

**CALL TO ORDER** Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Roll was called and the following responded: Gutierrez, Farley, Klassen, Shaffer, Trenary, McEwen, Taylor and Fogle. Councilor McKean was absent.

**PROCLAMATION** Councilor Trenary read a proclamation declaring, March 7, 2012 as "National Education Association's Read Across America Day". The proclamation was received by Mary Lou Rogers, Media Specialist at Loveland High School.

**PROCLAMATION**

WHEREAS, National Engineers Week, founded in 1951 by the National Society of Professional Engineers, is always celebrated at the time of George Washington's birthday in February because he was our first president and a military engineer, and

WHEREAS, the purpose of National Engineers Week is to increase public awareness and appreciation of the engineering profession; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, the Engineers of the State of Colorado will actively help to maintain and sustain the vital infrastructure of our civilized and national environments; and

WHEREAS, engineers help America remain at the forefront of technological development and contribute to countless breakthroughs that improve the quality of life for people throughout the world.

NOW, THEREFORE, we, the Loveland City Council of the City of Loveland, do hereby proclaim February 19 through 25, 2012 as

**NATIONAL ENGINEERS WEEK**

in the City of Loveland.

Signed this 21st day of February, 2012

Cecil A. Gutierrez, Mayor

**PRESENTATION** Mayor Gutierrez presented Acting Finance Director Bonnie Steele and staff with the Certificate of Achievement for Excellence in Financial Reporting Award.

**PROCEDURAL INFORMATION**

Mayor Gutierrez made the following procedural announcement: 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**

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor McEwen moved to approve the Consent Agenda. The motion was seconded by Councilor Shaffer and a roll call vote was taken with all councilors present voting in favor thereof.

**1. CITY MANAGER**

**Board & Commission Appointments**

**Motion**

Administrative Action: The following appointments were approved:

Affordable Housing Commission:

Ted Schlagenhauf was appointed as an alternate member to the Affordable Housing Commission for a term effective until June 30, 2012.

Senior Advisory Board:

Phoebe Hawley was appointed as 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**

**Ordinance #5669**

Administrative Action: "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 " was approved and ordered published on second reading.

**3. POLICE**

**Municipal Code Amendment – Pawnbroker Licensing & Regulation**

**a) Ordinance #5670**

Legislative Action: "AN ORDINANCE REPEALING AND REENACTING CHAPTER 5.28 OF THE LOVELAND MUNICIPAL CODE REGARDING PAWNBROKERS TO LICENSE AND REGULATE PAWNBROKERS AND PAWNBROKER OPERATIONS" was approved and ordered published on second reading.

**b) Resolution #R-18-2012**

Administrative Action: 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 was approved.

**RESOLUTION # R-18-2012**

**A RESOLUTION 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**

WHEREAS, City Council adopted the rates, charges and fees for services provided by the City of Loveland (the "City") for calendar year 2012 in Resolution #R-62-2011, other than services provided by the Stormwater Enterprise and the Water and Power Department; and

WHEREAS, on March 6, 2012 City Council adopted an ordinance regulating pawnbrokers and pawnbroker operations to ensure the integrity and reputable business practices of current and future pawnbrokers operating within the City; and

WHEREAS, in order to cover the City's costs in administering and enforcing the pawnbroker licensing process the City must adopt annual fees set in an amount necessary to defray the city's actual and reasonable direct and indirect expenses related to such administration and enforcement; and

WHEREAS, the City Council finds that the proposed pawnbroker licensing fees set forth below are reasonable and necessary to protect the health, safety and welfare of the City's residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AS FOLLOWS:

Section 1. That all previous rates, charges and fees for services provided by the City Clerk are hereby reaffirmed and ratified.

Section 2. That City Clerk schedule of rates, charges and fees for 2012 is hereby amended to include pawnbroker licensing fees as follows:

CITY CLERK

Pawnbroker Licensing:

Application Fee	\$400.00
Annual License Fee	\$100.00
Annual License Renewal Fee	\$100.00
3-Year Manager's Certificate Fee	\$100.00
Transfer of License Application Fee	\$400.00
Section 5.28.220 Business Relocation Application Fee	\$225.00

Section 3. That this resolution shall take effect as of the dates of its adoption.

ADOPTED this 6<sup>th</sup> day of March, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

#### **4. WATER & POWER**

##### **Municipal Code Amendment – Cross Connection Control**

**Ordinance #5671**

Legislative Action: "AN ORDINANCE AMENDING TITLE 13 OF THE LOVELAND MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 13.06 REGARDING CROSS-CONNECTION CONTROL" was approved and ordered published on second reading.

#### **5. WATER & POWER**

##### **Supplemental Appropriation for Colorado-Big Thompson Project Water**

**Ordinance #5672**

Administrative Action: "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" was approved and ordered published on second reading.

#### **6. DEVELOPMENT SERVICES**

##### **Findings & Conclusions for Garden Gate Appeal**

**Resolution #R-19-2012**

Quasi-judicial Action: Resolution #R-19-2012 adopting findings and conclusions regarding appeal of the Planning Commission's decision regarding maintenance practices for the Garden Gate First Subdivision was approved.

RESOLUTION #R-19-2012

A RESOLUTION ADOPTING FINDINGS AND CONCLUSIONS REGARDING APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING MAINTENANCE PRACTICES FOR THE GARDEN GATE FIRST SUBDIVISION

WHEREAS, the Garden Gate First Subdivision located in southeast Loveland (the "Subdivision") encompasses approximately 69 acres and includes 181 single family homes; and

WHEREAS, the Subdivision is zoned Planned Unit Development and is subject to a Final Development Plan approved by the City on September 30, 2004 (the "FDP"); and

WHEREAS, the FDP sets forth development parameters for the improved and natural environments within the Subdivision, including requirements governing the landscaping of open space tracts now owned by the Garden Gate Homeowners' Association (the "HOA"); and

WHEREAS, the FDP includes requirements governing the specific open space, wetlands, and/or natural areas located in the southeastern portion of the Subdivision along either side of the Farmers' Ditch, the detention facility at the extreme southeastern corner of the Subdivision (next to a Platte River Power Authority substation), and along the south perimeter of the Subdivision, all of which are generally depicted on Exhibit A attached hereto and incorporated herein by this reference (the "Specified Open Space Tracts"); and

WHEREAS, the City received citizen complaints that the HOA was not maintaining the Specified Open Space Tracts in accordance with the FDP and Chapter 7.18 of the Loveland Municipal Code regarding weed control (the "Municipal Weed Ordinance") and the HOA requested clarification of its maintenance responsibilities for the Specified Open Space Tracts under the FDP from the Director of Development Services ("Director"); and

WHEREAS, on September 2, 2011, the Director issued his "Determination of Maintenance Practices for Designated Open Space Lands within the Garden Gate First Subdivision" (the "Director's Decision"); and

WHEREAS, pursuant Code Section 18.80.040, Mr. Bruce W. Cromwell, a resident of the Subdivision and a party-in-interest, filed a timely notice of appeal of the Director's Decision with the Loveland Planning Commission (the "Commission"); and,

WHEREAS, pursuant to Code Section 18.80.040.D and after due notice had been given, the Commission held a de novo public hearing on November 28, 2011 regarding the appeal of the Director's Decision; and,

WHEREAS, at the public hearing the recommendations of the Current Planning Division as set forth in the Planning Commission Agenda Item No. 2 dated November 28, 2011 and all attachments thereto (the "Staff Commission Report") regarding the Director's Decision were received and duly considered by the Commission, as was testimony from the appellant, Bruce W. Cromwell, representatives of the HOA, and other residents of the Subdivision; and

WHEREAS, at the close of the public hearing on November 28, 2011, the Commission adopted a motion denying the appeal, upholding the Director's Decision, and concluding that the Director properly interpreted and applied the applicable provisions of the Loveland Municipal Code subject to the condition that noxious weeds must be controlled in the Specified Open Space Tracts (the "Commission Decision"); and

WHEREAS, the Commission Decision was based on the findings set forth in Section VI of the Staff Commission Report; and

WHEREAS, pursuant to Code Section 18.80.050, Mr. Bruce Cromwell, a resident of the Subdivision and a party-in-interest, filed a timely notice of appeal of the Commission Decision to the City Council on December 6, 2011, on the grounds that the Director and the Commission failed to properly interpret and apply relevant provisions of the Municipal Code or other law as contemplated by Code Section 18.80.030 (the "Appeal"); and

WHEREAS, pursuant to Code Section 18.80.050.D and after due notice had been given, City Council held a de novo public hearing on February 7, 2012 regarding the Appeal, at which the recommendations of the Current Planning Division as set forth in Planning Staff Report dated February 7, 2012 and all attachments thereto (the "Staff Report") regarding the Appeal were received and duly considered by the Council, as was testimony from the appellant, Bruce W. Cromwell, representatives of the HOA, and other residents of the Subdivision; and

WHEREAS, City Council considered the Appeal, the Staff Report, and all testimony and evidence received at the public hearing in light of the intent and objectives of Chapter 18.41 of the Loveland Municipal Code and the FDP and determined that the Appeal should be denied and the Commission Decision should be upheld.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby finds that the Commission Decision to uphold the Director's Decision subject to condition that noxious weeds must be controlled in the Specified Open Space Tracts, was a proper interpretation and application of the approved FDP and the Municipal Weed Ordinance.

Section 2. That the City Council has concluded, on the basis of the findings set forth herein, that the Appeal is hereby denied, the Commission Decision is hereby upheld, and therefore the Director's Decision is upheld, subject to the condition that noxious weeds must be controlled in the Specified Open Space Tracts.

Section 3. That as of the date set forth below and in accordance with Code Section 18.80.050.D, this Resolution shall constitute the written findings and conclusions and final decision of the City Council with respect to the Appeal for purposes of any appeal of the City Council's decision to the Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 6th day of March, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **7. HUMAN RESOURCES**

### **Amendment to City of Loveland Police Retirement Plan**

#### **Resolution #R-20-2012**

Administrative Action: Resolution #R-20-2012 approving the 2012 amended and restated City of Loveland Police Retirement Plan was approved.

#### RESOLUTION # R-20-2012

#### A RESOLUTION APPROVING THE 2012 AMENDED AND RESTATED CITY OF LOVELAND POLICE RETIREMENT PLAN

WHEREAS, pursuant to City Council's Resolution #R-46-87, the City of Loveland (the "City") is the sponsor of that certain police pension benefit plan titled, "The Principal Mutual Life insurance Company Prototype Basic Defined Contribution Plan," as amended and restated prior to the date of this Resolution, (the "Plan"); and

WHEREAS, the Plan currently allows a Plan participant to access his or her Plan balance if the participant has reached normal retirement age of fifty-five (55) and is no longer a City employee; and

WHEREAS, the Plan also limits a participant's voluntary after-tax contributions to the Plan to no more than seven percent (7%) of his or her compensation; and

WHEREAS, on May 17, 2011, the City's Police Pension Board of Trustees (the "Board") voted to amend the Plan to allow any Plan participant who has reached normal retirement age of fifty-five (55) to access his or her vested Plan balance regardless of employment with the City, and to allow Plan participants to increase their voluntary after-tax contributions to the Plan, subject to the maximum federal limits (together, the "Proposed Amendments"); and

WHEREAS, the Board has obtained approval of the Proposed Amendments by at least sixty-five percent (65%) of active Plan participants and now seeks approval by the City; and

WHEREAS, City Council reviewed the Proposed Amendments at the January 24, 2011, City Council study session and directed City staff to present to Council for its consideration an amended and restated plan incorporating the Proposed Amendments; and

WHEREAS, the Proposed Amendments, certain federal law updates, removal of language inapplicable to the Plan, and corrections to clerical errors that have occurred since the Plan was approved by Council in 1987, have been incorporated into that certain "City of Loveland Police Retirement Plan 414(h) Plan CL2010, Restated March 1, 2012," a copy of which is attached as Exhibit A and incorporated by reference (the "2012 Restated Plan"); and

WHEREAS, City Council finds that the 2012 Restated Plan is reasonable and in the best interests of the City, its citizens and the Plan participants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, AS FOLLOWS:

Section 1. That the Plan, as originally approved in 1987, and all its amendments and restatements thereafter, are hereby ratified, approved and reaffirmed by the City Council. Notwithstanding the foregoing, the 2012 Restated Plan is hereby approved by City Council and the Plan, as originally adopted in 1987, together with all of the said Plan's subsequent amendments and restatements thereto occurring prior to the date of this Resolution, are hereby superseded and replaced in all respects as of the effective date of this Resolution by the 2012 Restated Plan.

Section 2. That the City Manager is hereby authorized and directed to execute the 2012 Restated Plan on behalf of the City subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 6th day of March, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **8. CITY ATTORNEY**

### **Waterfall Metropolitan District Resolution #R-21-2012 and Public Hearing**

Legislative Action: A public hearing was held and Resolution #R-21-2012 of the Loveland City Council 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.

#### RESOLUTION #R-21-2012

A RESOLUTION OF THE LOVELAND CITY COUNCIL 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

WHEREAS, pursuant to C.R.S. Section 32-1-204.5, the Loveland City Council ("City Council") approved the Consolidated Service Plan for Waterfall Metropolitan Districts Nos. 1 and 2 ("Service Plan") on April 1, 2008, in Resolution #R-32-2008; and

WHEREAS, Waterfall Metropolitan Districts Nos. 1 and 2 (the "Districts") were formed pursuant to C.R.S. Section 32-1-101 et seq., as amended, by order of the District Court for Larimer County, Colorado, and after approval of the eligible electors of the Districts at a regular election held on May 6, 2008, for the purpose of assisting in the financing and development of the area generally located in the northwest section of the intersection of Boyd Lake Avenue and U. S. Highway 34; and

WHEREAS, a significant portion of the property contained within the boundaries of Waterfall Metropolitan District No. 2 ("District No. 2") has been sold to the Housing Authority of the City of Loveland, Colorado (the "Housing Authority") and is exempt from the payment of ad valorem property taxes; and

WHEREAS, the property purchased by the Housing Authority is more particularly described as Lot 1, Block 1, Waterfall Sixth Subdivision to the City of Loveland, County of Larimer, State of Colorado, with a street address of 3601 E. 15th Street, Loveland, Colorado 80538 (the "Property"); and

WHEREAS, the Housing Authority has petitioned District No. 2 for the exclusion of the Property from the boundaries of District No. 2; and

WHEREAS, District No. 2 desires to exclude the Property from its boundaries and is requesting the City Council to approve the exclusion by adopting this Resolution; and

WHEREAS, the exclusion of the Property from the boundaries of District No. 2 represents of material modification of the Service Plan and requires City Council approval; and

WHEREAS, notice of a public hearing before the City Council for its consideration and approval of the material modification of the Service Plan was published in the Loveland Reporter-Herald on February 14, 2012, as required by law; and

WHEREAS, notice of the public hearing before the City Council was also mailed by first class mail, on February 10, 2012, to interested persons, defined as follows: (1) the owners of record of all property within the Districts as such owners of record are listed on the records of the Larimer County Assessor; (2) the division of local government, and (3) the governing body of all municipalities or special districts which have levied an ad valorem tax with the next preceding tax year, and which have boundaries within a radius of three (3) miles of the Districts' boundaries; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., the City Council held a public hearing on the material modification of the Service Plan on March 6, 2012; and

WHEREAS, the City Council has considered the material modification to the Service Plan, and all other testimony and evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the hearing before the City Council was open to the public; that all interested parties were heard or were given the opportunity to be heard, and that all relevant testimony and evidence submitted to the Council was considered.

Section 2. That the City Council hereby determines that the requirements of Sections 32-1-207 (2), C.R.S., relating to the approval of a material modification to the Service Plan; the requirements of Sections 32-1-204 (1) and (1.5), C.R.S., relating to the notice of the hearing by the City Council; and the requirements of Section 32-1-204.5, C.R.S., relating to the approval by the City Council, have been fulfilled in a timely manner.

Section 3. That the City Council hereby finds that the material modification to the Service Plan to exclude the Property from the boundaries of District No. 2 is in the best interests of the Districts and the City.

Section 4. That the City Council does hereby approve the material modification to the Service Plan to exclude the Property from the boundaries of District No. 2.

Section 5. That nothing herein limits the City's powers with respect to the Districts, the remaining real property within the Districts' boundaries, or the improvements to be constructed by the Districts.

Section 6. That the City Council's findings are based solely on the evidence presented at the public hearing and that the City has not conducted any independent investigation of the evidence.

Section 7. That this Resolution shall take effect on the date and at the time of its adoption by the City Council.

ADOPTED this 6th day of March, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

## END OF CONSENT AGENDA

## CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

### CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Trenary Councilor Trenary attended an excellent Workforce Investment Board presentation. On March 9, during Night on the Town, Sharon Danhauer from Loveland Historical Society will give a presentation on the founder of the Loveland Museum, Harold Dunning.

Klassen Councilor Klassen mentioned the March 6<sup>th</sup> issue of Time magazine has a great article on Economic Development. Copies will be distributed to City Council. He attended the Board & Commission Summit meeting last week and expressed appreciation to all the community members who volunteer their time. Council photographs will occur on March 20, 2012 prior to the Council meeting.

Farley Councilor Farley attended the "Stars on the Bridge" benefit concert and art auction for the new Rialto Theater Center on Sunday, March 4, 2012 hosted by Jan Sawyer.

Shaffer Councilor Shaffer reminded Council the North Front Metropolitan Planning Organization meetings are on the 1<sup>st</sup> Thursday of the month. The Transportation Advisory Board (TAB) toured the Streets and Maintenance buildings at 105 W 5<sup>th</sup> Street and she encouraged a tour be organized for City Council. TAB will be sending, per a request, a letter of support for the Tiger Two grant which would extend the HOV and hot lanes up to 120<sup>th</sup> Street. She attended one of the Excel open housees regarding the pipeline reconstruction. She suggested Excel could discuss the project at a Council study session or have airtime on Comcast Channel 16. Councilor Shaffer accepted the position of Chair

on the Loveland Downtown Team. The communities along U.S. Highway 287 corridor are starting to work together as on regional issues.

Gutierrez

Mayor Gutierrez discussed several events: 1) was part of a panel on regionalism for Leadership Northern Colorado sponsored by area Chambers of Commerce 2) Loveland Stake, Church of Jesus Christ of Latter-day Saints honored Glorie Magrum, Executive Director of the House of Neighborly Services, with the 2012 Charity Never Fails Humanitarian Award. 3) gave welcome address for Emergency Manager's Conference held in Loveland.

c) City Manager Report

City Manager Cahill announced Marcia Lewis as the new Library Director. The Colorado Municipal League Conference is June in Breckenridge, Colorado. If interested please register through Rochelle Femley. A meeting with members of the Governor's Office of Economic Development and International Trade (OEDIT) was held in Loveland last week.

d) City Attorney Report

None

## **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 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  
Motion**

Administrative Action: Councilor McEwen moved to approve Council minutes from the February 21, 2012 regular meeting. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**RECUSED**

Councilor Farley recused himself from hearing Item 10 and Item 11 due to a conflict of interest; specifically his direct relationship with the Loveland Community Foundation.

#### **10. CULTURAL SERVICES**

**Room Names in Rialto Theater Center  
Resolution #R-22-2012**

Administrative Action: Cultural Service Director Susan Ison and Rialto Bridge capital campaign co-chairman Earl Sethre introduced this item. 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. 100% of the donations went to Rialto Bridge. Councilor McEwen moved to approve 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. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.



RESOLUTION #R-22-2012

A RESOLUTION 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

WHEREAS, the City of Loveland and Rialto Bridge, LLC have partnered to build an integrated public-private project now known as the Rialto Theater Center, located at 222 and 228 E. Fourth Street in Loveland, Colorado; and

WHEREAS, in early 2011, the City received a grant from the Community Foundation of Northern Colorado ("Community Foundation") in the amount of \$700,000 to be used toward the construction and contingency funding of the Rialto Theater Center; and

WHEREAS, as part of that grant, the Community Foundation requested that the City consider a request to name certain rooms in the City-owned spaces within the Rialto Theater Center for those persons and entities that made significant and generous contributions to the community and to the Rialto Theater Center, namely the Devereaux family, Bruce and Muriel Hach, the McMurry-Spieles family, the McWhinney Foundation, and the Walbye family; and

WHEREAS, the Cultural Service Department has reviewed the naming plan presented by the Community Foundation and recommends that the City Council approve said naming plan; and

WHEREAS, the City Council desires to recognize the significant and generous contributions to the community and to the Rialto Theater Center made by the Devereaux family, Bruce and Muriel Hach, the McMurry-Spieles family, the McWhinney Foundation, and the Walbye family by naming certain rooms located within the Rialto Theater Center after them.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby finds that the honorary naming of rooms within the Rialto Theater Center is an appropriate way to recognize the significant and generous contributions to the community and to the Rialto Theater Center made by the Devereaux family, Bruce and Muriel Hach, the McMurry-Spieles family, the McWhinney Foundation, and the Walbye family.

Section 2. That the rooms depicted on Exhibit A, attached hereto and incorporated herein by reference, are hereby named as designated on Exhibit A in accordance with the naming plan presented by the Community Foundation of Northern Colorado and recommended for approval by the Cultural Services Department.

Section 3. That memorial plaques to be donated in honor of the Devereaux family, Bruce and Muriel Hach, the McMurry-Spieles family, the McWhinney Foundation, and the Walbye family are hereby accepted and shall be placed in the corresponding rooms within the Rialto Theater Center.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 6th day of March, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**11. ECONOMIC DEVELOPMENT**

**Lease Agreement with Community Foundation of Northern Colorado**

**Resolution #R-23-2012**

Administrative Action: Senior Planner Mike Scholl introduced this item. 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. Councilor McEwen made a motion to approve 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. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-23-2012

A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE COMMUNITY FOUNDATION OF NORTHERN COLORADO FOR THE USE OF OFFICE SPACE LOCATED WITHIN THE RIALTO THEATER CENTER

WHEREAS, the City of Loveland is the owner of certain office space located within the Rialto Theater Center, located at 222 and 228 E. Fourth Street, Loveland, Colorado 80537; and

WHEREAS, the Community Foundation of Northern Colorado (the "Community Foundation") desires to lease the office space from the City; and

WHEREAS, the City desires to enter into a lease agreement whereby the City will lease to the Community Foundation, and the Community Foundation will lease from the City lease, the office space.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Lease Agreement, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Lease Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Lease Agreement on behalf of the City.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 6th day of March, 2012.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**SPECIAL RECOGNITION** Councilor Farley thanked current and past Council members, donors and the Community Foundation. Mayor Gutierrez acknowledged city staff and the Theater Guild.

**12. CITY MANAGER**

**Report of January 21, 2012 City Council Advance**

**Motion**

Administrative Action: City Manager Bill Cahill introduced this item. This is an administrative action accepting and approving the report of the City Council's Annual Advance held on January 21, 2012. Councilor McEwen made a motion accepting and approving the report of the City Council's Annual Advance held on January 21, 2012. Councilor Shaffer seconded the motion and a roll call vote was held with all Councilors present voting in favor thereof.

**13. FINANCE**

**January 2012 Financial Report  
Information Only**

Acting Finance Director Bonnie Steele introduced this 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**

**Information Only**

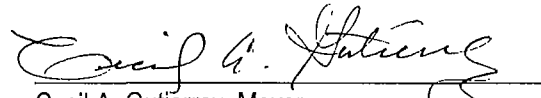
Executive Fiscal Advisor Alan Krmarik introduced this item. The budget estimate for investment earnings for 2012 is \$ 2,729,560. For January 2012, the amount posted to the investment account is \$393,527 including realized gains. Actual year-to-date earnings are higher than the year-to-date projection 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.

**ADJOURNMENT**

Having no further business to come before Council, the March 6, 2012 Regular Meeting was adjourned at 8:18 p.m.

Respectfully Submitted,

  
Teresa G. Andrews, City Clerk

  
Cecil A. Gutierrez, Mayor

Acting City Clerk  
MARY SKIPWORTH

