

AGENDA
LOVELAND CITY COUNCIL MEETING
TUESDAY, FEBRUARY 3, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

5:00 P.M. RECEPTION FOR BILL STARKS- Municipal Building Main Lobby
6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION: YEARS OF SERVICE AWARD (Bill Starks)

PRESENTATION: MISS LOVELAND VALENTINE 2015 (Ellen Colpitts)

PROCLAMATION DECLARING THIS FEBRUARY 3, 2015 AS KIWANIS INTERNATIONAL DAY (Gaylen Williams and Becky Chrisman)

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. Members of the public 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 comments to no more than three minutes.

CONSENT AGENDA

1. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF MEETING MINUTES

1. A Motion to Approve the City Council Meeting Minutes for the January 6, 2015 Regular Meeting

This is an administrative action to approve the City Council meeting minutes for the January 6, 2015 Regular Meeting.

2. A Motion to Approve the City Council Meeting Minutes for the January 13, 2015 Study Session and Special Meeting Minutes.

This is an administrative action to approve the City Council meeting minutes for the

January 14, 2015 Study Session and Special Meeting.

2. **CITY MANAGER** (presenter: Bill Cahill)
APPOINTMENTS TO THE CITIZEN FINANCE ADVISORY COMMISSION, OPEN LANDS ADVISORY COMMISSION, PARKS AND RECREATION COMMISSION, SENIOR ADVISORY BOARD, AND VISUAL ARTS COMMISSION

1. A Motion to Appoint Nicole Gruet to the Citizens' Finance Advisory Commission for a Term Effective Until December 31, 2017

2. A Motion to Appoint Jean Whittaker to the Open Lands Advisory Commission for a Term Effective Until December 31, 2018

2. A Motion to Appoint Joe Waneka as the Thompson School District Representative to the Parks and Recreation Commission for a Term Effective Until December 31, 2017

2. A Motion to Appoint Debby Ahrens to the Senior Advisory Board for a Term Effective Until December 31, 2017

3. A Motion to Appoint Julie Bender and to Reappoint Nancy Jakobsson and Mary Jo Morgan to the Visual Arts Commission, each for a Term Effective Until December 31, 2017

These are administrative actions recommending the appointment of members to the Citizens' Finance Advisory Commission, Open Lands Advisory Commission, Parks and Recreation Commission, Senior Advisory Board and Visual Arts Commission.

3. **CITY CLERKS** (presenter: Terry Andrews)

SPECIAL MEETING ON FEBRUARY 10, 2015

A Motion Calling for a Special Meeting to be Held at 6:30 p.m. in the Council Chambers, Following the Regularly Scheduled Study session on February 10, 2015. The purpose of the Special Meeting is to Discuss Three Items; 1) RTA (Regional Tourism Act) Application; 2) Discussion and Possible Direction Regarding the Presiding Municipal Judge Position Description; and 3) Consideration of a Motion Regarding the Appointment of One or More Deputy Municipal Judges. This Meeting may Include Executive Sessions on Any or All of These Three Items. Council Agrees to Waive Their Right for Notice Delivered to Their Homes.

This is an administrative action to call for a Special Meeting, which may include Executive Sessions per 24-6-402 C.R.S. The purpose of this Special Meeting is to discuss an application submittal to the State of Colorado under the Regional Tourism Act (RTA) and for a report on the information evaluated by consultants Jo Mattoon and John Hartman regarding the Presiding Municipal Judge Position as requested by City Council. If previously directed, staff will bring a motion, regarding the appointment of one or more Deputy Judges to this meeting for City Council consideration.

4. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)

PUBLIC HEARING

FOX POINTE FIRST SUBDIVISION EMERGENCY ACCESS EASEMENT VACATION

A Motion to Approve and Order Published on First Reading an Ordinance Vacating an Emergency Access Easement across Tract F of the Fox Pointe First Subdivision, City of Loveland, County of Larimer, State of Colorado

This is a legislative action to consider adoption of an ordinance on first reading vacating an emergency access easement. The 24 ft. wide by 18 ft. long easement is located on vacant land in the Fox Pointe First Subdivision, north of the Orchards commercial development. The applicant, Traditions at Loveland LLC, has also submitted a site development plan application to construct a 161,176 sq. ft., 155 unit independent senior housing development on the property and an accompanying amended plat application. The amended plat includes new emergency access easements in locations suitable for the development, making the existing emergency access easement established with the

Fox Pointe First Subdivision unnecessary.

5. **WATER & POWER** (presenter: Greg Dewey)
CONVERSION OF COLORADO BIG THOMPSON UNITS

A Motion to Approve Resolution #R-12-2015 of the Loveland City Council Authorizing an Application to, and Contract with, the Northern Colorado Water Conservancy District for Beneficial Use of 10 Acre-Feet of Colorado Big Thompson Project Water

This is an administrative action to adopt a resolution approving the conversion of 10 Colorado Big Thompson ("C-BT") units acquired during 2014 from a Temporary Use Permit to a Permanent Section 131 Contract. The units were purchased in 2014. No additional costs are associated with the conversion.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT

Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. 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

6. **MUNICIPAL COURT** (presenter: Bill Starks)
IGA FOR TEEN COURT WITH THOMPSON R-2J

A Motion to Adopt Resolution #R-13-2015 Approving an Intergovernmental Agreement between the City of Loveland, a Home Rule Municipality, and the Thompson School District R-2J for Operation of the Loveland Municipal Teen Court Program

This is an administrative action. On July 22, 2014 Council directed staff to move forward with the implementation of "Teen Court". Teen Court is an alternative sentencing mechanism, where a juvenile first-time offender admits guilt and agrees to be sentenced by their peers based on restorative justice principles. Teen Court is a joint effort between the City of Loveland Judicial Branch (Municipal Court), Executive Branch (City Attorney) and the Thompson Valley School District. This resolution approves an IGA between the City and the School District, not to exceed \$3,000 per year. The funds are to cover a portion of the administrative costs as well as, provide snacks for the participants incurred by the School District. The School District has approved the IGA. Council approved the funds for this purpose in the 2015 Budget.

7. **CULTURAL SERVICES** (presenters: Susan Ison, Rich Harris)
RIALTO THEATER CENTER AMENDMENTS TO RATES, CHARGES AND FEES

A Motion to Approve Resolution #R-14-2015 Amending the 2015 Schedule of Rates, Charges and Fees for City Services, other than Services Provided by the Water and

Power Department and the Stormwater Enterprise with Respect only to the Rialto Theater Center Rates, Charges and Fees

This is an administrative action. The Rialto Theater Center (RTC) Business Plan was presented to City Council August 19, 2014. It was determined that the increase in Rates & Fees required to reach the Sustainability Goals were unacceptable to many of the community groups who rent the RTC. Subsequently, we have had six meetings with representatives from the user groups: September 23rd, October 15th, October 24th, November 14th, December 1st and January 8th. Representatives from the Loveland Choral Society, Loveland Opera Theater, Moon Theater Company, Thompson Education Foundation and Lifetree Film Festival attended some or all of the meetings. At the last meeting, in January 2015, the Rates & Fees were reviewed. After considerable discussion between RTC staff and representatives from the performing arts community, this proposal was prepared for consideration. Adoption of new Rates and Fees should increase the amount of revenue collected.

**8. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)
REGIONAL TOURISM ACT APPLICATION SUPPORT**

A Motion to Approve Resolution #R-15-2015 Authorizing the Submission of an Application to the Colorado Office of Economic Development for the Approval of a Regional Tourism Project within the City of Loveland and the Surrounding Vicinity

This is an administrative action to approve a resolution granting authorization to the non-profit Go NoCo to submit an application to the Colorado Office of Economic Development for a Northern Colorado Regional Tourism project(s). The application is due on February 17, 2015. It is anticipated that awards will be announced in November 2015. The Larimer County Board of Commissioners approved a resolution of support on December 30, 2014. The Town of Windsor Council approved a resolution of support on January 26, 2015.

**9. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)
PUBLIC UPDATE ON REGIONAL TOURISM ACT APPLICATION AND EXECUTIVE SESSION**

A Public Update on the Regional Tourism Act Application and a Possible Executive Session to Discuss Confidential Commercial and Financial Information Protected Under the Open Meetings Law and City Charter and/or Colorado Open Records Act

This is an administrative action. Since July of 2014, the City of Loveland, Town of Windsor and Larimer County have been developing an application to the State of Colorado Economic Development Commission for the award of a Regional Tourism Act Grant. This session will update the public on the status of the application and potential projects. The application is due February 17, 2015.

BUSINESS FROM CITY 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.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

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