

**LOVELAND CITY COUNCIL MEETING
TUESDAY, MARCH 6, 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 MARCH 7, 2012 AS "NATIONAL EDUCATION ASSOCIATION'S READ ACROSS AMERICA DAY"

PRESENTATION OF FINANCE AWARD: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

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 MANAGER
 BOARD & COMMISSION APPOINTMENTS
 Consideration of a motion appointing members to the Affordable Housing Commission and the Senior Advisory Board
 This is an administrative item recommending the appointment of Ted Schlagenhauf as an alternate member to the Affordable Housing Commission for a term effective until**

June 30, 2012. The Senior Advisory Board recommends appointing Phoebe Hawley, representing the McKee Medical Center Seasons Club and Doris Helwig as the at-large-member representing Senior Singles, both for terms effective until March 6, 2014.

2. FIRE & RESCUE

SUPPLEMENTAL APPROPRIATION FROM A FEDERAL ASSISTANCE TO FIREFIGHTERS GRANT

Consideration on second 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. City Council unanimously approved the ordinance on first reading on February 21, 2012.

3. POLICE

MUNICIPAL CODE AMENDMENT - PAWNBROKER LICENSING & REGULATION

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

b) Consideration of Resolution #R-18-2012 amending the 2012 Schedule of Rates, Charges and fees for City Clerk services provided by the City of Loveland, Colorado to include licensing of pawnbrokers

There are two items; one is legislative and one is administrative. Adoption of the Ordinance is a legislative matter that would make it unlawful for any person to engage in pawn brokering in the City of Loveland except as provided in and authorized by this chapter and without first having obtained a license from the city clerk. Adoption of the resolution is an administrative matter that will amend the rates, charges and fees for services provided by the City of Loveland in 2012 to include pawnbroker licensing fees. On February 21, 2012, City Council approved the first reading of the ordinance unanimously.

4. WATER & POWER

MUNICIPAL CODE AMENDMENT – CROSS CONNECTION CONTROL

Consideration on second 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, City Council Study Session City staff received direction to bring forward the CCCP ordinance and program for formal City Council consideration at a subsequent regular meeting of City Council. City Council unanimously approved the ordinance on first reading on February 21, 2012.

5. **WATER & POWER**
SUPPLEMENTAL APPROPRIATION FOR COLORADO-BIG THOMPSON PROJECT WATER
Consideration on second 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 second 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. This item went to Council for first reading on February 21, 2012, where Council passed it unanimously.
6. **DEVELOPMENT SERVICES**
FINDINGS & CONCLUSIONS FOR GARDEN GATE APPEAL
Consideration of Resolution #R-19-2012 adopting findings and conclusions regarding appeal of the Planning Commission decision regarding maintenance practices for the Garden Gate First Subdivision
This is a quasi-judicial action to consider a resolution adopting findings and conclusions in support of the decision made by City Council on February 7, 2012 to deny an appeal of a decision by Planning Commission to deny an appeal of an administrative decision by the Director of Development Services addressing maintenance of open space tracts within the Garden Gate neighborhood. The director's decision was an interpretation of the Final Development Plan for Garden Gate First Subdivision Planned Unit Development.
7. **HUMAN RESOURCES**
AMENDMENT TO CITY OF LOVELAND POLICE RETIREMENT PLAN
Consideration of Resolution #R-20-2012 approving the 2012 amended and restated City of Loveland Police Retirement Plan
This is an administrative matter. The Police Pension Board is requesting Council approve the attached Restated Retirement Plan to approve two substantive amendments, correct clerical errors that have occurred over the course of various plan restatements, and incorporate changes required by the IRS. The two substantive amendments are:
(1) allow any Plan participant who has reached normal retirement age of fifty-five (55) to access his or her vested Plan balance; and
(2) allow Plan participants to make voluntary after-tax contributions to the Plan, subject to the maximum federal limits.
8. **CITY ATTORNEY**
PUBLIC HEARING
WATERFALL METROPOLITAN DISTRICT
Consideration of Resolution #R-21-2012 approving a material modification to the consolidated service plan for Waterfall Metropolitan Districts Nos. 1 and 2 permitting the exclusion of certain real property from the boundaries of Waterfall Metropolitan District No. 2
This is a legislative action. Adoption of the resolution would allow the Waterfall Metropolitan District No. 2 to exclude from its boundaries a 4.41 acre parcel of land recently purchased by the Loveland Housing Authority. Since Waterfall Metropolitan District No. 2 has not yet built any public improvements nor incurred any debt, removal of the Housing Authority's property from the boundaries of the District would not have

any adverse economic effect on the District or the City. In addition, since the Housing Authority's property will not be subject to real property taxes, removal of the property from the District would not affect District No. 2's future tax base.

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

9. CITY CLERK

APPROVAL OF COUNCIL MINUTES

Consideration of a motion approving Council minutes

This is an administrative action to approve Council minutes from the February 21, 2012 regular meeting. Councilor Taylor was not present at the February 21st meeting so this item was placed on the regular agenda.

10. CULTURAL SERVICES

ROOM NAMES IN RIALTO THEATER CENTER

Consideration of Resolution #R-22-2012 approving the recommendations of the Community Foundation of Northern Colorado and the Cultural Services Department regarding the naming of rooms located within the Rialto Theater Center

This is an administrative action requesting certain rooms in the city-owned spaces within the Rialto Theater Center be named for those persons and entities that made significant and generous contributions to the community and to the Rialto Theater Center.

11. **ECONOMIC DEVELOPMENT**
LEASE AGREEMENT WITH COMMUNITY FOUNDATION OF NORTHERN COLORADO
Consideration of Resolution #R- 23-2012 approving a lease agreement with the Community Foundation of Northern Colorado for the use of office space located within the Rialto Theater Center
This is an administrative action. As part of the \$700,000 contribution to the Rialto Theater Center project, the Community Foundation of Northern Colorado (CFNC) requested a small office space in the building to enhance their presence in Loveland. This was contemplated and approved by Council on February 15, 2011 as part of the appropriation for the Rialto Bridge project. The award letter is included as an attachment. The lease has been contemplated from the beginning of the project and the request was included in the award letter for the CFNC's contribution. The lease will be for ten years with an option to renew for an additional ten years.

12. **CITY MANAGER**
REPORT OF JANUARY 21, 2012 CITY COUNCIL ADVANCE
Consideration of a motion accepting and approving the Report of the City Council's Annual Advance held on January 21, 2012
This is an administrative action accepting and approving the Report of the City Council's Annual Advance held on January 21, 2012.

13. **FINANCE**
JANUARY 2012 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 January 31, 2012.

14. **CITY MANAGER**
INVESTMENT REPORT FOR JANUARY 2012
This is an information only item. The budget estimate for investment earnings for 2012 is \$ 2,729,560. For January 2012, the amount posted to the investment account is \$393,527 including realized gains. Actual year-to-date earnings are *higher* than the year-to-date projection by \$163,527. Based on January's monthly statement, the estimated annualized yield on the U.S. agencies and corporates was 1.56%, under the annual target rate of 1.7% for 2012. Reinvestment rates have trended downward significantly over the last eight months.

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