

LOVELAND CITY COUNCIL MEETING
TUESDAY, FEBRUARY 7, 2012
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

ROLL CALL

PRESENTATION FROM MISS LOVELAND VALENTINE 2012 – MARY ASKHAM

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. **CITY CLERK**
 APPROVAL OF COUNCIL MINUTES
 Consideration of a motion approving Council minutes
 This is an administrative action to approve Council minutes from the January 10, 2012 study session, January 17, 2012 regular meeting and January 24, 2012 study session.
2. **CITY MANAGER**
 BOARD & COMMISSION APPOINTMENTS
 Consideration of a motion appointing members to the Human Services Commission and the Police Citizen Advisory Commission
 This is an administrative item recommending the appointment of Melody Bettenhausen to the Human Services Commission for a partial term effective until June 30, 2012. Recommended for reappointment to the Police Citizen Advisory Commission are Erin Frisch,

Pat Kistler and John Tindall each for three year terms effective until December 31, 2014. Tony Adams is recommended as an alternate member to the Police Citizen Advisory Commission for a one year term effective until December 31, 2012.

3. **DEVELOPMENT SERVICES**
SUPPLEMENTAL APPROPRIATION – STATE HISTORICAL GRANT (PULLIAM BUILDING)

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for a State Historical Fund grant to fund a structural assessment of the Pulliam Building

This is an administrative action to adopt an ordinance on second reading appropriating funds in the amount of \$14,715 from a State Historical Fund grant to complete a historic structural assessment of the Pulliam Community Building. City Council adopted the ordinance on first reading as an item on the consent agenda on January 17, 2012.

4. **FINANCE**
SUPPLEMENTAL APPROPRIATION – COSTS INCURRED WITH AGILENT PROPERTY PURCHASE

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to appropriate a portion of the proceeds from the Agilent property sale

This is an administrative action. A portion of the proceeds from the sale of the Agilent property is appropriated to the Council Incentive Account for carrying costs incurred prior to the sale and appropriation for the carrying costs approved in the 2012 budget are transferred for the payment of 2011 property taxes on the property payable in 2012 and to reimburse the Council Incentive Account for the balance. On January 17, 2012 City Council unanimously approved the ordinance on first reading.

5. **ECONOMIC DEVELOPMENT**
SUPPLEMENTAL APPROPRIATION OF DEVELOPER FUNDS (RIALTO BRIDGE PROJECT)

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to appropriate the developer's contribution to the Rialto Bridge construction project

This is an administrative action. The ordinance appropriates the developer funds to be disbursed by the City (\$1,114,000). The developer, Rialto Bridge LLC will contribute \$1,114,000 to the Rialto Bridge Project as required by the Development Agreement for construction costs associated with the project. This is not a deviation from the existing budget and the project is not seeking an additional appropriation from the City funds. In addition, the City, as per the Development Agreement, required a signed and fully executable letter of credit from Rialto Bridge, LLC for \$1,114,000 to ensure performance. The appropriation is funded from revenues contributed by a private entity. On January 17, 2012 City Council unanimously approved the ordinance on first reading.

6. **CITY MANAGER**
PUBLIC HEARING
MUNICIPAL CODE AMENDMENT – CHANGE TO SENIOR ADVISORY BOARD MEMBERSHIP

Consideration on first reading of an ordinance amending Section 2.60.240 of the Loveland Municipal Code pertaining to the Senior Advisory Board

A public hearing to consider a legislative action to adopt an ordinance on first reading amending Section 2.60.040 relating to the Senior Advisory Board membership. At its January 4, 2012 meeting, the Senior Advisory Board approved a motion to accept the

resignation of the Volunteers of America from the Senior Advisory Board. A separate motion was then unanimously approved to recommend that a position for the Loveland Housing Authority be created and this recommendation be forwarded to City Council for consideration.

7. **DEVELOPMENT SERVICES**

STREET NAME EXCEPTION IN MARIANA BUTTE 25TH SUBDIVISION

Consideration of Resolution #R-7-2012 regarding street name exception to Section 12.08.100 of the Loveland Municipal Code within the Mariana Butte PUD legally described as Lot 1 Block 12 Mariana Butte Seventh Subdivision and a portion of Tract A Mariana Butte PUD First Subdivision, all situated in the southwest quarter of Section 16, Township 5 North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado

A legislative action to grant an exception to the street naming convention for a street within the Mariana Butte 25th Subdivision.

8. **DEVELOPMENT SERVICES**

FEE WAIVERS FOR LOVELAND HABITAT FOR HUMANITY

Consideration of Resolution #R-8-2012 waiving certain development fees for construction of eight residences by Loveland Habitat for Humanity

This is an administrative action. Loveland Habitat for Humanity is requesting waiver of all development, capital expansion, and enterprise fees for the construction of eight new single family dwellings in 2012. The total fee estimate for all eight dwellings is \$211,347.51. The total fee waiver would be \$192,607.44. Habitat for Humanity would pay the remaining \$18,740.07. Fees for the six dwellings in the Willow Park Subdivision were calculated using the 2009 fee schedule because this project was designated as an affordable housing development in 2009. Fees for the two dwellings in the Wards 3rd Subdivision were calculated using the 2012 fee schedule. \$65,000 was appropriated in the 2012 budget to backfill enterprise system impact fees waived by the proposed resolution. An additional \$127,607.44 in development and capital expansion fees would be waived by the resolution and are not required to be backfilled.

9. **PUBLIC WORKS**
PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION - FLEET REPLACEMENT OF A ROADWAY MOWING TRACTOR

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the fleet replacement of a roadway mowing tractor

This is an administrative action. The ordinance appropriates \$78,000 in reserve for the replacement of the Street Division's 1998 Massey flail mower, originally scheduled for replacement in 2013. Budget impact is neutral because all replacement capital is already accrued in the Fleet Fund and available for appropriation.

10. **WATER & POWER**

AMEND RATE SCHEDULE TS (Transmission Voltage Service)

Consideration on first reading of Resolution #R-9-2012 adopting Rate Schedule TS, Transmission Voltage Service, and superseding all prior resolutions establishing former Rate Schedule IP, Interruptible 115 kV Transmission Voltage Service

This is an administrative action to amend Rate Schedule IP of the 2012 Water and Power Schedule of Rates, Charges and Fees.

11. **CULTURAL SERVICES**
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR DONATION TO RIALTO THEATER CENTER
Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for equipment at the Rialto Theater Center
 This is an administrative action to appropriate funds of \$127,500 secured by the Rialto Theater Guild for needed furniture and equipment for the Rialto Theater Center. At the time City Council approved the construction of the Rialto Theater Center, a commitment was made by staff and the Rialto Theater Guild to secure funding for needed furniture and equipment. With generous support from the community the funding goal has been met.

12. **FIRE & RESCUE**
LOVELAND FIRE RESCUE AUTHORITY BYLAWS
Consideration of Resolution #R-10-2012 approving the Loveland Fire Rescue Authority Bylaws
 This is an administrative action to consider approval of the Loveland Fire Rescue Authority (LFRA) Bylaws approved by the Loveland Fire Rescue Authority Board (Board) on January 12, 2012. The objective of the document is to define policies governing the responsibilities and duties of the Fire Authority Board consistent with the terms and conditions of the IGA.

13. **ECONOMIC DEVELOPMENT**
FEE DEFERRAL AGREEMENT WITH ADVANCED MANUFACTURING FOR BOTTLES, INC.
Consideration of Resolution #R-11-2012 approving Advanced Manufacturing for Bottles, Inc. fee deferral agreement
 This is an administrative action. At the January 10th, 2012 study session, the City Council directed staff to return to a City Council meeting for formal consideration and adoption of a 36 month development fee and use tax deferral of payment for the expansion of the AMT manufacturing facility located at 3950 Patton Ave.

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

14. DEVELOPMENT SERVICES

PUBLIC HEARING

MAINTENANCE OF HOA OPEN LANDS WITHIN GARDEN GATE SUBDIVISION APPEAL

Consideration of an appeal filed by Bruce W. Cromwell on December 6, 2011 of a decision made by the Planning Commission on November 28, 2011

A public hearing to consider a quasi-judicial action to reverse or uphold a decision made by the Planning Commission denying an appeal of an administrative decision by the Director. The Director's decision concerned the maintenance of HOA open lands within the Garden Gate Subdivision. The appellant, Mr. Cromwell, is a resident of the Garden Gate neighborhood. Mr. Cromwell contends that the Planning Commission erred in its decision, failing to fully consider relevant facts and failing to specify the conditions associated with their decision. As a de novo hearing, the presentation of new and additional evidence is permitted and City Council may reverse, uphold, or modify the decision of the Planning Commission.

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