amount and final approval of the use tax waiver by Council; and (c) approval and execution of a final loan agreement, note, and deed of trust based on the term sheet attached to the letter. The City is not formally committing any funds at this time. The loan and materials use tax waiver are contingent upon Artspace being awarded the tax credits from the Colorado Housing and Finance Authority (CHFA). If Artspace is awarded the tax credits by December 31, 2013, full consideration by Council of an appropriation ordinance, the use tax waiver, and a loan agreement (including a note and deed of trust) would occur with no guarantee of approval.

22. **WATER & POWER** (presenter: Jim Lees)
WATER ENTERPRISE FUNDING

Motion to approve on first reading Resolution #R-16-2013 concerning funding for the Water Enterprise to improve the Water Treatment Plant and undertake a comprehensive water line replacement program

This is an administrative action to adopt a resolution on first reading that provides funding mechanisms for the Water Enterprise through external and internal loans, a series of rate increases, and an annual transfer of funds from the General Fund to the Water Enterprise. This funding will be used to improve the Water Treatment Plant and undertake a comprehensive water line replacement program.

23. **CITY MANAGER**
Proposed Executive Session concerning Klen v. City of Loveland lawsuit

ADJOURN