

2. **DEVELOPMENT SERVICES** (presenter: Bob Paulsen)
WEED CONTROL AMENDMENT
A motion to approve and order published on second reading an Ordinance on Repealing and Re-Enacting Chapter 7.18 of the Loveland Municipal Code Regarding Weed Control
This is a legislative action to adopt an ordinance on second reading that modifies the weed control provisions of the Loveland Municipal Code, aligning the provisions with State and County weed control regulations, clarifying requirements and allowances for native and ornamental grasses, and providing compliance with the State Constitution and state agricultural policies relating to the growth of marijuana and industrial hemp. This ordinance was approved unanimously on first reading by City Council at the November 19, 2013 regular meeting.
3. **POLICE** (presenter: Luke Hecker)
THEFT CODE AMENDMENT
A motion to approve and order published on second reading an Ordinance Amending Chapter 9.34 of the City of Loveland Municipal Code to Combine in One Section the Offenses of Theft and Theft of Rental Property and to Combine With Them the New Offense of Theft by Receiving
This is a legislative action. This ordinance on second reading combines the two different types of theft currently set forth as separate Code sections and adds a third type of theft (Theft by Receiving) into one Code section. A similar state law took effect on June 5, 2013. The Police Department would like to adopt this ordinance to be consistent with State law and to allow summonses to be issued into Municipal Court for persons committing Theft by Receiving, as well as, the two other types of theft. This ordinance was approved unanimously on first reading by City Council at the November 19, 2013 regular meeting.
4. **POLICE** (presenter: Luke Hecker)
PUBLIC HEARING
TRAFFIC CODE AMENDMENT
A motion to approve and order published on first reading an Ordinance Amending Section 10.04.020 to Amend the City's Model Traffic Code Concerning Recent State Law Changes Relating to Gross Weight of Vehicles and Compulsory Motor Vehicle Insurance
This is a legislative action. This ordinance on first reading amends the City's adopted 2003 Model Traffic code to reflect recent changes in the state law allowing drivers who are contacted by law enforcement for a traffic violation, to present proof of insurance. The proof of insurance may be in paper or electronic format, such as a cell phone or tablet, and creates a new provision which makes it unlawful for a driver to present false evidence of motor vehicle insurance. There is also a change to the gross vehicle weight (GVW) provision, primarily in the rewording of the formulas used for determining when a vehicle is in violation of the GVW limits. The Police Department would like to adopt this ordinance to be consistent with state law.
5. **POLICE** (presenter: Luke Hecker)
PUBLIC HEARING
MAXIMUM FINE AMENDMENT
A motion to approve and order published on first reading an Ordinance Amending Chapter 1.12 and Other Code Sections of the Municipal Code to Increase the

Maximum Fine for City Charter and Most City Code Violations by Adults and Juveniles

This is a legislative action. This ordinance on first reading increases the maximum fine amount for municipal code and Charter violations committed by adults from \$1000 to \$2,650 and allows the amount to be adjusted for inflation beginning January 1, 2015, and each year thereafter, on January 1st. A similar state law was enacted and became effective April 18, 2013. The Ordinance also increases the maximum fine amount for juvenile violators from \$500 (established in 1992) to \$1000. With the maximum fine increase, there are also specific penalty provisions within certain Code chapters that need to be amended to be consistent with the amended general penalty provisions in Chapter 1.12.

6. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
MILLENNIUM SW 7TH SUBDIVISION VACATION OF ACCESS EASEMENTS
A motion to approve and order published on first reading an Ordinance Vacating Access Easements within Outlots 1 and 2 of the Millennium SW Seventh Subdivision, City Of Loveland, Colorado
This item is a legislative action to consider adoption of an ordinance on first reading vacating four access easements within the Millennium SW Seventh Subdivision. The access easements are within a 20 acre property located northwest of the intersection of Corvus Drive and Sculptor Drive. The owner of the property is Vertex at Stone Creek, LLC.

7. **DEVELOPMENT SERVICES** (presenter: Karl Barton)
PUBLIC HEARING
THREE MILE PLAN
A motion to approve Resolution R#-103-2013 Adopting a Three Mile Plan for the City of Loveland, Colorado
This item is a legislative action to formally adopt a Three Mile Plan for 2013. The Three Mile Plan would consist of the City's comprehensive plan, other adopted plans covering infrastructure, services and surrounding areas, and procedures.

8. **CITY MANAGER** (presenter: Rod Wensing)
PUBLIC HEARING
COMCAST FRANCHISE TEMPORARY EXTENSION
A motion to approve and order published on first and only reading an Emergency Ordinance Amending the Existing Cable Television Franchise Agreement Between the City of Loveland, Colorado and Comcast of Colorado II, LLC, to Extend the Term of the Existing Franchise
This is an administrative action. This second amendment to the cable franchise agreement ordinance moves the expiration of the current cable franchise from December 31, 2013 to June 30, 2014. The Emergency Ordinance on first and only reading, requires an affirmative vote of 2/3 of the entire Council (6 votes) under Charter Section 4-10.

9. **CITY ATTORNEY** (presenter: John Duval)
PUBLIC HEARING
CODE AMENDMENT FOR MEDICAL MARIJUANA AND PRIMARY CAREGIVERS
A motion to approve and order published on first reading an Ordinance Amending Loveland Municipal Code Section 7.60.030 To Remove Obsolete Language In

Section 7.60.030 And To Clarify That All Patients And Primary Caregivers In The City Cultivating, Selling Or Storing Medical Marijuana Must Comply With All Applicable State And Local Laws, Rules And Regulations

This is a legislative action to adopt an ordinance on first reading relating to medical marijuana to remove obsolete language in Section 7.60.030 and to clarify that the storage of medical marijuana, as well as its cultivation and sale, may only be done within the City by lawfully registered patients and primary caregivers that do so in full conformity with the Colorado Medical Marijuana Code, C.R.S. § 25-1.5-106, the City's ordinances and all other applicable rules and regulations promulgated under state law.

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.*
Boards & Commission Liaison Appointments
- 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

10. **CITY CLERK** (presenter: Terry Andrews)

APPROVAL OF MINUTES

A motion to approve the City Council minutes from the November 12, 2013 Special Meeting & Study Session.

This is an administrative action to approve the November 12, 2013 Special Meeting & Study Session Minutes. Councilor Fogle was absent.

11. **CITY ATTORNEY** (presenter: John Duval)

PUBLIC HEARING

CODE AMENDMENTS RELATING TO PERSONAL POSSESSION AND USE OF MARIJUANA

A motion to approve and order published on first reading an Ordinance of the City Council of the City of Loveland Amending the Loveland Municipal Code to Eliminate Conflicts Between the Code and Amendment 64 Relating to the Regulation of the Personal Possession and Use of Marijuana and Marijuana Accessories

This is a legislative action to adopt an ordinance on first reading that would eliminate conflicts and discrepancies that exist now between Amendment 64 and City Code

Chapters 7.40 and 9.41 relating to the regulation of the personal possession and use of marijuana and marijuana accessories.

12. **DEVELOPMENT SERVICES** (presenter: Greg George)
PUBLIC HEARING
OIL & GAS CODE AMENDMENTS
A motion to approve and order published on first reading an Ordinance Amending City Code Chapter 18.77 Concerning the Regulation of Oil and Gas Operations and Code Chapter 18.78 Concerning Overlay Zoning Districts for Development Setbacks from Existing Oil and Gas Facilities
This item is a legislative action to consider adoption of an ordinance on first reading amending certain provisions in the oil and gas ordinance (City Code Chapters 18.77 and 18.78) adopted by City Council on March 19, 2013. Chapter 18.77 establishes regulations on new oil and gas facilities within Loveland city limits, while Chapter 18.78 establishes regulations on new development in the vicinity of existing oil and gas facilities.
13. **WATER & POWER** (presenter: Jim Lees)
PUBLIC HEARING
SUPPLEMENTAL APPROPRIATION FOR IDYLWILDE DAM REMOVAL
A motion to approve and order published on first and only reading an Emergency Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Removal of the Idylwilde Dam, Sediment Material, Penstock and the Hydro Power House
This is an administrative action. This Emergency Ordinance appropriates \$6,000,000 from revenues and fund balance in the Power Fund. The ordinance is necessary to provide funding for the emergency removal of Idylwilde Dam, sediment material behind the dam, penstock and the hydro power house at Viestenz-Smith Park. These projects all came as a result of the Flood of 2013. The Emergency Ordinance on first and only reading requires an affirmative vote of 2/3 of the entire Council (6 votes) under Charter Section 4-10.
14. **FINANCE** (presenter: Brent Worthington)
October 2013 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 and health claims year to date, ending October 30, 2013.
15. **CITY MANAGER** (presenter: Alan Krcmarik)
Investment Report for October 2013
This is an information only item. The budget estimate for investment earnings for 2013 is \$2,760,420. Through October, the net amount posted to the investment accounts is \$1,009,457, including realized gains. Actual year-to-date earnings are much lower than the budget projection. Earlier this year, several very high interest rate corporate bonds matured, so future yields will be lower. The estimated annualized yield on market value for securities held by US Bank remained the same at 1.09% at the end of October. The yield is below the annual target rate of 1.20% for 2013. Reinvestment rates have risen recently after being at near record low levels. Current reinvestment rates are now higher than the budget projection target.

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