

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, Heckel, Klassen, McKean, Johnson, McEwen, Shaffer, Rice and Solt.

PROCLAMATION

Councilor Solt read a proclamation declaring March 2, 2011, as "Colorado Children's Day". The proclamation was received by Annie Hall and Scott Pringle from Fire and Rescue. The Colorado Children's Day event will be held Wednesday, March 2 from 1:00 pm - 4:00 pm at various locations in the City.

PROCLAMATION

WHEREAS, the light that shines so brightly in Colorado is best reflected in the faces of the children of Colorado; and
WHEREAS, every child in Colorado brings joy and reflects our bright and prosperous future in Colorado; and
WHEREAS, nothing in the parenting experience is more joyful than the birth and development of a child; and
WHEREAS, every community celebrates, honors, and has influence which contributes to the success of the children of Colorado; and
WHEREAS, as parents, teachers, mentors, and leaders, we shall share the responsibility for modeling positive behavior to the children of Colorado; and
WHEREAS, it is appropriate that we reserve a specific day each year to celebrate and honor our children and their significant accomplishments in schools, churches, and daycare centers and in their communities; and
WHEREAS, reserving a specific day each year to reflect on the children of Colorado will help to ensure that we remember our collective and individual obligations to the children of Colorado and that we acknowledge the importance of these children to our future, celebrating their triumphs and accomplishments.
NOW, THEREFORE, we, the Loveland City Council do hereby proclaim Wednesday, March 2, 2011, and the first Wednesday of March thereafter, as

COLORADO CHILDREN'S DAY

in the City of Loveland and encourage each adult citizen of Colorado to set aside a special time to support, embrace, and listen to a child of Colorado.

Signed this 1st day of March, 2011
Cecil A. Gutierrez, Mayor

**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. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor McKean and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES

- a) Minutes for the February 8, 2011 study session were approved.
- b) Minutes for the February 8, 2011 executive session were approved.
- c) Minutes for the February 15, 2011 regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion

Administrative Action: The following appointments were made:

Creative Sector Development Advisory Commission: Sheila Carrasco, Meg Corwin, Leah Johnson, Michael Lang, Paul Mueller, Jan Shockner and Kim Wheeler were appointed to terms effective until December 31, 2013. Mary Bahun-Meyer and Lynn Hayden-Ugarte were appointed as alternates for terms effective until March 1, 2012.

Disabilities Advisory Commission: Kathy Witcher was appointed to a partial term effective until June 30, 2012.

Historic Preservation Commission: David Berglund was appointed to a term effective until June 30, 2013.

Open Land Advisory Commission: Chris Bryand was appointed to a partial term effective until December 31, 2011.

3. FINANCE

Supplemental Budget and Appropriation – Property & Liability Insurance

Ordinance #5563

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR PROPERTY AND LIABILITY INSURANCE DEDUCTIBLES" was approved and ordered published on second reading.

4. AIRPORT

Supplemental Budget and Appropriation – CDOT & FAA Grants

Ordinance #5564

Administrative Action: "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" was approved and ordered published on second reading.

5. FINANCE

Supplemental Budget and Appropriation- Fuel and Vehicle Parts

Ordinance #5565

Administrative Action: "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" was approved and ordered published on second reading.

6. FIRE & RESCUE

Supplemental Budget and Appropriation – Federal Emergency Management Grant

1st Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR A FEDERAL EMERGENCY MANAGEMENT GRANT" was approved and ordered published on first reading.

7. DEVELOPMENT SERVICES

Naming Seven Alleys in Downtown Loveland

Resolution #R-15-2011

Administrative Action: Resolution #R-15-2011 of the Loveland City Council regarding names of alleys in the downtown area was approved.

RESOLUTION #R-15-2011

A RESOLUTION OF THE LOVELAND CITY COUNCIL REGARDING NAMES OF ALLEYS IN THE DOWNTOWN AREA

WHEREAS, C.R.S. §31-15-702 authorizes the governing body of a municipality to name and change the name of any street, alley, avenue or other public place within its boundaries; and

WHEREAS, Chapter 12.08 of the Loveland Municipal Code regulates the naming and numbering of streets and alleys within the city limits of Loveland, Colorado; and

WHEREAS, on January 4, 2011, the City Council adopted Ordinance Number 5553, regarding a naming convention area for alleys in the Loveland downtown area and finding that such alleys should have names related to arts and entertainment and to Loveland history; and

WHEREAS, in accordance with Loveland Municipal Code, section 12.08.194, the City Council desires to name certain alleys in the Loveland downtown area as shown on Attachment A.

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

Section 1. In the area north of East 1st Street, east of Railroad Avenue, south of East 7th Street and west of North Washington Avenue, alleys shall have names as depicted on Attachment A, attached hereto and incorporated herein.

Section 2. This Resolution shall go into effect as of the date and time of its adoption.

Section 3. The City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this 1st day of March, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

END OF CONSENT AGENDA

CITY CLERK READ 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' Reports

1. John and Donna Mitters, Loveland residents expressed concern about the fluoride content in the water system and suggested the City look at publishing a disclaimer about the fluoride content in the City's water.

2. Diana Walker, expressed concern about the lack of notification by the District Court regarding the Loveland Museum art vandalism case and about the lack of representation at the hearing by appropriate city staff. Staff will review the current practice for legal proceedings.

b) Mayor Gutierrez presented Finance Director Renee Wheeler and staff with the Certificate of Achievement for Excellence in Financial Reporting Award.

c) City Council/City Manager Announcements

Klassen Various Councilors recently toured the American Eagle Distributing Company and were very impressed and wanted to recognize their efforts.

McKean Councilor McKean introduced two local High School Civic students, Sean Larkin and Dillon Culp.

Cahill City Manager Cahill updated Council on the March 1st closing of the local medical marijuana dispensaries. On Tuesday, March 2nd, Loveland Police Officers conducted compliance checks and issued one citation.

Duval City Attorney Duval stated that an attorney notified him, he would be filing a law suit on behalf of three Loveland medical marijuana dispensaries.

Gutierrez

Mayor Gutierrez attended the opening of the Thompson School District Art Show on February 26th at the Loveland Museum and Gallery. The Mayor gave the welcoming address to the Emergency Management Association conference which opened today at the Embassy Suites.

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

8. FINANCE

January 2011 Financial Report Information Only

Assistant City Manager and Finance Director Renee Wheeler introduced this item to Council. 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 one month ending January 31, 2011. Citywide Revenue (excluding internal transfers) of \$14,422,877 is 96.2% of year to date (YTD) budget. Sales tax, the City's single largest source of revenue, is 105.7% of the YTD budget. City wide total expenditures, \$10,431,310 (excluding internal transfers) are 68.1% of YTD budget. The City's health claims paid YTD is \$766,251 or 116.6% of YTD budget.

9. CITY MANAGER'S OFFICE

Investment Report for January 2011 Information Only

Executive Fiscal Advisor Alan Krmarik introduced this item to Council. 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 year to date, the amount posted to the investment account is \$313,626 including realized gains. The actual year-to-date earnings are higher than the year-to-date budget projection by \$50,032. Based January's monthly statement, the estimated annualized yield is about 2.01%, right on the path of the 2.0% budget estimate for earnings.

10. CITY MANAGER

ACE Manufacturing and Innovation Park Update

City Manager Cahill provided Council with a brief report of activities regarding the ACE Manufacturing and Innovation Park. The Agilent property is under a letter of intent and the due diligence process has started. The Metro Denver Economic Development Corporation has finished their prescreening of the applications. Now the process is with Colorado Association for Manufacturing and Technology (CAMT) for the decision making. The announcement date for the site selection is scheduled for March 15. Request for Proposals (RFP) for developers of the Agilent property were issued. RFP were due on February 28th and seven proposals were received. The proposals were from: iRG, Loveland Commercial, McWhinney, Neehan, Next Generations Holdings LLC, Old Vine & Zing!, and Orton. CAMT will be offered an opportunity to participate in the developer selection process. City staff will come back to Council for the developer

selection. Discussion ensued. Councilor Johnson made a motion to make the March 8, 2011 study session a special meeting. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

11. CITY MANAGER

Executive Session to discuss the negotiation of possible amendments to the Centerra Master Financing Agreement

At 7:54 p.m. Councilor Johnson made a motion for the City Council go into executive session pursuant to C.R.S. Section 24-6-402(4)(b) and 4(e) and under City Charter Sections 4-4(c)(1), (c)(3) and (c)(6) concerning amendment of the Centerra Master Financing Agreement, a matter that may be subject to negotiations, and concerning such negotiations to determine the City's negotiation positions, develop negotiation strategies, and to instruct the City's negotiators concerning these positions and strategies, and to receive legal advice from the City Attorney concerning such negotiations. Councilor Klassen seconded the motion and a roll call vote was taken with six Councilors voting in favor and Councilors Shaffer, Solt and McEwen voting against. Council expressed the need to receive information related to Executive Sessions prior to the meeting, even if it had to be provided in a confidential method. Council reconvened at 9:19 p.m.

CITY COUNCIL NEW BUSINESS

Gutierrez The Mayor indicated he would like to see the City review the procedures related to Executive Sessions.

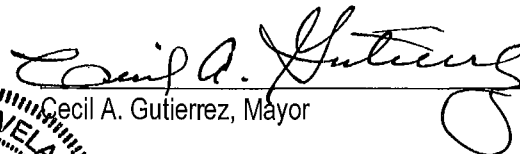
Shaffer Councilor Shaffer requested Council be notified when City of Loveland videos are posted to YouTube. She also requested the Channel 16 schedule be posted on the City's website.

ADJOURNMENT Having no further business to come before Council, the March 1, 2011 Regular Meeting was adjourned at 9:23 p.m.

Respectfully Submitted,



Teresa G. Andrews, City Clerk



Cecil A. Gutierrez, Mayor

