

LOVELAND CITY COUNCIL MEETING
TUESDAY, FEBRUARY 21, 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

PROCLAMATION DECLARING FEBRUARY 19 – 25, 2012 AS “NATIONAL ENGINEERS WEEK”

PROCLAMATION DECLARING THE MONTH OF FEBRUARY, 2012 AS “CAREER & TECHNICAL EDUCATION MONTH”

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 31, 2012 study session and February 7, 2012 regular meeting.

2. **CITY MANAGER**
 MUNICIPAL CODE AMENDMENT – CHANGE TO SENIOR ADVISORY BOARD MEMBERSHIP

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

This is a legislative action to adopt an ordinance on second 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. City Council unanimously approved the ordinance on first reading on February 7, 2012.

3. PUBLIC WORKS

SUPPLEMENTAL APPROPRIATION - FLEET REPLACEMENT OF A ROADWAY MOWING TRACTOR

Consideration on second 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. City Council unanimously approved the ordinance on first reading on February 7, 2012.

4. CULTURAL SERVICES

SUPPLEMENTAL APPROPRIATION FOR DONATION TO RIALTO THEATER CENTER

Consideration on second 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. At the February 7, 2012 meeting City Council unanimously approved the ordinance on first reading.

5. WATER & POWER

AMEND RATE SCHEDULE TS (Transmission Voltage Service)

Consideration on second 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.

6. WATER & POWER

PUBLIC HEARING

MUNICIPAL CODE AMENDMENT – CROSS CONNECTION CONTROL

Consideration on first reading of an ordinance amending Title 13 of the Loveland Municipal Code by the addition of a new Chapter 13.06 regarding Cross Connection Control

This is a legislative action. This ordinance amends Title 13 of the Loveland Municipal Code by creating a new Chapter 13.06 regarding cross connection control. At the January 31, 2012 Council Study Session, City staff received direction to bring forward, at a subsequent

regular meeting, the Cross Connection Control Program (CCCP) ordinance for formal City Council consideration.

7. **FINANCE**

AWARD FUEL CONTRACT FOR 2012

Consideration of a motion awarding a contract for fuel and fuel delivery services to Gray Oil Company, Inc. in the amount of \$1,500,000, and authorizing the City Manager to sign the contract on behalf of the City

This is an administrative action to approve a contract with Gray Oil Company, Inc. for \$1,500,000 for diesel and unleaded fuel purchases for various City locations including the vehicle maintenance fueling center, golf courses, treatment plants, and airport for 2012. Budget dollars are available in various departments with the bulk, \$1,122,750, in the Vehicle Maintenance Fleet Operations Fund.

8. **PARKS & RECREATION**

**SUPPORT OF GRANT APPLICATION TO COMPLETE MEHAFFEY PARK
Consideration of Resolution #R-12-2012 supporting the grant application for a Local Parks and Outdoor Recreation grant from the State Board of the Great Outdoors Colorado Trust Fund and completion of Mehaffey Park**

This is an administrative action. This Resolution authorizes the City Manager to execute a grant agreement with the State of Colorado, specifically for a Great Outdoors Colorado (GOCO) grant, if awarded to the City of Loveland. The grant requested is for \$350,000 and will provide approximately 35% of the funding necessary to construct the skate park, disc golf course, and tennis and pickle ball courts at Mehaffey Park. The resolution is in the form requested by GOCO.

9. **PARKS & RECREATION**

SUPPORT OF GRANT APPLICATION FOR THE RIVER CORRIDORS INITIATIVE

Consideration of Resolution #R-13-2012 supporting the grant application for a River Corridors Initiative grant from the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for the acquisition and development of open lands and trail corridors and development of the HP/Agilent Open Space site and trail connections

This is an administrative action. This resolution authorizes the City Manager to execute a grant agreement with the State of Colorado, specifically for a GOCO grant, if awarded to the City of Loveland. The grant request is for approximately \$3.5M and could be awarded at up to 75% of the total funding necessary to acquire land and trail corridors along the Big Thompson River and to develop the HP/Agilent Open Space site and trail connections to complete the project. The resolution is in the form requested by GOCO.

10. **HUMAN RESOURCES**

INCREASE MEMBERSHIP OF BOARD OF TRUSTEES OF FIRE RETIREMENT PLAN

Consideration of Resolution #R-14-2012 a resolution amending the City of Loveland Fire Department Money Purchase Pension Plan and Trust to increase the size of the Board of Trustees from five to seven members

This is an administrative action. The Fire Retirement Board is requesting Council approve the resolution to increase the size of the Board of Trustees of the Fire Retirement Plan.

11. **ECONOMIC DEVELOPMENT**

CITY OF LOVELAND ECONOMIC DEVELOPMENT STRATEGIC PLAN

Consideration of Resolution #R-15-2012 adopting the City of Loveland Economic Development Strategic Plan (February 2012)

This is a legislative action to consider a resolution adopting the City of Loveland Economic Development Strategic Plan. At the January 31st, 2012 study session the City Council

directed staff to bring the draft economic development strategy to a City Council meeting for formal adoption as the City's five year action plan for economic development efforts.

12. ECONOMIC DEVELOPMENT

CITY OF LOVELAND INCENTIVE POLICY

Consideration of Resolution #R-16-2012 adopting the City of Loveland Incentive Policy (February 2012)

This is a legislative action to consider a resolution adopting the City of Loveland Incentive Policy. At the January 31st, 2012 study session the City Council directed staff to bring the draft City of Loveland Incentive Policy to a council meeting for formal adoption as the City's policy regarding qualifications and process for requesting business assistance.

13. FIRE & RESCUE

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FROM A FEDERAL ASSISTANCE TO FIREFIGHTERS GRANT

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the replacement of self-contained breathing apparatus and automated external defibrillators from a Federal Assistance to Firefighters Grant

This is an administrative action. The ordinance appropriates \$559,430 in funds from a federal grant and the local match for the replacement of breathing apparatus and defibrillating equipment. Staff is recommending the adoption of the ordinance to allow the department to take advantage of the tremendous cost savings and the leveraging of available dollars for the purchase of critically needed safety equipment.

14. WATER & POWER

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FOR COLORADO-BIG THOMPSON PROJECT WATER

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for the purchase of units of the Colorado-Big Thompson (CBT) Project Water

This is an administrative action to consider an ordinance on first reading enacting a supplemental budget and appropriation to the 2012 City of Loveland budget in the amount of \$2,506,600 for purchase of Colorado-Big Thompson Project (CBT) water.

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

15. FINANCE

DECEMBER 2011 FINANCIAL REPORT

This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the twelve months ending December 31, 2011.

16. CITY MANAGER

INVESTMENT REPORT FOR DECEMBER 2011

This is an information only item. The budget estimate for investment earnings for 2011 is \$3,163,290. For the year 2011, the amount posted to the investment account is \$3,283,125 including realized gains. Actual year-to-date earnings are *higher* than the year-to-date projection by \$119,835. Based on December's monthly statement, the estimated annualized yield on the U.S. agencies and corporates was up to 1.75%, under the annual target rate of 2% for 2011. Reinvestment rates are still significantly lower than the first-half of 2011.

17. DEVELOPMENT SERVICES

PUBLIC HEARING

VACATION OF A PORTION OF A PUBLIC RIGHT-OF-WAY - WARNOCK ADDITION (DAIRY QUEEN)

Consideration on second reading of an ordinance vacating a portion of a public right-of-way located in Block 1 of the Warnock Addition, City of Loveland, Larimer County, Colorado

A legislative action to consider an ordinance on second reading vacating a portion of public alley right-of-way located in Block 1 of the Warnock Addition. The subject property is generally located on the south side of Eisenhower Boulevard between Lincoln Avenue and Jefferson Avenue. The portion of alley that would be vacated bisects property owned by Craig Lindberg, owner of the Dairy Queen restaurant at this location.

18. POLICE

PUBLIC

HEARING

MUNICIPAL CODE AMENDMENT - PAWNBROKER LICENSING & REGULATION

Consideration on first reading an ordinance repealing and reenacting Chapter 5.28 of the Loveland Municipal Code regarding pawnbrokers to license and regulate pawnbrokers and pawnbroker operations

This is a legislative action. Adoption of the ordinance would make it unlawful for any person to engage in pawnbroker operations in the City of Loveland unless a pawnbroker license has been issued by the City Clerk pursuant to the requirements of Chapter 5.28.

19. **DEVELOPMENT SERVICES**
LOVELAND HISTORIC SITES INVENTORY
Consideration of Resolution #R-17-2012 approving the updated Loveland Historic Sites Inventory as an amendment to the Loveland Historic Preservation Plan
This item is an administrative action to adopt a resolution adding 37 properties to the Loveland Historic Sites Inventory (the "Inventory"). The Inventory is part of the Historic Preservation Plan, which was adopted in 2002. The Inventory is a database that maintains a record of all properties in Loveland that have been surveyed. Demolition permits for those properties in the Inventory that have been determined to be potentially eligible for designation as a historic landmark are subject to review by the Historic Preservation Commission.
20. **ECONOMIC DEVELOPMENT**
CITY OF LOVELAND TECHNOLOGY TRANSFER ACCELERATION INITIATIVE
Consideration of a motion to approve the use of City Council incentive funds for a citywide technology transfer effort for primary employers
This is an administrative action. The City of Loveland economic development strategy states the number one goal for the city is to "Make Loveland the heart of innovation and creativity in Colorado." City economic development staff and local primary employers are requesting the Loveland City Council use \$150,000.00 of the Council economic development incentive fund to seed an accelerated technology transfer program citywide.

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