

LOVELAND CITY COUNCIL MEETING
TUESDAY, FEBRUARY 15, 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.

5:45 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 FEBRUARY 20 – 26, 2011 AS “NATIONAL ENGINEERS WEEK”

PROCLAMATION DECLARING FEBRUARY 24, 2011 AS “CONDUCTIVE EDUCATION DAY 2011”

PROCLAMATION DECLARING FEBRUARY 21, 2011 AS “LOVELAND FIRE AND RESCUE DAY”

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) January 11, 2011 Special Meeting
 - b) January 25, 2011 Study Session
 - c) February 1, 2011 Regular Meeting

2. CITY MANAGER

BOARD AND COMMISSION APPOINTMENTS

This is an administrative action recommending the appointment of members to the Community Marketing Commission. Leslie White is recommended for appointment to a partial term effective until June 30, 2013. Justin Erion is recommended for appointment as alternate for a one year term effective until February 15, 2012.

3. DEVELOPMENT SERVICES

UTILITY EASEMENT VACATION – HILE FIRST SUBDIVISION

Consideration on second reading of an ordinance vacating a portion of a utility easement of Lot 2, Block 1, Hile First Subdivision, City of Loveland, Larimer County, Colorado

A legislative action to adopt an ordinance on second reading vacating a 280 square foot utility easement located in Lot 2, Block 1, Hile First Subdivision. The applicant is the Atwood Associates Consulting Engineers, Inc. on behalf of the McDonalds Corporation. The ordinance was unanimously adopted on first reading by City Council on February 1, 2011.

4. DEVELOPMENT SERVICES

FEE WAIVERS – LOVELAND-BERTHOUD INTERFAITH HOSPITALITY NETWORK

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for fee waivers for one housing unit for the benefit of low income households

Administrative action to consider an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City budget in the amount of \$11,910 to back fill the enterprise fees waived under the subject resolution. On February 1, 2011, City Council adopted a resolution waiving the estimated total fees due of \$25,971 and adopted the appropriation ordinance on first reading. The ordinance was unanimously adopted on first reading by City Council on February 1, 2011.

5. BUSINESS DEVELOPMENT

SUPPLEMENTAL BUDGET AND APPROPRIATION – LODGING TAX PROCEEDS

Consideration on second reading of an ordinance enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland budget for the lodging tax proceeds and operating and grant budget

This is an administrative action. This second reading ordinance appropriates funding for operational costs and grant allocations using the 2011 projected revenue from the lodging tax proceeds. The Lodging Tax Fund was not included in the 2011 Adopted Budget. Revenues are projected to be similar to 2010 collections. The ordinance was unanimously adopted on first reading by City Council on February 1, 2011.

6. FINANCE

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – PROPERTY & LIABILITY INSURANCE

- 1) Consideration of a motion to authorize the City Manager to sign the purchase order with the Colorado Risk Sharing Agency (CIRSA) for property and liability coverage**
- 2) Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland Budget for property and liability insurance deductibles**

These are administrative actions. The item for consideration would allow the City Manager to sign the purchase order for \$960,000 with CIRSA for property and liability insurance coverage, such as Errors & Omissions, Employment Liability, Vehicle Liability, Police

Professional Liability, General Liability, and Boiler & Machinery. A supplemental budget appropriation is necessary because staff recently received information that two unanticipated large claims settlements will occur early this year. The funding for the \$400,000 supplemental appropriation ordinance is from the Risk and Insurance reserve. In the 2011 Adopted Budget the reserve was projected to end 2011 with a balance of \$2.9 million.

7. **PUBLIC WORKS**

2011 STREET RESURFACING PROGRAM – CONTRACT EXTENSION

Consideration of a motion to award an extension of the Asphalt Paving Contract and authorize the City manager to execute the contract

This is an administrative action. Extension of an Asphalt Maintenance Contract for Asphalt Paving for the 2011 Street Resurfacing Program to Coulson Excavating Company of Loveland, Colorado in the amount of \$833,000 and Authorization for the City Manager to execute the contract. Funding is available in the Adopted 2011 Budget.

8. **WATER & POWER**

COLORADO BIG THOMPSON WATER

Consideration of Resolution #R-12-2011 of the Loveland City Council authorizing an application to, and contract with, the Northern Colorado Water Conservancy District for beneficial use of 132 acre-feet of Colorado-Big Thompson Project water

This is an administrative action to adopt a resolution authorizing the Director of Water and Power to convert Temporary Use Permits (TUPs) for Colorado-Big Thompson (C-BT) Project water acquired in 2010 into a permanent Section 131 Contract. Upon approval, the City will have the use of the water each year from that point forward.

9. **AIRPORT**

PUBLIC HEARING

GRANT AGREEMENTS WITH CDOT AND FAA

1) **Consideration of Resolution #R-13-2011 authorizing the City Manager to execute a Grant Agreement with the Colorado Department of Transportation, Colorado Aeronautical Board (CDAG #11-FNL-01) for funding pertaining to the Fort Collins-Loveland Municipal Airport**

2) **Consideration of Resolution #R-14-2011 authorizing the City Manager to execute a Grant Agreement with the Federal Aviation Administration for a discretionary grant of AIP Funds for runway improvements at the Fort Collins-Loveland Municipal Airport**

3) **Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Fort Collins-Loveland Municipal Airport budget to increase the 2011 Colorado Department of Transportation–Division of Aeronautics grant and appropriate local funds from reserves to provide the local match for a 2011 FAA Airport Improvement Program (AIP) grant**

1. This is an administrative action. The Fort Collins Loveland Airport receives grant funds from the CDOT – Division of Aeronautics. The grants support the FAA and local capital improvement plans. The 2011 grant is \$400,000. The resolution accepts the grant and authorizes the City Manager to execute the contract documents.

2. This is an administrative action. The Fort Collins Loveland Airport (FNL) receives grant funds from the Federal Aviation Administration (FAA). As a commercial service airport with over 10,000 enplaned passengers per year the airport receives an entitlement grant of \$1,000,000. In 2-3 year cycles FNL also receives discretionary grants to tackle large FAA approved airside related projects. It is anticipated that in 2011 FNL will be granted up to

\$7,000,000 from the FAA to support a runway rehabilitation project. This resolution authorizes the City Manager to execute the grant award contracts with the FAA.

3. This is an administrative action. The Fort Collins Loveland Airport receives grant funds from the Colorado Department of Transportation – Division of Aeronautics. The grant provides funds required to match an anticipated 2011 Federal Aviation Administration (“FAA”) Airport Improvement Program grant for runway rehabilitation and for other local capital improvement plans. The 2011 state grant is \$400,000. This action appropriates funding from the state grant to the airport capital program. The 2011 budget already includes \$250,000 appropriated from this state grant; this action appropriates the additional \$150,000. The Fort Collins Loveland Airport (FNL) also receives grant funds from the FAA. This action appropriates \$197,000 in Passenger Facility Charges (PFC) collected from each ticketed passenger as part of the local match for the anticipated 2011 FAA discretionary grant.

10. FINANCE

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – FUEL AND VEHICLE PARTS

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2010 City of Loveland budget for expenses related to the cost of fuel and parts for the operation of the City fleet

This is an administrative action. The ordinance appropriates \$773,870 in revenue from charges to the departments for fuel and parts on city vehicles. The appropriation is necessary so that 2010 expenses do not exceed the appropriated amount. The revenue is available due to the increase in labor rates approved and implemented mid-year for work on City vehicles.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

Anyone who wishes to speak to an item NOT on the Agenda may address the Council under Citizens’ Report.

- a. Citizens’ Report*
- b. American Public Works Association of Colorado award presentation*
- c. City Council/City Manager Announcements*

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

11. DEVELOPMENT SERVICES

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION - RIALTO BRIDGE PROJECT

Consideration on first reading of an ordinance enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland Budget for the Community Foundation contribution and additional construction and contingency funding to the Rialto Bridge Project

This is an administrative action. The supplemental budget appropriation funds the \$700,000 contribution by the Community Foundation. The Community Foundation is funding approximately 3,500 square feet of construction on the 2nd floor. Staff is also asking for an additional \$318,780 to complete the construction and \$178,920 for the construction contingency. The total appropriation is for \$1,197,700. The funds, for the cost over the Community Foundation contribution, will be drawn from the Cultural Services CEFs. The project development agreement will be considered with the second reading of the supplemental budget and appropriation. No funds will be spent until the development agreement is approved by Council. The supplemental budget appropriates the contribution for the Community Foundation and the \$497,700 from the Cultural Services CEFs.

12. CITY MANAGER

An executive session to discuss and take any action necessary relating to the ACE Manufacturing and Innovation Park

CITY COUNCIL NEW BUSINESS

CITY MANAGER'S STAFF REPORT

CITY ATTORNEY'S REPORT