

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, Taylor, Farley, Klassen, Shaffer, Trenary, McKean, McEwen and Fogle.

PRESENTATION The presentation from Pam Shaddock, Regional Director for U.S. Senator Mark Udall, regarding a Resolution honoring the Loveland Fire & Rescue Department for fighting wildfires outside their district in 2011 was postponed to a future date.

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 abstained from the vote of the consent agenda as she was not present at the December 6, 2011 meeting. Councilor McEwen moved to approve the Consent Agenda. The motion was seconded by Councilor McKean and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY CLERK
Approval of Council Minutes
Motion

Administrative Action: A motion approving Council minutes from the December 6, 2011 regular meeting was approved.

2. CITY MANAGER
Board & Commission Appointments
Motion

Administrative Action: City Council approved the following appointments:
Affordable Housing Commission: Pam McCrory was appointed to a term effective until June 30, 2012. Scott Bader was appointed to a term effective until June 30, 2013.
Open Lands Commission: Gale Bernhardt and Bill Zawacki were reappointed for terms effective until December 31, 2015. Darren Pape was appointed for a term effective until December 31, 2014. Jim Roode was appointed as an Alternate member for a term effective until December 31, 2012.

3. CITY CLERKS

**Municipal Code Amendment – Special Event Permits
Ordinance #5658**

Legislative Action: "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF LOVELAND APPROVING ITS LOCAL LICENSING AUTHORITY TO ADOPT A STREAMLINED SPECIAL EVENTS PERMIT PROCESS PURSUANT TO C.R.S. §12-48-107" was approved and ordered published on second reading.

4. FIRE & RESCUE

**Municipal Code Amendment – International Fire Code, 2009 Edition
1st Rdg Ord & P.H.**

Legislative Action: A public hearing was held and "AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.28 OF THE CITY OF LOVELAND MUNICIPAL CODE REGARDING THE FIRE CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FIRE CODE, 2009 EDITION" was approved and ordered published on first reading and a public hearing was set for January 17, 2012 immediately preceding second consideration of the ordinance.

5. PUBLIC WORKS

Bus Service between Fort Collins and Longmont

a) Resolution #R-87-2011

Administrative Action: Resolution #R-87-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado, the City of Fort Collins, Colorado, and Larimer County, Colorado for bus service between Fort Collins and Longmont for the calendar year 2011 was approved.

RESOLUTION #R-87-2011

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO, THE CITY OF FORT COLLINS, COLORADO, AND LARIMER COUNTY, COLORADO FOR BUS SERVICE BETWEEN FORT COLLINS AND LONGMONT FOR THE CALENDAR YEAR 2011

WHEREAS, the City of Loveland desires to partner with the City of Fort Collins and Larimer County to provide regional connector bus service between the City of Fort Collins and the City of Longmont along the U.S. Highway 287 corridor, which service is referred to as the "Fort Collins-Longmont Express," or "FLEX"; and

WHEREAS, as governmental entities in Colorado, the City of Loveland, the City of Fort Collins, and Larimer County are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the Intergovernmental Agreement for Bus Service Between Fort Collins and Longmont, attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 20th day of December, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- b) Resolution #R-88-2011** Administrative Action: Resolution #R-88-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado, the City of Fort Collins, Colorado, and Larimer County, Colorado for bus service between Fort Collins and Longmont for the calendar year 2012 was approved.

RESOLUTION #R-88-2011

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Section 1. That the Intergovernmental Agreement for Bus Service Between Fort Collins and Longmont, attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 20th day of December, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

6. PUBLIC WORKS

Supplemental Appropriation - Lodging Tax Fund

Resolution #R-89-2011

Administrative Action: Resolution #R-89-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the North Front Range Transportation and Air Quality Planning Council, D/B/A the North Front Range Metropolitan Planning Organization, for "Job Access and Reverse Commute" Section 5316 Grant funds" was approved.

RESOLUTION #R-89-2011

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE NORTH FRONT RANGE TRANSPORTATION AND AIR QUALITY PLANNING COUNCIL, D/B/A THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION, FOR "JOB ACCESS AND REVERSE COMMUTE" SECTION 5316 GRANT FUNDS

WHEREAS, the Job Access and Reverse Commute ("JARC") Program, administered by the Federal Transit Administration, provides grants to communities for the purpose of filling gaps in employment transportation to primarily benefit low-income families who would otherwise have a difficult time getting to jobs and related services; and

WHEREAS, JARC grants are administered locally through a Master Agreement dated October 1, 2009 ("Master Agreement") between the United States of America, Department of Transportation, Federal Transit Administration ("FTA") and the North Front Range Transportation and Air Quality Planning Council, d/b/a the North Front Range Metropolitan Planning Organization ("MPO") (a copy of the Master Agreement is on file with the Loveland City Clerk and available at www.fta.dot.gov/documents/16-Master.pdf); and

WHEREAS, the City of Loveland has been awarded JARC Program funding ("5316 Grant Funds") in the amount of \$47,570 for operation of Route 100, which serves as the direct connection from downtown Loveland to Orchards Shopping Center and connects to the regional route between Loveland and the City of Fort Collins, and therefore provides a means for Loveland residents to get to and from employment centers typically catering to economically challenged populations; and

WHEREAS, the City desires to enter into a subagreement with the MPO in order to receive the 5316 Grant Funds; and

WHEREAS, as governmental entities in Colorado, the City and the MPO are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the "2011 Federal Transit Administration Section 5316 Funds Subagreement," attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 20th day of December, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

7. PUBLIC WORKS

CDOT GRANT FOR Rural Transit Services 2012

Resolution #R-90-2011

Administrative Action: Resolution #R-90-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, acting by and through the Colorado Department of Transportation, Division of Transportation Development, for "Formula Grants For Other Than Urbanized Areas" Section 5311 Grant funds was approved.

RESOLUTION #R-90-2011

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE STATE OF COLORADO, ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION, DIVISION OF TRANSPORTATION DEVELOPMENT, FOR "FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS" SECTION 5311 GRANT FUNDS

WHEREAS, the Formula Grants for Other than Urbanized Areas Program ("Program"), administered by the Federal Transit Administration, provides funding to states for the purpose of supporting public transportation in rural areas with populations of less than 50,000; and

WHEREAS, the City of Loveland has been awarded Program funding ("Section 5311 Grant Funds") for operation of Route 300, which operates east of Boyd Lake Avenue and provides door-to-door paratransit service for seniors and disabled persons residing in the rural areas outside of the urbanized Transit Management Area, as defined by the 2000 Census; and

WHEREAS, the City desires to enter into an agreement with the State of Colorado, acting by and through the Colorado Department of Transportation, Division of Transportation Development ("State"), in order to receive the Section 5311 Grant Funds and to serve as the designated recipient to administer the Section 5311 Grant Funds on behalf of the Town of Berthoud and Larimer County; and

WHEREAS, as governmental entities in Colorado, the City and the State are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

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

Section 1. That the "State of Colorado 5311 Grant Agreement (Administrative & Operating) with the City of Loveland," attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental 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 Intergovernmental Agreement on behalf of the City.

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

ADOPTED this 20th day of December, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

8. ECONOMIC DEVELOPMENT

Amend Project Development Agreement – Rialto Bridge Project

Resolution #R-91-2011

Administrative Action: Resolution #R-91-2011 authorizing the City Manager to amend the project development agreement for the Rialto Bridge project was approved.

RESOLUTION #R-91-2011

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE PROJECT DEVELOPMENT AGREEMENT FOR THE RIALTO BRIDGE PROJECT

WHEREAS, the City owns that certain real property known as the Rialto Theater located 228 Fourth Street, Loveland, Colorado (the "Rialto") and the adjacent real property and building located at 224 Fourth Street, Loveland, Colorado (the "City Property"); and

WHEREAS, Rialto Bridge, LLC ("Developer") owns that certain real property and building located at 218 Fourth Street, Loveland, Colorado (the "Developer Property"), which is adjacent to the City Fourth Street Property; and

WHEREAS, the City and Developer are jointly developing the City Property and the Developer Property (sometimes referred to herein collectively as the "Properties") pursuant to the Development Agreement described below, as an integrated public-private project to complement and supplement the Rialto Theater, including certain public spaces to be owned by the City (the "Public Spaces"), and certain complementary private restaurant and commercial spaces to be owned by the Developer ("Private Spaces"). The Public Spaces and Private Spaces, as well as the common areas serving such spaces, will be located in a new building constructed on the Properties and physically connected to the Rialto Theater, are hereinafter referred to collectively as the "Project"; and

WHEREAS, on June 1, 2010, City Council adopted Resolution #R-21-2010 approving and authorizing the City Manager to execute the Project Design Agreement for the Project, which was executed and dated June 20, 2010 (the "Design Agreement"); and

WHEREAS, the City and Developer completed the Project Plans under the Design Agreement and on April 19, 2011 City Council adopted Resolution #R-26-2011 approving and authorizing the City Manager to execute the Project Development Agreement dated April 30, 2011 (the "Agreement") to construct the Project; and

WHEREAS, due to minor technical delays at the initial stages of the Project, the parties desire to extend certain timeframes set forth in Paragraph 23 of the Agreement.

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

Section 1. That the City Manager is authorized, following consultation with the City Attorney as to form, to approve and enter into an amendment to paragraph 23 of the Agreement (the "Amendment") to extend the time frame to obtain a letter of completion and/or temporary or permanent certificate of occupancy for the core and shell of the Project and the Public Spaces from December 31, 2011 to March 31, 2012 and the time frame to obtain a letter of completion and/or temporary or permanent certificate of occupancy for the Private Spaces from December 31, 2012 to March 31, 2013.

Section 2. That the City Manager and the City Clerk are hereby authorized and directed to execute the Amendment on behalf of the City of Loveland.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.
ADOPTED this 20th day of December, 2011.
Cecil A. Gutierrez, Mayor
Attest: Teresa G. Andrews, City Clerk
Exhibit A is available in the City Clerk's Office

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Farley Councilor Farley participated in interviews for new members of the Visual Arts Commission. He also complimented staff on the Christmas lights.

Shaffer Councilor Shaffer extended her best holiday wishes to the community, staff and council. The annual Menorah Lighting will be held December 27, 2011.

Trenary Councilor Trenary extended appreciated to the Loveland DAR for their work in hosting the World War i memorial ceremony he attended. He also participated in interviews of new members for the Planning Commissions.

Taylor Councilor Taylor extended holiday greetings to all.

McEwen Councilor McEwen extended happy holiday greetings to all.

Klassen Councilor Klassen participated in the interviews of new members for the Golf Advisory Board. He attended an amazing show by the Loveland Choral directed by Cliff Shultz. Councilor Klassen extended a welcome to Cumberland & Western.

Gutierrez Mayor Gutierrez thanked the Engaging Loveland organization for a week of great activities. Other activities mentioned were the First Liquid Arts Festive at the Bonnell Building. He attended Fire Department simulated training called "Blue Card Training" and extended appreciation to staff. The Mayor extended a thank you the police officers who recently retired.

City Manager Cahlll stated ipads will be ordered for those Councilors wanting to move to electronic delivery. Councilors Farley, Taylor, Shaffer and Fogle indicated they

c) City Manager Report

Cahlll

City Manager Cahlll updated Council on the status of the former Agilent property sale to Cumberland & Western. The escrow closed today and the Title is vested in the name of the new corporation created by Cumberland & Western: "Rocky Mountain Center for innovation & Technology". in closing on the sale, fulfilled two items Council was interested in, the first was having the City act as a short term owner to facilitate the transfer of the property from Agilent to a new owner. That has been accomplished. The second is promoting the redevelopment of that site for a technology driven industrial and research park. The second item will be helped by the terms of the sale. He expressed appreciation to Council for their support and extended his gratitude to city staff including Betsey Hale, Economic Development Director and City Attorney John Duval and his staff.

City Manager Cahill reminded Councilors there is a January event that required a sign-up.

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 - None

9. DEVELOPMENT SERVICES

2005 Comprehensive Plan, 2011 Implementation Plan

Administrative Action: City Planner Karl Barton introduced this item to Council. This item is an administrative action to formally adopt the City of Loveland 2005 Comprehensive Plan, 2011 Implementation Plan. The 2011 Implementation Plan was prepared to satisfy the requirement that the 2005 Comprehensive Plan be updated every five years. Councilor McEwen moved to approve Resolution #R-92-2011 adopting the City of Loveland 2005 Comprehensive Plan, 2011 Implementation Plan. The Mayor opened the public hearing at 7:04 and hearing no comments closed the hearing at 7:04 p.m. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-92-2011

A RESOLUTION ADOPTING THE CITY OF LOVELAND 2005 COMPREHENSIVE PLAN, 2011 IMPLEMENTATION PLAN

WHEREAS, the Loveland, Colorado 1994 Comprehensive Master Plan was recommended for City Council approval by resolution of the Loveland Planning Commission in October, 1994, and approved and adopted by resolution of the Loveland City Council in October, 1994; and

WHEREAS, the City of Loveland 1994 Comprehensive Master Plan was renamed the "2005 Comprehensive Plan" and was recommended for City Council approval by the Loveland Planning Commission in February, 2007 and amended, approved and adopted by Resolution #21-2007 of the Loveland City Council on March 6, 2007; and,

WHEREAS, the City of Loveland 2005 Comprehensive Plan, 2011 implementation Plan (the "2011 Implementation Plan") is the result of a five (5) year update process during which staff and board and commission members evaluated, consolidated, and edited the 435 objectives assigned to them in the 2005 Comprehensive Plan to create specific and actionable objectives that better align with the goals of the 2005 Comprehensive Plan and describe priorities for the City's efforts during the upcoming four (4) year period (2012 through 2015), after which a new comprehensive plan is scheduled to be adopted; and

WHEREAS, City staff and each board and commission has recommended to City Council the objectives assigned to them as set forth in 2011 Implementation Plan, as a tool to guide decision making and prioritize projects and initiatives for the next four (4) years.

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

Section 1. That the 2011 Implementation Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and adopted.

Section 2. That this Resolution shall be effective as of the date and time of its adoption.

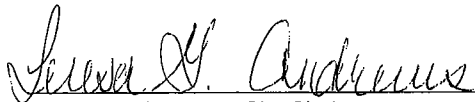
ADOPTED this 20th day of December, 2011.

Cecil A. Gutierrez, Mayor
Attest: Teresa G. Andrews, City Clerk
Exhibit A is available in the City Clerk's Office

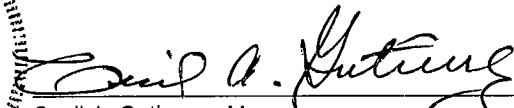
ADJOURNMENT

Having no further business to come before Council, the December 20, 2011
Regular Meeting was adjourned at 7:25 p.m.

Respectfully Submitted,


Teresa G. Andrews, City Clerk




Cecil A. Gutierrez, Mayor