



City of Loveland

AGENDA

TUESDAY, JANUARY 2, 2024
6:00 PM LOVELAND CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

5:15 p.m. - Dinner will be provided to Council. General public are not invited to the Council mealtime. No public business will be discussed.

Notice:

Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Study Sessions are held on the 2nd and 4th Tuesdays of each month in the City Council Chambers. All meetings are conducted in a hybrid format with a Zoom meeting in addition to the in-person meeting.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to View this Meeting:



Meetings are open to the public and can be attended in-person by anyone.



Meetings are televised live on:

- Pulse TV Channel 16
- Comcast Channel 16/880



Meetings are available through Zoom by PC, laptop or phone:

- Webinar ID: 975 3779 6504
- Passcode: 829866
- 1 (719) 359-4580



Meetings are livestreamed on the City's website. You can find the link here: lovgov.org/tv

Public Comment:

There are in-person and remote options for members of the public who would like to participate in Council meetings.

1. In-Person:

General Public Comment:

- Members of the public can speak to any item that is NOT an ordinance on the regular agenda. Members may also request that any item on the Consent Agenda labeled as quasi-judicial, be

placed on the Regular Agenda for discussion and public comment or testimony.

- Individuals who wish to speak are asked to fill out a card provided in Chambers and give this to the City Clerk. The Mayor will call people up to comment in the order the cards were received. Cards are only required for the general public comment portion of the meeting. Each person will have three minutes to speak. Public comment is limited to residents of Larimer County, and individuals who own property or have business interests in the City.
- Individuals who wish to speak in-person but did not fill out a card may have a chance to comment once all in-person and online speakers who have registered are called on, if there is any time remaining. General Public Comment is limited to 60-minutes.

Regular Agenda Items:

- No cards are required for individuals wanting to provide public comment on items included on the Regular Agenda.
- If an individual comments on a Resolution item shown on the Regular Agenda during General Public Comment, no additional comment can be given once the item comes up for discussion on the Regular Agenda.
- Once a motion is made on an item shown on the Regular Agenda, the Mayor will ask for public comment. The Mayor will invite speakers to comment at that time. In-person comment will occur first, followed by online public comment.

2. Remote:

- Members of the public who wish to provide public comment remotely, can log in using the meeting ID provided above, or opening your [meeting app or accessing the web browser](#) and entering the Meeting ID shown above after 5:45 pm, at which time you will be muted and added to the meeting.
- Members of the public can also call 1 (719) 359-4580 and enter the meeting ID when prompted: 97537796504# followed by the meeting passcode: 829866#. If you would like to speak during public comment, please press *9. The moderator will call on the users' last 4 digits of the phone number, and you will press *6 when called on by the moderator.

General Public Comment:

- Members of the public can speak to any item that is NOT an ordinance on the regular agenda. Members may also request that any item on the Consent Agenda labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.
- Remote Individuals who wish to speak are asked to register online at lovgov.org/CouncilPublicComment by 12:00 noon on the day of the meeting. The Mayor will call on people to comment in the order the registrations were received. This will follow in-person comment. Online registration is only required for the General Public Comment portion of the meeting.
- To speak to an agenda item when public comment is called for, please choose the raise your hand feature on the application. The moderator will then individually unmute the speaker and the speaker will need to follow the moderator's instructions before making comment. This will include turning on video. Each person will have three minutes to speak. The line will be muted

at the end of the three minutes. Public comment is limited to residents of Larimer County, and individuals who own property or have business interests in the City.

- Individuals who wish to speak remotely but did not register may have a chance to comment once all in-person and online speakers who have registered are called on, if there is any time remaining. General Public Comment is limited to 60-minutes.

Regular Agenda Items:

- No online registration is required for individuals wanting to provide public comment on items included on the Regular Agenda.
 - If an individual comments on a Resolution item shown on the Regular Agenda during General Public Comment, no additional comment can be given once the item comes up for discussion on the Regular Agenda.
 - Once a motion is made on an item shown on the Regular Agenda, the Mayor will ask for public comment. The Mayor will invite speakers to comment at that time. In-person comment will occur first, followed by online public comment.
3. Members of the public wishing to have their comments emailed to City Council and published in the agenda packet may use the form provided at the link below. Comments sent to City Council before 5 p.m. on the Friday prior to the regular or special meeting will be included in the agenda packet. Comments provided after such time or at the meeting will be posted in the agenda packet after the meeting. <https://www.lovgov.org/city-government/city-council/city-council-meetings/city-council-public-comment-form>

Notice of Non-Discrimination

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org or 970-962-3319.

Notificación en contra de la discriminación

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en ADACoordinator@cityofloveland.org o al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org

Password to the public wireless network (colguest) is accesswifi

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

1.3. ATTENDANCE REPORT OUT

(6:00) 1.4. PROCLAMATION - MARTIN LUTHER KING JUNIOR

Dr. George Stevens
Caitlin Wyrick
Barbara Lambert
[Martin Luther King Junior Proclamation - 2024](#)

1.5. PROCEDURAL INFORMATION

This meeting is subject to and incorporates by reference this evening's City of Loveland Agenda including without limitation all policies, rules, and procedural and legal statements therein.

Council may act on behalf of the City, the General Improvement District #1, or the Special Improvement District #1. Items requiring a public hearing or other public participation that remain on the Consent Agenda are considered to have been opened and closed, in the name of the applicable legal entity that is required to take action to approve such items. The information furnished in connection with these items, including any related public comment, is 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 using the phone number or meeting ID and link at the front of the agenda must be a Larimer County resident or an individual who owns property or has a business interest in the City. The caller should choose the raise your hand feature or press *9 to let the moderator know you wish to speak.

Anyone making an in-person comment during any portion of tonight's meeting should come forward to a microphone. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes; the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes

have expired.

Please identify yourself and your city of residence.

(6:05) **2. PUBLIC COMMENT**

Anyone who wishes to speak to an item NOT on the Regular Agenda section of the agenda, may address the Council at this time. Any member of the public may request that an item on the Consent Agenda, labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.

Public Comment is intended to provide citizens with an opportunity to address Council directly. We encourage speakers to give public comment in a manner that promotes civil discourse. Generally, Council will not respond to public comment other than to seek clarification of the matter raised and defer such matter to the City Manager for review and resolution.

(7:05) **3. CONSENT AGENDA**

At this time, any Council Member may request that an item on the Consent Agenda be moved to the Regular Agenda. These items will be heard at the end of the Regular Agenda. Members of the public, who have not previously provided public comment at this meeting on an item moved to the Regular Agenda, will be given an opportunity to speak to the item before the Council acts upon it.

3.1. **CITY CLERK'S OFFICE** (presenter: Delynn Coldiron)
APPROVAL OF MINUTES

A motion to approve the City Council minutes for the September 5, 2023 Regular/Special Meeting, September 19, 2023 Regular Meeting and the September 26, 2023 Special Meeting

Approval of the City Council minutes for the September 5, 2023 Regular/Special Meeting, September 19, 2023 Regular Meeting and the September 26, 2023 Special Meeting.

[9-5-23 Minutes](#)

[9-19-23 Minutes](#)

[9-26-23 Minutes](#)

3.2. **CITY CLERK'S OFFICE** (presenter: Delynn Coldiron)
CALL FOR SPECIAL MEETING ON JANUARY 9, 2024 TO HOLD THE REVIEW AND ADOPTION OF CITY COUNCIL RULES OF PROCEDURE RESOLUTION AND THE LOVELAND PROPERTY TAX CERTIFICATION

A motion to call for Special Meeting on January 9, 2024 at 6:00pm to hold the review and adoption of City Council Rules of Procedure Resolution and the Loveland Property Tax Certification

This item will call for Special Meeting on January 9, 2024 at 6:00pm in the City Council Chambers to hold the review and adoption of City Council Rules of Procedure Resolution and the Loveland Property Tax Certification.

[AIR-102302](#)

**3.3. CITY CLERK'S OFFICE (presenter: Delynn Coldiron)
MEMBER APPOINTMENTS TO CITY BOARDS AND COMMISSIONS**

A motion to appoint Patrick Santos to the Citizens' Finance Advisory Commission with a term dated January 3, 2024 to December 31, 2026

A motion to appoint John Warner to the Citizens' Finance Advisory Commission with a term dated January 3, 2024 to December 31, 2026

A motion to appoint Timothy Yaussi to the Citizens' Finance Advisory Commission with a term dated January 3, 2024 to December 31, 2024

A motion to appoint Tara Heil to the Senior Advisory Board with a term dated January 3, 2024 to December 31, 2026

A motion to appoint Pamela Speka to the Senior Advisory Board with a term dated January 3, 2024 to December 31, 2026

This item is to fill vacancies on City Boards or Commissions as a result of Fall Recruitment.

[AIR-102303](#)

**3.4. FINANCE (presenter: Matt Elliott)
ANNUAL YEAR-END BUDGET PACKAGE FY2023**

A motion to adopt, on second reading, Ordinance No. 6676 enacting a supplemental budget and appropriation to the 2023 City of Loveland budget for the annual citywide year-end appropriations

A motion to adopt, on second reading, Ordinance No. 6677 enacting a supplemental budget, appropriation, and de-appropriation to the 2024 City of Loveland budget for administrative budget corrections to the utility funds

Annually, City staff brings forward any administrative adjustments identified throughout the year that need City Council action in order to be properly addressed. In addition to the administrative changes, any outside revenue such as grants or operating revenue that was unanticipated at time of Budget adoption are included with their corresponding appropriation. Lastly, projects and contractual services identified in the last two quarters (post mid-year appropriations) are also included.

This item was heard for first reading at the December 19, 2023 City Council Regular Meeting where it passed with a vote of 9-0.

[AIR-102296](#)

[Ordinance No. 6676](#)

[Ordinance No. 6677](#)

[Att 1 FY2023 Year-End Wrap-Up Presentation](#)

[Att 2 FY2023 Year-End Wrap-Up Requests Summary](#)

3.5. DEVELOPMENT SERVICES (presenter: Marika Kopp)
QUASI-JUDICIAL

ORDINANCE VACATING TWO THOUSAND EIGHT HUNDRED AND FIVE SQUARE FEET OF RIGHT OF WAY WITHIN THE RIST'S ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

A motion to adopt, on second reading, Ordinance No. 6678 vacating 2,805 square feet of right of way within the Rist's Addition, City of Loveland, County of Larimer, State of Colorado

This application proposes to vacate an alley Right-of-Way (ROW), between an existing multifamily development located at 713 N Garfield and the vacant property to the south. The area to be vacated is approximately 20 feet wide by 140 feet in length, a total area of 2805 square feet, as outlined in Exhibit A of the Vacation Ordinance. Both adjacent properties are owned by the applicant, who is requesting the vacation to create a more cohesive lot for the existing adjacent multifamily building. The subject property is located west of N Garfield Avenue, north of W 7th Street.

This item was heard at the December 19, 2023 City Council Regular Meeting for first reading where it passed with a vote of 8-0.

[AIR-102298](#)

[Ordinance](#)

[Att 1 Vicinity Map](#)

[Att 2 Site Plan](#)

[Att 3 Applicant Justification Letter](#)

[Att 4 January 2, 2024 City Staff Presentation](#)

[Att 5 January 2, 2024 Applicant Presentation](#)

3.6. CITY CLERK'S OFFICE (presenter: Delynn Coldiron)
RESOLUTION ESTABLISHING THE LOCATION FOR THE POSTING OF CITY OF LOVELAND NOTICES

A motion to adopt Resolution #R-1-2024 establishing the location for the posting of City of Loveland notices

The purpose of this item is to adopt a resolution that will designate the City's website as the location for posting notices for all of the City of Loveland's written notices in the year 2024. The resolution also designates the bulletin board immediately adjacent to the Loveland City Council Chambers located at 500 East 3rd Street, Loveland, Colorado if the primary designated location becomes inaccessible or is no longer in existence due to natural disaster or other similar cause.

C.R.S. Section 24-6-402(2)(c), requires City Council to designate a location for the posting for all of the City of Loveland's written notices.

The State legislature encourages posting on the City's website rather than a physical

location, and staff has moved to online posting of notices for meetings.

[AIR-102294](#)

[Resolution](#)

3.7. FINANCE (presenter: Cindy Scymanski)
RESOLUTION TO AWARD A CONTRACT FOR ASPHALT PRODUCT PURCHASES

A motion to adopt Resolution #R-2-2024 to award a contract for asphalt product purchases

To maintain the ability to purchase asphalt products for street rehabilitation and patching, and parking lot patching and rehabilitation.

A formal sealed bid process was conducted in October 2022. The bid is for the purchase of various pit materials including asphalt products to be used in City projects including the street rehabilitation program, maintenance of parking lots around City facilities and parks, and patching streets as needed. Coulson Excavating Company, Inc. is the low bidder for these products. Council approved an award of \$600,000 December 6, 2022, Resolution #R-101-2022 for purchases made in 2023. An amendment was signed April 20, 2023 increasing the contract price by \$110,000.00 to a total amount not to exceed of \$710,000.00. Coulson Excavating Company and the City have agreed to renew this contract as allowed in the bid documents for a one year period. City staff is recommending Council approve the contract for a not to exceed dollar amount of \$710,000 based on previous year usage and outlook of possible uses for 2024.

[AIR-102287](#)

[Resolution](#)

[Att 1 Resolution #R-101-2022](#)

3.8. PUBLIC WORKS (presenter: Tyler Bandemer)
RESOLUTION APPROVING A CONTRACT TO PURCHASE FOUR (4) TRUCKS FROM TRANSWEST FREIGHTLINER, LLC D/B/A TRANSWEST TRUCKS

A motion to adopt Resolution #R-3-2024 approving a contract with Transwest Freightliner, LLC d/b/a Transwest Trucks for the purchase of four (4) solid waste trucks

The purpose for this late-year, non-budgeted request is due to current manufacturing lead times of 18-24 months. Expected delivery on any new manufactured trucks, ordered today, is mid to late-2025. The Solid Waste fleet is subject to intensive daily use and as a result are on a targeted replacement schedule to ensure retirement before expensive system failures occur. This proposed resolution authorizes the City Manager to purchase, for approximately \$1,855,201.60, utilizing unassigned fund balance in the Solid Waste Enterprise Fund, four (4) Autocar chassis equipped with Labrie Automizer side load compaction bodies. This item is a normal and customary expenditure outlined in the 10-year Solid Waste equipment replacement schedule. No General Fund (GF) unassigned fund balance will be impacted.

[AIR-102274](#)

[Resolution](#)

4. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

5. MOTION TO ADOPT THE CONSENT AGENDA

A motion to adopt the Consent Agenda, Items 3.1 to 3.8, with the exception of Item(s)
_____.

(7:10)

6. NEW BUSINESS FROM COUNCIL

This is an opportunity for Council Members to introduce new business to discuss at this time or on a future City Council agenda. Council Members will have 10 minutes to discuss each New Business item.

Councilor Black - Conduct of City Councilors

1. Discussion regarding the Conduct of Councilor Foley during city council meetings. During City Council meetings, Councilor Foley has a habit of having outbursts, raising his voice, calling out to the public who are sitting in the audience, and most recently, loudly, and incessantly interrupting the Mayor during a roll call on a vote and storming out of the chambers repeating, "I'm done!" The Ward 2 constituents didn't have a vote or a voice for that motion, as he refused to vote and never returned to the meeting to handle the public's affairs. This creates distrust among residents and an unstable environment where the community may feel that they will not be consistently represented by their ward representative and/or may be verbally accosted by a city council member from the dais.
2. Discussion regarding the Conduct of Councilor Olson during city council meetings, as well as the out of line emails written this week to a member of the public and to me. During City Council meetings, Councilor Olson also has a habit of inappropriate outbursts toward the public in attendance at city council meetings, specifically those that have given public comment. Singling out public commenters to besmirch them is highly concerning and does not create a safe and welcoming environment for our community members to feel comfortable engaging with their government through public comment. Most recently, Councilor Olson had an email exchange with a community member who wrote to the City Council to share a concern. The email was wholly appropriate and respectful, yet Councilor Olson responded in a wholly inappropriate and disrespectful manner. I responded to this email requesting that Councilor Olson refrain from demeaning our public. He then replied to "all" and wrote that I should keep my comments to myself, and that it is none of my business. To add to the embarrassment and unbecoming emails written to me and to the community member by Councilor Olson, this email thread was cc'd by the commenter to Governor Polis and to State of Colorado Attorney General, Phil Weiser, in the original email.

I am growing increasingly alarmed by the behaviors of both Councilor Foley and Councilor Olson while serving in their elected and official capacity.

I request that the City Attorney advise the City Council and the public on what consequence or recourse there is available to us regarding the above-mentioned concerns. This is the type of conduct that is unbecoming of an elected official and creates a hostile environment for other Councilors, for City staff and for the public to handle public affairs. We must put a stop to it.

[Councilor Black - Conduct of City Councilors](#)

Councilor Laura Light-Kovacs - Task Force or Committee on Climate Change and Sustainability

- Given recent communications with community members and public comment this evening, I would like to know what our best next steps are to establish a task force or committee on Climate Change and Sustainability. I would like to help in this matter and would be happy to serve as Council Liaison should we move forward with such and organization. I would specifically like to include the three community members Leo Grassens, Leonora Boren, and Kathy Hartman to the conversation once we are ready for resident input.

[Councilor Laura Light-Kovacs - Task Force or Committee on Climate Change and Sustainability](#)

Councilor Krenning - Council Comment and Rule of 4

- **TOPIC:** A motion to modify Regular and Special Council Meeting Agendas to add an OPTIONAL 2 minutes per council member to address issues of significance or concern, PRIOR to the Public Comment portion of regular or special meetings. **COMMENTS:** The Council recently modified the agenda by removing the three-minute Council Comment item which followed Public Comment. This portion of the agenda was often filled with narrative of the members of the Council responding to comments made by the public and had the perception of it being “the last word” and often was viewed as condescending by members of the public. However, by doing this, and I agreed with MTP Mallos motion, the City Council effectively removed an ability to speak to one another, the public, staff in general or those who attend our meetings. I believe that as elected officials for the City, our views on issues should be made known, not in response to public comment, but in general on any topic that members of the Council feel are important or worthy of mentioning. For instance, I would like to have mentioned at a public Council meeting my recent pride in the Thompson Valley High School Football team reaching the CHSAA Semi-Final Championship game. This is only the second time in school history that the team went this far. I would like to often express good wishes to members of the community on accomplishments that we as councilors may become aware of. I would like to have expressed my gratitude to the people who braved the freezing cold to honor the memory of Karen Garner. And, maybe after a week or two of reflection, respond to something that was said at a prior meeting by a member of the public during public comment.

Basically, I am asking that council be allowed an opportunity to address the community at the beginning of each meeting. As an OPTIONAL opportunity, we would consume at most, 18 minutes if each member chose to make a 2-minute comment. I propose that this modification to the agenda be added immediately following proclamations and right before public comment begins.

MOTION: I move to add a section entitled COUNCIL COMMENTS to each regular and special meeting agenda. This item will be placed after council proclamations and before PUBLIC COMMENT. The purpose of this section is to allow each member of council an opportunity to bring forward any item or items that they feel is worthy of public attention. The mayor will call upon members who choose to exercise this time and afford each member up to 2 minutes to speak. No motions will be allowed during this time.

- **TOPIC:** Prior “Rule of 4” items.

COMMENT: In November a new city council was sworn in. Remaining from past councils are several items requiring staff time that were made under the “Rule of 4” by various members of prior city councils. Some of the remaining items not already acted upon or brought to the council may or may not be considered important to the new council. To reduce workload on the staff and to clear up any confusion by staff, the public and members of the Council, I am proposing that all prior rule of 4 items be eliminated and no longer considered actionable by staff. This is not to suggest a new list of Rules of 4 could not begin, although I hope that the Rule of 4 process be tempered and used sparingly. Simply from a historical perspective, the Rule of 4 was implemented years ago to allow a member of council, with consent of at least three other members to bring and place an item on the agenda of the next meeting of City Council. With the addition of NEW ITEMS on the agenda, it appears to me that the need for a mechanism to put an item on the next agenda no longer exists. Members, using their ability under new business to bring an item to council suggests that the Rule of 4 has simply become a way of forcing the City Manager to take under consideration an item or topic and address it as S/He sees fit. I believe that under our current rules, any member of council can request an item be considered by the City Manager during a New Business item brought by any member of the council, along with an accompanying motion. Then, if a majority of council approves the motion, a clearer signal would be sent to the City Manager on what it is that council wants more information/action on, along with an expectation for the item to be returned to council for further consideration.

MOTION: I move to abolish all Rule of Four items presented to the City Manager for consideration which predate November 1, 2023.

- **TOPIC:** Retention of executive session recordings

COMMENT: I recently learned that recordings of the executive session proceedings are only retained for 90 days. I found this information to be contradictory to the City’s typical records retention policy, which generally is three years for public records. Now that the City finds itself engaged in litigation, the recordings of prior executive sessions regarding the Centerra South URA may have been dispositive of issues now being litigated. Additionally, items discussed in an executive session are generally regarded as confidential and the City’s charter, section 4-4 (e) makes it a crime to reveal “information gained as a result of [an executive session]. The statute of limitations for prosecution of violating section 4-4(e) is one year. In order to prevent disclosure and allow prosecution, or more importantly to protect participants of an executive session from possible false allegations regarding disclosure, the recordings of executive sessions should be retained for at least one year.

My opinion is that recordings of executive sessions of the City Council and other City boards and commissions, including the airport commission, should be retained for three years, consistent with the City’s general records retention policy.

MOTION: I move to direct the City Attorney to prepare a resolution for City Council consideration which would establish a policy for retaining recordings of all City Council, Airport Authority and other City Boards and Commission executive sessions for a period of three years.

[Councilor Krenning - Council Comment and Rule of 4](#)

[Councilor Krenning - Executive Session Retention](#)

[Councilor Krenning - New Business January 2, 2024](#)

Councilor Olson - Discuss the Behavior of Councilors

- Where does the charter indicate that any actions, such as the words used in an email

or in an exchange with a member of the public, are subject to the critique by another councilor? Where is it indicated that Ms Blacks election included a duty / responsibility / authority to establish any standard of acceptability? Is there anywhere in the charter that give any member of council the authority to censor another member of council? Is there any authority by which Ms Black can establish her standard of behavior on another person, councilor or otherwise? Upon election to council, did any councilor surrender their rights to free speech?

Perhaps we should take a look at the behavior or some of our boards and commissions, the Trust Commission for instance.

Please have the following video's available for viewing in Tuesday's meeting.

- Trust Commission presentation to City Council 9/20/2022
- Trust Commission presentation to City Council 1/25/22
- Trust Commission presentation to City Council 4/26/2022
- City Council Study Session 4/26/2022
- Trust Commission meeting 5/2/2022
- Trust Commission meeting 6/6/2022
- Trust Commission meeting 8/15/2022

[Councilor Olson - Discuss the Behavior of Councilors](#)

7. REGULAR AGENDA

PROCEDURAL INFORMATION

Council will give anyone in the audience time to speak to any item on the Regular Agenda before acting upon it. The Mayor will call for public comment as part of the consideration of each item according to State law, the Charter, its Rules of Procedure and other legal requirements. Loveland's Charter only requires that a majority of the quorum present vote in favor to adopt an ordinance on first reading. However, adopting an ordinance on second or final reading requires that at least five of the nine Council members vote in favor.

- (8:20) 7.1. **COMMUNITY PARTNERSHIP OFFICE** (presenter: Alison Hade)
ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2024 CITY OF LOVELAND BUDGET FOR A GRANT FUNDED STREET OUTREACH PROGRAM AND HOMELESS SHELTER SERVICES

A motion to approve, on first reading, Ordinance No. 6679 enacting a supplemental budget and appropriation to the 2024 City of Loveland budget for a grant funded street outreach program and homeless shelter services

The Community Partnership Office is requesting an appropriation of \$595,000 for street outreach and \$200,000 for shelter services. Both grants are from the Department of Local Affairs, Division of Housing. The street outreach grant is for three years, and the homeless services grant is for 2024 only.

The Community Partnership Office will release a Request for Proposals in 2024 to seek partners for a street outreach team and will distribute the \$595,000 to non-profit partners interested in providing these services in Loveland. Homeless services funding will offset costs in the current 2024 shelter budget.

[AIR-102295](#)
[Ordinance](#)
[Att 1 SLFRF THR Grant Agreement DRAFT](#)
[Att 2 SLFRF THR Grant Agreement - Exhibit A](#)
[Att 3 SLFRF THR Grant Agreement - Exhibit H](#)

- (8:40) 7.2. **LOVELAND POLICE DEPARTMENT** (presenter: Chief Tim Doran, PCAB Chair Bill Kurtz, and PCAB Co-Chair Erin Frisch)
DISCUSSION REGARDING THE POLICE CITIZEN ADVISORY BOARD (PCAB) REQUIRING A ZOOM OPTION

The purpose of this presentation is to answer Council questions about PCAB conducting their meetings with a Zoom option for participation of PCAB members who may not be able to attend a meeting while also allowing the Public to participate by Zoom and allowing them to provide their Public Comment or comment on an item by Zoom, as appropriate. Also, the record feature on Zoom should be activated so that meetings could be recorded and made available to the public on the PCAB website where minutes and agenda packets are available now.

[AIR-102268](#)
[Att 1 PCAB Zoom Functionality Presentation](#)

- (9:00) 7.3. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
QUASI-JUDICIAL
BOEDECKER SOUTH FIRST ADDITION

A motion to adopt Resolution #R-4-2024 concerning the annexation to the City of Loveland, Colorado, of a certain area designated as "Boedecker South First Addition" more particularly described herein, and setting forth findings of fact and conclusions based thereon as required by the Colorado Constitution and by State Statute

A motion to adopt Ordinance No. 6680 approving the annexation of certain territory to the City of Loveland, Colorado to be known and designated as "Boedecker South First Addition" to the City of Loveland

A motion to approve, on first reading, Ordinance No. 6681 amending Section 18.02.02.03 of the Loveland Municipal Code, the same relating to zoning regulations for "Boedecker South First Addition" to the City of Loveland

This is an application request to annex a 32.051-acre undeveloped property located in the western section of Loveland's Growth Management Area (GMA) into the City of Loveland shown on the annexation map. In conjunction with the annexation, the application requests to zone the property PP Public Park as shown on the Zoning Map. The PP Public Park zone allows for civic/public uses and parks and open space uses. Future development of the property would be subject to the standards of that zone district and other Municipal Code requirements. The Planning Commission met on November 13, 2023 and voted 8-0 with one abstention to recommend approval of this annexation.

[AIR-102292](#)

[Ordinance No. 6680](#)

[Ordinance No. 6681](#)

[Resolution](#)

[Att 1 Annexation Map](#)

[Att 2 Zoning Map](#)

[Att 3 Planning Commission Staff Report and Attachments Dated 11-13-23](#)

[Att 4 Planning Commission Minutes](#)

[Att 5 Presentation](#)

- (9:20) 7.4. **CITY ATTORNEY'S OFFICE** (presenter: Moses Garcia)
SETTLEMENT OF STACY LYNNE V. STEVE ADAMS, CASE NUMBER 23 CV 123

A motion to approve the Release and Settlement Agreement regarding the lawsuit entitled Stacy Lynne v. Steve Adams Case Number 23 CV 123

The purpose of this agenda item is to fully resolve the lawsuit entitled Stacy Lynne v. Steve Adams, Case Number. 23 CV 123.

A disputed incident occurred on or about March 29, 2022 at the Larimer County Justice Center that resulted in a lawsuit by Stacy Lynne against Steve Adams in his individual capacity and in his capacity as City Manager. On July 17, 2023 the Court dismissed any claims asserted against Steve Adams in his official capacity as City Manager. On December 22, 2023 the parties engaged in mediation through the Honorable Susan L. Macey of Judicial Arbitrator Group, Inc. and reached an agreement to resolve the lawsuit, subject to City Council approval. The proposed Release and Settlement Agreement includes payment to Stacy Lynne of \$110,000 and payment for the cost of mediation. If City Council approves the proposed Release and Settlement Agreement the parties intend to dismiss the lawsuit.

Prior to the mediation date the cost of litigation incurred by the City for the lawsuit was \$35,756.97.

Note: Until there is full resolution of the lawsuit by settlement or trial, the case remains active and the parties and statement or other actions by the parties or others should reflect this status.

[AIR-102301](#)

[Att 1 Stipulation of Dismissal for DS](#)

[Att 2 Release fo DS](#)

- (9:40) 7.5. **CITY ATTORNEY'S OFFICE** (presenter: Moses Garcia)
SELECTION OF CIRSA COUNSEL AND CENTERRA LITIGATION UPDATE WITH POSSIBLE EXECUTIVE SESSION

A motion to select CIRSA counsel and recess into Executive Session for the purpose of receiving a legal update and legal advice on litigation related to the Centerra South Urban Renewal Plan and the Master Finance Agreement (Centerra South)

City legal staff and outside legal counsel will update City Council on the status of the

litigation related to Centerra South, and provide legal advice to and seek direction from City Council on any related negotiations.

McWhinney Real Estate Services, Inc. and related entities filed a lawsuit against the City of Loveland in the Larimer County District Court, Case No. 2023CV30956, on November 28, 2023 (the "Lawsuit"). On November 29, 2023, the City Council held a special meeting to discuss hiring outside counsel to represent the City in the Lawsuit. City Council voted to hire attorney Michael Plachy with the law firm of Lewis Roca Rothgerber Christie LLP ("Lewis Roca") and the City Attorney's Office thereafter engaged Lewis Roca for such representation. Mr. Plachy and attorneys Angela Vichick and Marisa DeForest, also with Lewis Roca, entered an appearance for the City in the Lawsuit on November 30, 2023.

After receiving notice of the Lawsuit, the City Attorney's Office submitted the filed complaint to the City's insurer CIRSA for review for coverage. On December 14, 2023, CIRSA informed the City Attorney's Office that CIRSA had received an opinion that there was defense coverage for the lawsuit. CIRSA clarified, however, that defense coverage would only be provided if the City engages a CIRSA-approved attorney for such defense in the Lawsuit.

If the City continues to use Lewis Roca as sole or lead counsel for representation in the lawsuit, those costs will not be covered by CIRSA and will not apply to the City's \$250,000 deductible. On December 19, 2023, Council discussed this item and asked the City Attorney to follow up with CIRSA to see if this decision could wait until after the February 29, 2023-March 1, 2023, trial date where the Court would hear arguments on the notice issue and on whether a valid contract exists. City Council asked that staff clarify CIRSA's position at the January 2, 2024 meeting.

[AIR-102057](#)

[Att 1 CIRSA approved attorneys matrix](#)

[Att 2 City Staff recommended CIRSA attorneys](#)

[Att 3 Email from Lewis Roca with CIRSA recommended attorneys](#)

[Att 4 Email from Moses Garcia](#)

(10:00) 7.6. **PUBLIC WORKS** (presenter: Michael Hogan)
REAL PROPERTY DISCUSSION CONCERNING THE ACQUISITION OF TWO PROPERTIES WITH POSSIBLE EXECUTIVE SESSION

A motion to recess into Executive Session to discuss the potential acquisition of two separate properties

City staff will provide Council with updates regarding the opportunities related to real property.

[AIR-102293](#)

7.7. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

(10:20) **8. REPORTS**

8.1. REPORTS FROM CITY COUNCIL

This is an opportunity for Council Members to report on recent activities.

8.2. CITY MANAGER REPORT

8.3. CITY ATTORNEY REPORT

(10:30) 9. ADJOURN