

**LOVELAND CITY COUNCIL MEETING
LOVELAND URBAN RENEWAL AUTHORITY
TUESDAY, MAY 3, 2011
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

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

**5:00 P.M. RECEPTION FOR RALPH MULLINIX
6:30 P.M. REGULAR MEETING—City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING MAY 1 – 7, 2011 AS MUNICIPAL CLERKS WEEK

PROCLAMATION DECLARING MAY 15 - 21, 2011 AS NATIONAL PUBLIC WORKS WEEK

PROCLAMATION DECLARING MAY, 2011 AS ARCHEOLOGY & HISTORIC PRESERVATION MONTH and presentation of plaques

PROCLAMATION RECOGNIZING RALPH MULLINIX'S OUTSTANDING SERVICE TO THE CITY OF LOVELAND

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

- 1. MINUTES
CONSIDERATION OF MINUTES FOR:
a) April 12, 2011 Special Meeting**

- b) April 12, 2011 Study Session
- c) April 19, 2011 Regular Meeting

2. **DEVELOPMENT SERVICES**

REZONE OF PROPERTY – 1629 WEST 8TH STREET

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

A quasi-judicial action to adopt an ordinance on second reading to rezone a 0.50-acre property located at 1629 W. 8th Street from R2 Developing Two-Family Residential to A Muse Planned Unit Development. The PUD includes a non-phased preliminary development plan which is integral to the rezoning application. The property is located on the north side of W. 8th Street, west of N. Taft Avenue and east of Kelly Drive. The applicant is Kyle Dallabetta. City Council unanimously approved this item on first reading on April 19, 2011.

3. **DEVELOPMENT SERVICES**

TEMPORARY DISCONNECT – MYERS GROUP PARTNERSHIP #949 SECOND SUBDIVISION

Consideration on second reading of an ordinance approving the disconnection of a certain parcel in the Myers Group Partnership # 949 Addition from the City of Loveland boundaries

Consideration of a legislative action to adopt an ordinance, on second reading, to temporarily disconnect Outlot B of the Myers Group Partnership # 949 Second Subdivision from the City. This will be the first step to prepare for the subsequent annexation of the Motorplex Entry Addition, of which this outlot will be a part. The applicant and sole owner is the City of Loveland. City Council unanimously approved this item on first reading on April 19, 2011.

4. **DEVELOPMENT SERVICES**

HISTORIC LANDMARK DESIGNATION – 1005 NORTH GARFIELD AVENUE

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

This item is a legislative action to consider approval on second reading of an ordinance to designate as a Historic Landmark the “Remington House” at 1005 North Garfield Avenue. The property would be designated a Historic Landmark under Section 15.56 of the Municipal Code. The application is owner-initiated and staff has met with the owner to review the benefits and obligations of historic designation. City Council unanimously approved this item on first reading on April 19, 2011.

5. **FINANCE**

REAPPROPRIATION OF 2010 FUNDS (GENERAL FUND & AIRPORT)

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

These are administrative actions. The Ordinances reappropriate funding for capital projects and other one-time projects approved but not completed in the prior year and a small number of new projects that were not anticipated at the time of budget adoption. City Council unanimously approved this item on first reading on April 19, 2011.

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

**6. FINANCE
REAPPROPRIATION OF 2010 FUNDS**

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

This is an administrative action. The ordinance reappropriates the remaining balance of funding put in place for the program. City Council unanimously approved this item on first reading on April 19, 2011.

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

**7. FINANCE
EMPLOYEE MERIT-BASED RECOGNITION PROGRAM**

A. Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the Employee Merit-Based Recognition Program

B. Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins-Loveland Municipal Airport budget for the Employee Merit-Based Recognition Program

C. Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Loveland-Larimer Building Authority budget for the Employee Merit-Based Recognition Program

These are administrative actions. The positive General Fund budget performance both in terms of revenues in excess of the budget and expenditures below the budget allowed for the 2010 ending fund balance to exceed the projected ending fund balance by \$3.8 million. The proposal is to use one quarter of that additional fund balance to recognize employees with lump sum raises based on performance in 2010. The lump sum raise is preferred to a percentage added to the employees' base pay to prevent cumulative impacts on future year budgets. The funding is from higher than anticipated fund balance at the end of the 2010 fiscal year. City Council unanimously approved this item on first reading on April 19, 2011.

**8. POLICE
PUBLIC HEARING
MUNICIPAL CODE AMENDMENT - PANHANDLING**

Consideration on first reading of an ordinance amending City Code Section 9.30.030 concerning panhandling and solicitations on or near public streets and highways

This is a legislative action intended to further regulate the physical presence of panhandlers and solicitors on and around public roadways, which presence creates public safety issues for the panhandlers, solicitors and motorists.

9. **PUBLIC WORKS**
TRAFFIC SIGNAL INSTALLATION CONTRACT AWARD
Consideration of a motion to award the 2011-2012 Traffic Signal Installation Contract to W.L. Contractors, Inc. in the amount of \$1,196,635.00 and authorize the City Manager to approve the contract
This is an administrative action to award the 2011-2012 Traffic Signal Installation Contract to W.L. Contractors, Inc. of Arvada, Colorado, in the amount of \$1,196,635.00 and authorize the City Manager to execute the contract.
10. **PUBLIC WORKS**
PUBLIC HEARING
CONTRACT AMENDMENT #2 – CITY PROPERTY, N. TAFT AVENUE
Consideration on first reading of an ordinance approving Amendment Number Two to contract to buy and sell City property located at 905, 915, 925, 933 and 935 N. Taft Avenue
This is an administrative action to consider an ordinance on first reading approving a contract extension to sell approximately 5.2 acres of City-owned property located at 905, 915, 925, 933, and 935 N. Taft Ave., which are parcels acquired for the Taft Ave. widening project. The original contract approved on December 1, 2009 was contingent upon approval of a final plat by January 1, 2012 and this deadline is extended to April 20, 2012 by this Amendment.
11. **CITY CLERK**
SETTING SPECIAL MEETING DATES
Consideration of a motion setting Special Meetings for Tuesday, May 10, 2011 and May 24, 2011
This is an administrative action. Staff is requesting City Council call Special Meetings, on May 10, 2011 and May 24, 2011 at 6:30 p.m. The purpose of the meetings is to discuss, consider any necessary items and possibly hold an Executive Session concerning matters related to the ACE Manufacturing and Innovation Park. Certain items will require discussion and consideration that may fall outside of the Council's regular meeting times.
12. **DEVELOPMENT SERVICES**
MUNICIPAL CODE AMENDMENTS – APPEALS PROVISIONS
Consideration on second reading of an ordinance amending Titles 16 and 18 of the Loveland Municipal Code by revising provisions of Titles 16 and 18, which retains the Zoning Board of Adjustment Hearing Officer, and enacting a new Chapter 18.80 regarding appeal provisions
Consideration of a legislative action to adopt an ordinance on second reading: (i) amending Title 16 and Title 18 relating to appeals of subdivision, zoning and land use actions; (ii) adding Chapter 18.80 to consolidate and clarify appeal provisions; (iii) amending Chapter 18.60 concerning the Zoning Board of Adjustment; and (iv) amending Chapter 18.52 concerning Supplementary Regulations. Following adoption of the ordinance on first reading on April 19th, the City Attorney's Office made some minor technical corrections to the ordinance. These corrections are not substantive. The packet includes a redline version of the ordinance (see Attachment B) showing the corrections. City Council unanimously approved this item on first reading on April 19, 2011.

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

13. DEVELOPMENT SERVICES

TIMKA FIRST ADDITION ANNEXATION & ZONING

1. **Consideration on second reading of an ordinance approving the annexation of certain territory to the City of Loveland, Colorado, to be known and designated as "Timka First Addition" to the City of Loveland**
2. **Consideration on second reading of an ordinance amending Section 18.04.040 of the Loveland Municipal Code, the same relating to zoning regulations for "Timka First Addition" to the City of Loveland**

1. Legislative action in consideration of an ordinance, on second reading, annexing the Timka First Addition to the City of Loveland, subject to an annexation agreement;
2. Quasi-judicial action in consideration of an ordinance, on second reading, zoning the Timka First Addition as I-Developing Industrial District. City Council unanimously approved this item on first reading on April 19, 2011.

14. BUSINESS DEVELOPMENT

AMENDMENT TO 2010 LODGING TAX GRANT – CHAMBER OF COMMERCE

Consideration of Resolution #R-28-2011 amending the 2010 Lodging Tax Grant awarded to the Loveland Chamber of Commerce & Visitors Center

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 presented in Exhibit A. \$30,000.00 was paid in 2010 from the lodging tax fund.

15. BUSINESS DEVELOPMENT

2011 LODGING TAX GRANT AWARDS

Consideration of Resolution #R-29-2011 awarding 2011 Lodging Tax Grants and authorizing contracts for City of Loveland Lodging Tax Grant Funds

This is an administrative action. The Resolution awards Lodging Tax Grants, approves the form of the grant contract and authorizes the City Manager to execute grant contracts in the

amounts and to the specified recipients. The action will award \$60,000 in lodging tax revenues appropriated for expenditure in the 2011 City budget.

16. **CITY MANAGER**
CITY COUNCIL'S ANNUAL ADVANCE REPORT
Consideration of a motion accepting and approving the report of the City Council's Annual Advance
This is an administrative action accepting and approving the report of the City Council's Annual Advance held on February 5, 2011.

17. **FINANCE**
MARCH 2011 FINANCE REPORT
This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the three months ending March 31, 2011.

18. **CITY MANAGER'S OFFICE**
INVESTMENT REPORT MARCH 2011
This is an information only item. No Council action is required. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first quarter, the amount posted to the investment account is \$877,669 including realized gains. The actual year-to-date earnings are higher than the year-to-date projection by \$86,886. Based on the March monthly statement, the estimated annualized yield is about 2.03%, just over the annual target rate.

19. **CITY MANAGER**
Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

ADJOURN