

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, Johnson, McEwen, Shaffer, Rice and Solt. Councilor McKean was absent.

PROCLAMATION Councilor Shaffer read a proclamation declaring February 20 through 26, 2011, as "National Engineers Week". The proclamation was received by City Engineer, Dave Klockeman.

PROCLAMATION

WHEREAS, National Engineers Week, founded in 1951 by the National Society of Professional Engineers, is always celebrated at the time of George Washington's birthday in February because he was our first president and a military engineer, and

WHEREAS, the purpose of National Engineers Week is to increase public awareness and appreciation of the engineering profession; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, the Engineers of the State of Colorado will actively help to maintain and sustain the vital infrastructure of our civilized and national environments; and

WHEREAS, engineers help America remain at the forefront of technological development and contribute to countless breakthroughs that improve the quality of life for people throughout the world.

NOW, THEREFORE, we, the Loveland City Council of the City of Loveland, do hereby proclaim February 20 through 26, 2011 as

NATIONAL ENGINEERS WEEK

in the City of Loveland.

Signed this 15th day of February, 2011

Cecil A. Gutierrez, Mayor

PROCLAMATION Councilor Johnson read a proclamation declaring February 24, 2011, as "Conductive Education Day 2011". The proclamation was received by Jennifer Peterson.

PROCLAMATION

WHEREAS Conductive Education (CE) was developed over sixty years ago in Hungary by Dr. Andras Peto; and

WHEREAS CE is a unique teaching system that maximizes the independence and mobility of children and adults with neuro-motor disabilities like stroke survivors, and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson's disease and spina bifida; and

WHEREAS CE operates from a core belief in neuroplasticity - the lifelong ability of the brain to reorganize neural pathways based on new experiences - and on the premise that no matter how severe the disability, people can learn and improve when they are motivated

WHEREAS Conductive Education has the potential to make a significant, life-changing impact on the mobility and independence of close to 9 million people in Canada and the United States; and

WHEREAS Conductive Education helps individuals learn their way to independence;

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim February 24 as

CONDUCTIVE EDUCATION DAY 2011

in Loveland, Colorado, and encourage supporting this important program that increases the independence of people with disabilities in our community.

Signed this 15th day of February, 2011

Cecil A. Gutierrez, Mayor

PROCLAMATION

Mayor Gutierrez read a proclamation declaring February 21, 2011, as "Loveland Fire and Rescue Day". The proclamation was received by Retired Volunteer Fire Chief Jack Sullivan who announced an open house on February 19th celebrating the 100th anniversary of the Loveland Fire Department. The open house will be at the Loveland Fire exhibit at the Loveland Museum.

PROCLAMATION

WHEREAS The City of Loveland recognizes the importance of citizen safety and the importance of protecting the lives and property of our citizens from threat of fire and to provide quality fire/rescue related services and;

WHEREAS On February 21, 1911, the Barthoff Hose Company and the Loveland Hook and Ladder Companies merged to form the Loveland Fire Department, which was adopted by resolution into the official records of the City of Loveland on this said day and;

WHEREAS For more than 100 years, the City of Loveland and its citizens have been protected through the dedication and selfless service of both the paid and volunteer members of the Loveland Fire Department and Loveland Fire and Rescue and;

WHEREAS To help in the recognition of the services of so many that have given of their time and their lives we take special privilege in honoring those who have served the City of Loveland and the Rural Fire Protection District, the Community of Loveland, to help make this city and community a safe place to live and raise a family.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim the week of February 21st, 2011 as Loveland Fire and Rescue Week in honor of the men and women who have served this community faithfully with Compassion, Courage and Commitment, and we hereby designate through this proclamation February 21st, 2011, as:

LOVELAND FIRE AND RESCUE DAY

in Loveland, Colorado

In so doing, this City Council urges all citizens to join in a regional effort to raise awareness about the importance of our fire and rescue services and this great heritage that we have in our community.

Signed this 15th day of February, 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 Heckel and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES

- a) Minutes for the January 11, 2011 executive session were approved.
- b) Minutes for the January 24, 2011 study session were approved.
- c) Minutes for the February 1, 2011 Regular meeting were approved.

2. CITY MANAGER

Board & Commission Appointments

Motion Administrative Action: The following appointments were made:
Community Marketing Commission: Leslie White was appointed to a partial term effective until June 30, 2013. Justin Erion was appointed as an alternate for a one year term effective until February 15, 2012.

3. DEVELOPMENT SERVICES

Utility Easement Vacation – Hile First Subdivision

Ordinance #5560 Legislative Action: "AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT OF LOT 2, BLOCK 1, HILE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

4. DEVELOPMENT SERVICES

Fee Waivers – Loveland-Berthoud Interfaith Hospitality Network

Ordinance #5561 Administrative Action: "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" was approved and ordered published on second reading.

5. BUSINESS DEVELOPMENT

Supplemental Budget and Appropriation- Lodging Tax Proceeds

Ordinance #5562 Administrative Action: "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" was approved and ordered published on second reading.

6. FINANCE

Supplemental Appropriation – Property & Liability Insurance

- Administrative Actions:
- 1) **Motion** A motion authorizing the City Manager to sign the purchase order with the Colorado Risk Sharing Agency (CIRSA) for property and liability coverage was approved.
 - 2) **1st Rdg Ord & P.H.** A public hearing was held and "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 first reading.

7. PUBLIC WORKS

2011 Street Resurfacing Program – Contract Extension

Motion Administrative Action: A motion to award an extension of the Asphalt Maintenance Contract for Asphalt Paving for the 2011 Street Resurfacing Program to Coulson Excavating Company in the amount of \$833,000 and authorize the City Manager to execute the contract was approved.

8. WATER & POWER

Colorado Big Thompson Water Resolution #R-12-2011

Administrative Action: 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 was approved.

RESOLUTION #R-12-2011

A RESOLUTION 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

WHEREAS, pursuant to the Water Conservancy Act of Colorado, Title 37, Article 45, C.R.S., the City Council of the City of Loveland, a Colorado municipal corporation, must apply to the Board of Directors of the Northern Colorado Water Conservancy District ("District") for a contract for the beneficial use of Colorado-Big Thompson Project water within the boundaries of the District on an annually-renewable basis under C.R.S. § 37-45-131 in order to obtain the perpetual right to use said water.

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

Section 1. That the City of Loveland has determined to apply for a contract providing for the beneficial use of one hundred thirty-two (132) acre-feet of Colorado-Big Thompson Project water from the District within the boundaries of the District.

Section 2. That the Director of the Department of Water and Power is hereby authorized and directed to apply to the Board of Directors of the District for a contract providing to the City the beneficial use of said water upon the terms prescribed by said Board in the manner and form attached hereto as Exhibit A and incorporated herein by reference ("Application").

Section 3. That the Director of the Department of Water and Power is hereby authorized to execute the Application any other documents required by the District to effectuate the contract.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 15th day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

9. AIRPORT

Grant Agreements with CDOT and FAA

1) Resolution #R-9-2011

Administrative Action: 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 was approved.

RESOLUTION # R-13-2011

A RESOLUTION 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

WHEREAS, the General Assembly of the State of Colorado has declared in Title 43 of the Colorado Revised Statutes, Article 10, ("the Act") that: "...there exists a need to promote the safe operation and accessibility of general aviation and intrastate commercial aviation in this state; that improvements to general aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency."; and

WHEREAS, the Act created the Colorado Aeronautical Board ("the Board") to establish policy and procedures for distribution of monies in the Aviation Fund and created the Division of Aeronautics ("the Division") to carry out the directives of the Board, including technical and planning assistance to airports and the administration of the state aviation system grant program; and

WHEREAS, any entity operating a public-accessible airport in the state may file an application for and be a recipient of a grant to be used solely for aviation purposes and the Division is authorized to assist such airports as request assistance by means of a Resolution passed by the applicant's duly-authorized governing body, which understands that all funds shall be used exclusively for aviation purposes and that it will comply with all grant procedures and requirements as defined in the Division's Aviation Grant Manual, revised 2009 ("the Manual"); and

WHEREAS, the Cities of Loveland and Fort Collins have applied for the grant (CDAG #11-FNL-01) identified in the grant agreement attached hereto as Exhibit A and incorporated herein by this reference (the "Grant Agreement").

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

Section 1. That the Council of the City of Loveland ("the Council"), as one of the duly authorized governing bodies of the applicant for the grant identified in the Grant Agreement, hereby formally requests assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the form of a state aviation system grant and states that the grant shall be used solely for aviation purposes, as determined by the State, and as generally described in the application.

Section 2. That the City of Loveland makes a commitment (a) to keep the Airport facility accessible to, and open to, the public during the entire useful life of the grant funded improvements/equipment; or (b) to reimburse the Division for any unexpired useful life of the improvements/equipment on a pro-rata basis. By signing the Grant Agreement, the City of Loveland further commits to keep open and accessible for public use all grant funded facilities, improvements and services for their useful life, as determined by the Division and stated in Grant Agreement.

Section 3. That the City hereby designates Larry Mack, Airport Operations Manager, as the Project Director, as described in the Manual, authorizes the Project Director to act in all matters relating to the project proposed in the grant application, and authorizes the City Manager to execute the Grant Agreement on behalf of the City; and

Section 4. That the City of Loveland has appropriated or will appropriate or otherwise make available in a timely manner its share of all funds that are required to be provided by the Cities under the terms and conditions of the Grant Agreement.

Section 5. That the City of Loveland, subject to the foregoing, hereby accepts all guidelines, procedures, standards, and requirements described in the Manual as applicable to the performance of the grant work, and approves Grant Agreement.

Section 6. That this Resolution shall be effective as of the date and time of its adoption.

ADOPTED this 15th day of February, 2011. Cecil A. Gutierrez, Mayor

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

2) Resolution #R-14-2011 Administrative Action: 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 was approved.

RESOLUTION # R-14-2011

A RESOLUTION 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

WHEREAS, the Cities of Fort Collins and Loveland jointly own and operate the Fort Collins-Loveland Municipal Airport (the "Airport"); and

WHEREAS, the Cities, by resolution, have adopted the Fort Collins-Loveland Municipal Airport Master Plan; and

WHEREAS, the Federal Aviation Administration provides grant funding to eligible airports to enable those airports to pursue capital improvements included within an adopted Airport Master Plan; and

WHEREAS, the Cities have applied for a discretionary capital funding grant under the Airport Improvement Program (AIP) from the Federal Aviation Administration (FAA) in the amount of \$7M (the "Grant") to fund a capital construction project to rehabilitate the Airport's primary runway (the "Project") pursuant to a grant agreement in a form consistent with prior FAA grants (the "2011 Discretionary Grant Agreement"); and

WHEREAS, the Project is identified in the Fort Collins-Loveland Municipal Airport Master Plan as a first priority project; and

WHEREAS, the City of Loveland has enacted a supplemental appropriation to the Airport's 2011 budget to increase total appropriations of State Funds to \$400,000.00, which funds are to be provided by the Colorado Department of Transportation Colorado Aeronautical Board under Colorado Discretionary Aviation Grant #11-FNL-01, thereby appropriating the State Funds required for the Project by the Grant; and

WHEREAS, the City of Loveland has also appropriated \$291,265.00 as a part of the Airport's 2011 budget to be used as local matching funds for the Project, thereby appropriating the local matching funds for the Project required by the Grant; and

WHEREAS, the City of Loveland intends to enact a further supplemental appropriation of \$7M or the amount of the Grant, whichever is less, to the Airport's 2011 budget if the Grant is awarded by the FAA; and

WHEREAS, the FAA may require acceptance of the Grant, if offered, and execution of the Grant Agreement in a very short time frame and the City desires to facilitate such acceptance by the adoption of this Resolution.

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

Section 1. That the 2011 Discretionary Grant Agreement, which shall be in a form consistent with prior FAA grants, is hereby approved.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to modify the 2011 Discretionary Grant Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the 2011 Discretionary Grant Agreement on behalf of the City of Loveland if the Grant is awarded by the FAA.

Section 4. That this Resolution shall take effect as of the date and time of its adoption.

ADOPTED this 15th day of February, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

3) 1st Ord & P.H.

Administrative Action: A public hearing was held and "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 first reading.

10. FINANCE

Supplemental Appropriation – Fuel and Vehicle Parts

1st Rdg Ord & P.H.

A public hearing was held and "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 first reading.

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

Tony Huerta, Director at Large of the American Public Works Association-Colorado Board presented Loveland Public Works Director Keith Reester with two 2010 project awards: 1) Streets & Traffic Management – Medium Community for the Crossroads Blvd/I-25 Safety Improvements and 2) Engineering/Construction Management – Medium Community for the Metro Continuous Flow Intersection.

Public Works Director Keith Reester introduced Jason Licon the new Loveland-Fort Collins Airport Manager.

b) City Council/City Manager Announcements

Gutierrez

Mayor Gutierrez acknowledged past Mayor Herm Smith who passed away this week.

Johnson

Councilor Johnson mentioned that \$16,000 in pledges was collected at the public rally in support of the ACE Manufacturing and Innovation Park.

Rice Councilor Rice attended a tea hosted by the Daughters of the American Revolution.

Gutierrez Mayor Gutierrez attended several local events including the 365 Event, Sweet Night at the Library Event and Dance, and hosting 90 7th grade students as part of the "If I were Mayor..." program sponsored by Colorado Municipal League. He also announced that approximately 135,000 valentines were processed through the Valentine Remaining Program.

Shaffer Councilor Shaffer mentioned that the interviews for the new Creative Sector Development Commission were completed.

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

11. DEVELOPMENT SERVICES

SUPPLEMENTAL APPROPRIATION - RIALTO BRIDGE PROJECT

1st Rdg Ord & P.H.

Administrative Action: City Planner Mike Scholl introduced this item to Council. 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 Mayor opened the public hearing at 7:35 p.m. Leighton Millar, 4780 Friuta, spoke in support of the project. Tim Webb, 377 Rossum Dr and President of the Loveland Choral Society, spoke in support. Robert Hoch, 1314 E. 18th and President of the Loveland Opera Theatre, spoke in support. Leah Johnson, 703 Grant Ave, spoke in support. The Mayor closed the public hearing at 7:45 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "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". Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

12. CITY MANAGER

An executive session to consider a matter subject to negotiation, the prospect of the ACE Manufacturing and Innovation Park being located in Loveland

At 8:03 p.m. Councilor Johnson moved that the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(a), (4)(b), 4(e) and 4(g) and City Charter Sections 4-4(c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the prospect of the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation and potentially involving the acquisition of real property, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or

bargaining advantage; and related to this matter: to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor McEwen seconded the motion and a roll call vote was held and all councilor present voted in favor thereof. Council reconvened at 9:05 p.m.

Discussion ensued. Council extended their appreciation to staff for their excellent work on the ACE submittal project. Business Development Manager Betsy Hale stated CAMT has said March 15, 2011 is the projected deadline for site selection.

Councilor Johnson made a motion that City staff be directed by this Council to issue a request for proposals seeking a developer partner on the Agilent property on which we have a letter of intent. Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

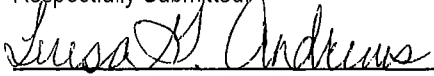
Gutierrez

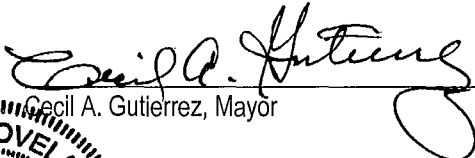
Mayor Gutierrez addressed Council about developing a proclamation policy.

ADJOURNMENT

Having no further business to come before Council, the February 15, 2011 Regular Meeting was adjourned at 9:29 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk


Cecil A. Gutierrez, Mayor

