

LOVELAND CITY COUNCIL MEETING  
TUESDAY, MAY 17, 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

ROLL CALL

PROCLAMATION DECLARING JUNE 7, 2011 AS "NATIONAL TRAILS DAY"

PROCLAMATION DECLARING MAY 15, 2011 AS "PEACE OFFICERS' MEMORIAL DAY"

PRESENTATION / INTRODUCTION FROM LARIMER COUNTY SHERIFF JUSTIN SMITH

PRESENTATION – SPRING PARK UPDATE (ROCKY MOUNTAIN NATIONAL PARK)

*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) April 26, 2011 Special Meeting
  - b) April 26, 2011 Study Session
  - c) May 3, 2011 Regular Meeting

2. **POLICE**  
**MUNICIPAL CODE AMENDMENT - PANHANDLING**  
**Consideration on second reading of an ordinance amending City Code Section 9.30.030 concerning panhandling and solicitations on or near public streets and highways**  
This is a legislative action intended to further regulate the physical presence of panhandlers and solicitors on and around public roadways, which presence creates public safety issues for the panhandlers, solicitors and motorists. City Council unanimously approved this item on first reading on May 3, 2011.
3. **PUBLIC WORKS**  
**CONTRACT AMENDMENT #2 – CITY PROPERTY, N. TAFT AVENUE**  
**Consideration on second reading of an ordinance approving Amendment Number Two to contract to buy and sell City property located at 905, 915, 925, 933 and 935 N. Taft Avenue**  
This is an administrative action to consider an ordinance on first reading approving a contract extension to sell approximately 5.2 acres of City-owned property located at 905, 915, 925, 933, and 935 N. Taft Ave., which are parcels acquired for the Taft Ave. widening project. The original contract approved on December 1, 2009 was contingent upon approval of a final plat by January 1, 2012 and this deadline is extended to April 20, 2012 by this Amendment. City Council unanimously approved this item on first reading on May 3, 2011.
4. **CITY MANAGER**  
**APPOINTMENT TO NORTH FRONT RANGE METROPOLITAN ORGANIZATION AIR QUALITY TECHNICAL COMMITTEE**  
**Consideration of a motion to appoint Irene Fortune as the City of Loveland representative to the North Front Range Air Quality Technical Committee**  
This is an administrative item appointing a citizen member to the NFRMPO Air Quality Technical Committee. The NFRMPO invited the City of Loveland and their other members to appoint a technical member to the newly forming North Front Range Air Quality Technical Committee ("AQTC".) The ACTC will provide scientific and technical information to the NFRMPO Planning Council regarding air quality issues and air pollution reduction measures.
5. **WATER & POWER**  
**APPOINTMENT TO PLATTE RIVER POWER AUTHORITY BOARD OF DIRECTORS**  
**Consideration of a motion appointing Steve Adams to serve as the appointed director from Loveland on the Platte River Power Authority Board of Directors**  
This is an administrative action to appoint Steve Adams, Interim Director of Water & Power, to serve as the Appointed Director from Loveland on the Platte River Power Authority ("PRPA") Board of Directors. Steve Adams will fill the vacancy created when Ralph Mullinix retired, and he will serve in this capacity until December 31, 2013, or a new Director of Water & Power is hired and appointed to serve as Loveland's Appointed Director to the PRPA Board of Directors.
6. **DEVELOPMENT SERVICES**  
**PUBLIC HEARING**  
**MUNICIPAL CODE AMENDMENT – TITLE 6 ANIMALS**  
**Consideration on first reading of an ordinance amending Title 6 of the Loveland Municipal Code regarding animals by adding a new section 6.16.170 to require proper tethering of animals and a new Subsection G to Section 6.20.010 to require adequate fencing for animals**

A public hearing to consider a legislative action to adopt an ordinance on first reading amending Title 6 of the Loveland Municipal Code to include additional provisions to: (i) prohibit the tethering of an animal in a manner that is likely to cause bodily injury to the animal; and (ii) require that fences intended to enclose an animal be properly and adequately constructed to secure the animal within the fenced area and that the fence be kept in good repair.

7. **DEVELOPMENT SERVICES**

**PETITION FOR ANNEXATION MOTORPLEX ENTRY ADDITION**

**Consideration of Resolution #R-30-2011 finding a certain petition for annexation known as Motorplex Entry Addition, filed April 28, 2011, to be in substantial compliance with Section 30 of Article II of the Colorado Constitution and with the requirements of §31-12-107(1), C.R.S.; and establishing a date, time, and place for a hearing to determine whether the proposed annexation complies with the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the City of Loveland, Colorado**

A legislative action to adopt a resolution that makes findings of facts regarding certain statutory requirements for the proposed Motorplex Entry Addition, and setting a public hearing on June 21, 2011.

8. **PARKS & RECREATION**

**RESIDENTIAL LEASE AGREEMENTS**

**Consideration of Resolution #R-31-2011, approving residential lease agreements with Adam Clark and Greg Hays**

This is an administrative action to consider a resolution approving Residential Lease Agreements with Adam Clark (Viestenz-Smith Mountain Park Caretaker) and Greg Hays (Loveland Burial Park/Lakeside Cemetery Caretaker), both Parks and Recreation Department employees. The real properties to be leased consist of one City-owned house and a storage shed located at 1211 West Highway 34 (site of the City's hydro-electric plant and mountain park) and one City-owned house and a storage shed located at 1702 North Cleveland Avenue (site of the City's Loveland Burial Park).

9. **AIRPORT**

**CH2M HILL, INC CONTRACT AMENDMENT #13**

**Consideration of a motion approving Amendment No. 13 to contract dated February 1, 2007 between CH2M Hill, Inc. and the Cities of Loveland and Fort Collins, and authorizing the City Manager to execute Amendment No. 13.**

This is an administrative action to approve an amendment to an existing contract with CH2M Hill for construction management for the FAA Project AIP29. CH2M Hill's Amendment No. 13 is for \$487,068.00. The Airport's 2011 approved budget contains the necessary appropriations for the expenditure for this Amendment and is reimbursable from the FAA under the AIP 29 grant. The local matching funds necessary for the FAA reimbursement is \$24,353.40 and will come from the Airport's fund balance.

10. **PUBLIC WORKS**

**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION TRAFFIC SIGNAL UPDATES**

**Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for traffic signal upgrades in the US 34, Wilson Avenue, and Taft Avenue corridors**

This is an administrative action for consideration of an ordinance on first reading. The ordinance appropriates additional funding from a federal Congestion Mitigation and Air

Quality (CMAQ) grant for traffic signal equipment upgrades along the US 34, Wilson Avenue and Taft Avenue Corridors in Loveland. The contract between the City of Loveland and CDOT was approved by City Council at the December 7, 2010 meeting. The original grant of \$120,000 was for the US 287 Corridor and the supplemental was approved by Council on second reading at the February 1, 2011 meeting. The additional funding in this supplemental budget and appropriation request is \$125,000, bringing the total federal funds for this project to \$245,000.

11. **PUBLIC WORKS**  
**PUBLIC HEARING**

**MESSAGE SIGNAGE AND TRAFFIC SIGNAL IMPROVEMENTS**

1. **Consideration of Resolution #R-32-2011, approving an Intergovernmental Agreement between the City of Loveland, Colorado, and the Colorado Department of Transportation for variable message signage in the I-25 / US 34 and I-25 / Crossroads areas**
2. **Consideration of Resolution #R-33-2011, approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Colorado Department of Transportation for Traffic Responsive Signal Timing Improvements in the I-25 / US 34 and Crossroads / Centerra areas**
3. **Consideration on first reading of an ordinance on enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for installation of variable message signage and traffic responsive signal timing plans and improvements**

These are administrative actions to consider:

1. Two resolutions approving Intergovernmental Agreements between the City of Loveland and the Colorado Department of Transportation (CDOT) for projects funded by the Federal Congestion Mitigation and Air Quality (CMAQ) program (installation of variable message signage (VMS) in the I-25 / US 34 and I-25 / Crossroads areas and traffic responsive signal timing and related improvements in the I-25 / US 34 and I25/Crossroads/Centerra areas).
2. First reading of an ordinance to appropriate federal grant funds for the projects included in the Intergovernmental Agreements.

12. **PUBLIC WORKS**  
**PUBLIC HEARING**

**SUPPLEMENTAL APPROPRIATION - IMPROVEMENTS TO TRANSIT CENTER & BUS REPLACEMENT**

**Consideration on first reading of an ordinance enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland Budget for improvements to the Orchards Regional Transit Center and the replacement and retrofit of one bus with Lightning Hybrid**

This is an administrative action to consider an ordinance on First Reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for improvements to the Orchards Regional Transit Center and the replacement and retrofit of one bus with Lightning Hybrid. The projects are funded with Federal and State Grants, with the local match from a reallocation of Transportation Capital funds and fund balance in the Fleet Fund. The total project cost for the Orchards Regional Transit Center is \$280,700 which includes \$224,500 in state funding and a local match of \$56,200. The total project cost of the Lightning Hybrid Bus Retrofit is \$148,320 which includes \$103,360 in federal funding and a local match of \$44,960.

**13. WATER & POWER  
PUBLIC HEARING**

**MUNICIPAL CODE AMENDMENT – COMMERCIAL WASTEWATER CHARGE**

**Consideration on first reading of an ordinance amending the Loveland Municipal Code at Section 13.08.100 concerning the wastewater charge and authorizing a refund to certain nonresidential wastewater customers who receive metered water service from non-City providers**

This is a legislative action. Staff is seeking to change the way we bill our commercial wastewater customers who receive their water from another water utility. Currently, these customers are being billed a flat rate which is based on the overall average monthly water consumption for the commercial rate class. We are proposing instead to obtain their actual water consumption from their water utility, and bill for their wastewater service based on their actual water consumption.

**14. DEVELOPMENT SERVICES**

**FEE WAIVERS FOR FOOD BANK FOR LARIMER COUNTY**

**Consideration of Resolution #R-34-2011 waiving fees for the Food Bank for Larimer County**

This is an administrative action to consider a resolution waiving fees in an amount not to exceed \$7,727.04 for the tenant finish of 2600 N. Lincoln Avenue by the Food Bank for Larimer County.

**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. **DEVELOPMENT SERVICES**  
**PUBLIC HEARING**  
**MUNICIPAL CODE AMENDMENT OFF-TRACK BETTING FACILITIES**  
**Consideration on first reading of an ordinance amending Title 18 of the Loveland Municipal Code to allow for Off-Track Betting Facilities in certain districts within the City of Loveland**  
A public hearing to consider a legislative action to adopt an ordinance on first reading amending Title 18 relating to off-track betting facilities.
16. **DEVELOPMENT SERVICES**  
**PUBLIC HEARING**  
**LOVELAND CLASSICAL SCHOOL**  
**Consideration on first reading of an ordinance approving an amendment to the annexation agreement for certain property located within the Church at Loveland Addition, City of Loveland, County of Larimer, Colorado**  
A public hearing to consider a legislative action for adoption of an ordinance on first reading to amend The Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14<sup>th</sup> Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14<sup>th</sup> Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is CDF Holdings, LLC.
17. **CITY MANAGER’S OFFICE**  
**PUBLIC HEARING**  
**ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES**  
**Consideration on first reading of an ordinance repealing Ordinance No. 5540 which suspended the annual inflation increases in capital expansion fees pursuant to Section 16.38.110 of the Loveland Municipal Code for 2011**  
This is an administrative action to consider an ordinance on first reading to repeal Ordinance No. 5540. Ordinance No. 5540 suspended the annual inflation increases to the capital expansion fees for 2011 pending the outcomes of a public comment process that was completed in April, 2011. The inflationary increases based on the construction cost index would have been 8.62%. Based on the suspension there was no increase in capital expansion fees for 2011. If this Ordinance is approved by a majority of Council, the fee increases would be effective beginning July 1, 2011.
18. **CITY MANAGER**  
**Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park**
19. **HUMAN RESOURCES**  
**ANNUAL EVALUATION REDEVELOPMENT PROCESS**  
**Consideration of a motion to appoint two Councilors to a subcommittee to participate in the development of a new evaluation process for appointed City officials**  
This is an administrative action to discuss and receive direction from Council regarding the annual performance evaluation redevelopment process used for appointed City officials.

**20. HUMAN RESOURCES**

**Executive Session for the purpose of discussing the City Manager's six month evaluation and discussion of lump sum merit distributions**

**21. HUMAN RESOURCES**

**LUMP SUM MERIT DISTRIBUTIONS**

**a) Consideration of Resolution #R-35-2011 of the Loveland City Council regarding the compensation of the City Attorney**

**b) Consideration of Resolution #R-36-2011 of the Loveland City Council regarding the compensation of the Municipal Judge**

This is an administrative action to approve the distribution of lump sum merit payments based on performance for the City Attorney and Municipal Judge.

**ADJOURN**