

LOVELAND CITY COUNCIL MEETING
TUESDAY, AUGUST 2, 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.

5:30 P.M. DINNER - City Manager's Conference Room
6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE FOR NORWAY

ROLL CALL

PROCLAMATION DECLARING SAMUEL G. BETTERS "HONORED CITIZEN"

PRESENTATION FROM JIM TOLSTRUP, EXECUTIVE DIRECTOR OF THE HIGH PLAINS ENVIRONMENTAL CENTER

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) July 12, 2011 Study Session
 - b) July 19, 2011 Regular Meeting

2. **DEVELOPMENT SERVICES**
 EASEMENT VACATION, FERRERO FIRST ADDITION (LARIMER COUNTY FOOD BANK)

Consideration on second reading of an ordinance vacating a portion of a utility easement on Lot 2, Block 1, of the amended plat of Lots 1 and 2, Block 1, Ferrero First Addition, City of Loveland, Larimer County, Colorado

A legislative action to consider an ordinance on second reading vacating a 450 square foot utility easement located on Lot 2, Block 1 of the Amended Plat of the Ferrero First Addition. The applicant is DS Constructors, LLC representing the Larimer County Food Bank. On July 19, 2011, City Council unanimously adopted the ordinance on first reading.

3. FINANCE

MUNICIPAL CODE AMENDMENT REGARDING CONSTRUCTION CONTRACTS

Consideration on second reading of an ordinance amending the Loveland Municipal Code at Section 3.12.140 concerning performance and payment bonds required for construction contracts, and Section 3.12.150 concerning retainage held on construction contracts

This is a legislative action to adopt an ordinance amending the Loveland Municipal Code at Section 3.12.150 concerning retainage held on construction contracts to be consistent with House Bill 11-1115, which will go into effect on August 10, 2011. The ordinance will also amend the Loveland Municipal Code at Section 3.12.140 concerning performance and payment bonds held on construction contracts to increase the threshold for requiring bonds from \$50,000 to \$100,000. On July 19, 2011, City Council unanimously adopted the ordinance on first reading.

4. AIRPORT

SUPPLEMENTAL APPROPRIATION – AIRPORT TERMINAL BUILDING

Consideration on second reading of an ordinance enacting a Supplemental Budget and Appropriation to the 2011 Ft. Collins-Loveland Airport budget for the purchase of a modular building

This is an administrative action. The ordinance if approved will appropriate funds from the airport funding subject to future Federal reimbursement for an addition to the holding area in the terminal. Fund balance is available to meet the requirement. On July 19, 2011, City Council unanimously adopted the ordinance on first reading as an item.

5. PUBLIC WORKS

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – SCHOOL CROSSING GUARD

Consideration on first reading of an ordinance enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland budget for a new school crossing guard at 29th Street and Madison Avenue.

This is an administrative action. The ordinance appropriates funds for a new school crossing guard at the beginning of the new school year. Undesignated fund balance is used to fund the appropriation. The amount is for one quarter of the annual cost and begins in the Fall of 2011. The annual cost is estimated at \$5,000 and will need to be added to the 2012 budget.

6. INFORMATION TECHNOLOGY

PUBLIC HEARING

DISSOLVE COMMUNICATIONS TECHNOLOGIES COMMISSION

Consideration on first reading of an ordinance amending the Loveland Municipal Code at Section 2.60.070 to dissolve the Communications Technologies Commission

This is a legislative action to dissolve the Communications Technologies Commission based on reviews conducted for all Boards and Commissions as part of the financial sustainability project.

**7. DEVELOPMENT SERVICES
CDBG ANNUAL ACTION PLAN**

Consideration of Resolution #R-47-2011 of the City Council of the City of Loveland, Colorado approving a Community Development Block Grant Annual Action Plan and Grant Application for 2011 – 2012

This item is an administrative action to adopt a resolution approving the 2011-2012 Community Development Block Grant (CDBG) Annual Action Plan to allow the City to receive and distribute CDBG funds.

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

**8. FINANCE
PUBLIC HEARING
BALLOT MEASURE FOR NOVEMBER 1, 2011 ELECTION**

Consideration on first reading of an ordinance submitting to the registered electors of the City of Loveland at the City's Regular Election to be held on November 1, 2011, the Ballot Issue of whether, without creating any new tax or increasing the rate of any existing tax, the City of Loveland shall be permitted, beginning in 2013 and each year thereafter, to collect, retain and spend all city revenues in excess of the spending, revenue and other limitations in Article X, Section 20 of the Colorado Constitution to be used for Police and Fire, Street Construction and Maintenance, and Parks Construction and Maintenance

This is an administrative action to refer a ballot measure to allow the City to retain revenue in excess of the TABOR (State Constitutional Amendment) revenue limits beginning January, 2013.

9. **BUSINESS DEVELOPMENT**

FEE WAIVERS – WOOD GROUP POWER PLANT SERVICES, INC

Consideration of Resolution #R-48-2011 waiving certain permit and development fees for Wood Group Power Plant Services, Inc

This is an administrative action. Wood Group has requested City Council consideration of a \$13,835.00 economic incentive package for the expansion of the company located at 591 West 66th Street.

10. **DEVELOPMENT SERVICES**

PUBLIC HEARING

MUNICIPAL CODE AMENDMENT REGARDING AFFORDABLE HOUSING

Consideration on first reading of an ordinance amending the Loveland Municipal Code at Section 16.08.010, Section 16.38.085, and Chapter 16.43 regarding Affordable Housing

A public hearing to consider a legislative action to adopt an ordinance on first reading to amend Title 16 as follows:

- Adds language to the definition of “affordable housing development” and establishes the date which a development is officially designated an “affordable housing development”
- Establishes that fees calculated under Section 16.38.085 are valid for only five years and thereafter can only be calculated based on the development fee schedule in affect a maximum of five years prior (“five-year rolling lock”)
- Adds language to establish the expiration date of the “affordable housing development” designation
- Establishes that if at any time the development fees applicable to the market rate housing units are lower than for the “affordable housing development”, then the developer is entitled to the lower fees
- Adds a new section establishing that applications for a designation of an “affordable housing development” must obtain a recommendation from the Affordable Housing Commission and final approval by City Council
- Adds language allowing the Director of Development Services to approve the final location of affordable housing units, provided the locations are in substantial conformance with those shown on the preliminary subdivision plat approved by the Planning Commission

11. **FINANCE**

JUNE 2011 FINANCIAL 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 six months ending June 30, 2011.

12. **CITY MANAGER**

INVESTMENT REPORT FOR JUNE 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 half of 2011, the amount posted to the investment account is \$1,944,127 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection by \$362,562. Based on June’s monthly statement, the estimated annualized yield on the U.S. agencies and corporates slipped to 1.63%, which is under the annual target rate. The slippage is due to \$44 million of called bonds. Most of the \$44 million will be reinvested. Interest rates are trending lower, but annual returns should still meet the target.

ADJOURN