



**REGULAR CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS - CITY HALL  
MONDAY, MAY 24, 2010  
7:00 P.M.**

***Individuals Requiring Special Accommodations Should Notify the City Clerk's Office (719) 553-2669 by Noon on the Friday Preceding the Meeting.***

- A. CALL TO ORDER**                      President Lawrence W. Atencio
- B. INVOCATION**                              Pastor Monte Mora, Fountain of Life Community Church
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**
- E. PUBLIC FORUM**
- F. SPECIAL RECOGNITIONS**
  - 1. 2010 May Employee of the Month**
    - Joella Horstman, Administrative Technician  
Parks and Recreation Department
  - 2. Certificate of Special Recognition**
    - Karen Willson, Zoning Enforcement Officer
  - 3. Certificate of Special Recognition – Girl Scout Gold Award  
Highest Award for Girls Ages 14-18:**
    - Dynelle Abeyta
    - Megan Bordenave
    - Marissa Guerrero
  - 4. City Team Commendation**
    - Municipal Court Graffiti Removal Crew

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G. COUNCIL MEMBER COMMENTARY

H. REVIEW AND APPROVAL OF AGENDA

I. READING AND APPROVAL OF MINUTES

- **Required Council Action:** Motion to dispense with the reading and approve the Minutes of the Regular Meeting dated Monday, May 10, 2010, as distributed.

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J. PUBLIC HEARINGS

- J-1 Petition for Annexation: Annexing the Area Commonly Known as the Black Hills Annexation **Phase 1** and Described as East of Baculite Mesa Road and North of Pete Jimenez Parkway  
**Required Council Action:** Open Hearing, Receive Staff and Public Testimony regarding the applicable requirements of Sections 32-1-203(2) and 204.5, C.R.S. Close the Public Hearing and proceed to item number J-2.
- J-2 Petition for Annexation: Annexing the Area Commonly Known as the Black Hills Annexation **Phase 2** and Described as East of Baculite Mesa Road and North of Pete Jimenez Parkway  
**Required Council Action:** Open Hearing, Receive Staff and Public Testimony regarding the applicable requirements of Sections 32-1-203(2) and 204.5, C.R.S. Close the Public Hearing and proceed to item number J-3.
- J-3 Petition for Annexation: Annexing the Area Commonly Known as the Black Hills Annexation **Phase 3** and Described as East of Baculite Mesa Road and North of Pete Jimenez Parkway  
**Required Council Action:** Open Hearing, Receive Staff and Public Testimony regarding the applicable requirements of Sections 32-1-203(2) and 204.5, C.R.S. Close the Public Hearing and proceed to item number K-1.

K. RESOLUTIONS FOR PRECEDING PETITIONS FOR ANNEXATION

- K-1 A Resolution Approving and Adopting Findings and Determinations Concerning the Proposed Annexation of the Area Commonly Known as Black Hills Annexation **Phase 1** and Described as Land East of Baculite Mesa Road and North of Pete Jimenez Parkway  
**Required Council Action:** Motion to Approve the Resolution

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**K. RESOLUTIONS FOR PRECEDING PETITIONS FOR ANNEXATION (Continued)**

- K-2 A Resolution Approving and Adopting Findings and Determinations Concerning the Proposed Annexation of the Area Commonly Known as Black Hills Annexation **Phase 2** and Described as Land East of Baculite Mesa Road and North of Pete Jimenez Parkway  
**Required Council Action:** Motion to Approve the Resolution
- K-3 A Resolution Approving and Adopting Findings and Determinations Concerning the Proposed Annexation of the Area Commonly Known as Black Hills Annexation **Phase 3** and Described as Land East of Baculite Mesa Road and North of Pete Jimenez Parkway  
**Required Council Action:** Motion to Approve the Resolution

**L. CONSENT AGENDA**

*All items listed in this portion of the agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilperson so requests; in which event, the item will be removed from the Consent Agenda and considered under the Regular Agenda. Unless otherwise indicated, titles are self-explanatory.*

**M. RESOLUTIONS**

- M-1 A Resolution Approving an Amendment to the August 1, 2009 Employment Agreement Between Pueblo, a Municipal Corporation and Jerry M. Pacheco and Authorizing the President of the City Council to Execute Same
- M-2 A Resolution Appointing a Member to the Clean Up Pueblo Advisory and Planning Committee  
This Resolution appoints Rachel L. Master for a 2-year term expiring March 1, 2012
- M-3 A Resolution Awarding a Construction Contract in the Amount of \$410,969.85 to Tony J. Beltramo & Sons, Inc. and Setting forth \$58,000.00 for Contingencies and \$138,200.00 for Additional Work for Project No. 10-015 (CPAN10) Fiscal Year 2010 Asphalt Street Resurfacing Project (Overlay) and Authorizing the Purchasing Agent to Execute the Same
- M-4 A Resolution Awarding a Construction Contract in the Amount of \$1,012,448.00 to Spectrum General Contractors and Setting Forth \$101,245.00 for Contingencies, for the Pueblo City and Memorial Halls Roof and Upper Wall Exterior Restoration Project No. 10-043 (PL0806) and Authorizing the Purchasing Agent to Execute Same
- M-5 A Resolution Authorizing and Approving Payment of Extraordinary Maintenance and Replacement Expenses for the Pueblo Convention Center in Accordance with the Amended and Restated Phase One Project Cooperation Agreement By and Between the City of Pueblo and the Urban Renewal Authority of Pueblo, Colorado

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**M. RESOLUTIONS (Continued)**

- M-6 A Resolution Authorizing the City of Pueblo to Apply for a 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) and Approving a Memorandum of Understanding Concerning Receipt and Disbursement of Funds from Said Grant and Authorizing the President of the City Council to Execute Same
- M-7 A Resolution Approving a Time Extension for the Completion of Deferred Filings for the Pastora Ranch Subdivision, Filing No. 1
- M-8 A Resolution Authorizing the Issuance of a Revocable Permit to Gold Star Jewelry and Loan for the Use of the Right of Way Located at 108 Lincoln Street for the Purpose of Allowing the Overhang of a Pole Sign to Remain in the Right of Way
- M-9 A Resolution Accepting Conveyance of an Easement from Joseph Wojdyla, an Individual

**N. ORDINANCES – FIRST PRESENTATION**

- N-1 An Ordinance Amending Chapter 4 of Title XIV of Pueblo Municipal Code Relating to Sales and Use Tax and Exempting Therefrom Newly Constructed 200 or More Megawatt Electric Power Generation Facilities Located in an Enterprise Zone  
**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE
- N-2 An Ordinance Amending Section 11-1-607 of Article VI of Chapter 1, Title XI of the Pueblo Municipal Code Relating to Regulations Concerning Noise and Exemption of Authorized Emergency Vehicles Therefrom  
**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE
- N-3 An Ordinance Amending Section 11-1-201 of Article II, Chapter 1, Title XI of the Pueblo Municipal Code Pertaining to Disorderly Conduct Committed Through Excessive Noise, and Providing Penalties for the Violation Thereof  
**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE
- N-4 An Ordinance Increasing the 2010 Appropriation to the HARP Authority and Budgeting and Appropriating the Amount of \$43,067 from the HARP Land Sales Fund Therefor  
**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE
- N-5 An Ordinance Designating the Euclid J. Miles House, 1007 Lake Avenue, as a Local Historic Landmark  
The Planning and Zoning Commission at their Work Session on April 22, 2010 and the Historic Preservation Commission at their Regular Meeting on March 25, 2010 voted to recommend APPROVAL.  
**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE

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**N. ORDINANCES – FIRST PRESENTATION (Continued)**

N-6 An Ordinance Establishing Capital Project No. CP1018, PEG Capital Funds, and Capital Project No. CP1019, Comcast Technology Grant, and Budgeting and Appropriating Funds in the Amount of \$252,000 Therefore

**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE

N-7 An Ordinance Changing Zoning Restrictions for 73.787 Acres of Land Located North of Pete Jimenez Parkway and East of Baculite Mesa Road from Pueblo County A-1, Agricultural One District to City of Pueblo A-1, Agricultural One District and S-1, Government Use District Covering a Parcel of Land Commonly Known as the North East Corridor

**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE

N-8 An Ordinance Changing Zoning Restrictions for 256.282 Acres of Land Located North of Pete Jimenez Parkway and East of Baculite Mesa Road from Pueblo County A-1, Agricultural One District to I-3, Heavy Industrial District Covering a Parcel of Land Commonly Known as the Black Hills Annexation Site Phases 1, 2 and 3

The Planning and Zoning Commission at their Regular Meeting on May 12, 2010 voted 6-0 to recommend APPROVAL.

**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE

N-9 An Ordinance Approving the Black Hills Subdivision, Filing No. 1, a Special Area Plan Subdivision Plat

The Planning and Zoning Commission at their Regular Meeting on May 12, 2010 voted 6-0 to recommend APPROVAL with specified conditions.

**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE

N-10 An Ordinance Approving a Special Area Plan for Black Hills Subdivision, Filing No. 1, a Special Area Plan

The Planning and Zoning Commission at their Regular Meeting on May 12, 2010 voted 6-0 to recommend APPROVAL with specified conditions.

**Required Council Action:** Motion to Pass on First Presentation, Set the Public Hearing for Monday **June 14, 2010** and Order the Ordinance Published BY TITLE

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**O. APPROVAL OF CONSENT AGENDA**

**THE FOLLOWING IS A SUGGESTED MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA**

I Move to Approve All Resolutions Set forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda on First Presentation, Set the Public Hearings for the Ordinances on First Presentation for **Monday, June 14, 2010** and Order the Ordinances of the Consent Agenda to be Published **BY TITLE**.

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**P. REGULAR AGENDA**

**Q. RESOLUTIONS**

- Q-1 A Resolution Appointing A Member to the Pueblo Regional Building Commission – City Appointment

This appointment was continued during the May 10, 2010 Meeting until a full Council was available. A run-off vote between Bret A. Verna and Daniel J. Toussaint will be held to for the appointment to complete the term expiring October 1, 2010, vacated due to the resignation of Commission Member Ronald S. Vigil

**Required Council Action:** Motion to Approve the Resolution inserting the name of \_\_\_\_\_ to complete the 3-year term expiring October 1, 2010.

- Q-2 A Resolution Approving an Agreement Between the City of Pueblo, a Municipal Corporation and Creative Outdoor Advertising of America, Inc. Relating to the Installation of Recycling Containers on Untraveled Portions of Public Streets and Highways and Upon Public Sidewalks Within the Jurisdiction of the City and Authorizing the President of City Council to Execute Same

**Required Council Action:** Motion to Approve the Resolution

- Q-3 A Resolution Authorizing the Transfer of \$3,000 from the Contingencies Account in the 2010 General Fund Budget to Project Respect, a Component of Pueblo City Schools' Intervention Services Department

**Required Council Action:** Motion to Approve the Resolution

**R. ORDINANCES – FINAL PRESENTATION**

- R-1 **PUBLIC HEARING:** An Ordinance Budgeting and Appropriating Funds in the Amount of \$29,000 Related to the South Pueblo Historic and Architectural Context Study and Preservation Plan and Approving a Grant Contract Between the City of Pueblo, a Municipal Corporation, and the State of Colorado for the Department of Higher Education, Colorado Historical Society for Said Project and Authorizing the President of City Council to Execute Same – *Introduced May 10, 2010 by Councilman Chris Kaufman*

**Required Council Action:** Motion to Approve the Ordinance on Final Presentation

- R-2 **PUBLIC HEARING:** An Ordinance Budgeting and Appropriating Insurance Proceeds in the Amount of \$262,865 for Hail Damage Repairs and Transferring Said Funds to Project PL0806, Relating to the City and Memorial Halls Roof Project – *Introduced May 10, 2010 by Councilman Chris Kaufman*

**Required Council Action:** Motion to Approve the Ordinance on Final Presentation *per Substituted Copy Dated May 24, 2010*

- R-3 **PUBLIC HEARING:** An Ordinance Calling a Special Municipal Franchise Election to be Held on August 10, 2010, Directing that Said Special Municipal Franchise Election be Conducted as Part of a Coordinated Election to be Conducted as a Mail Ballot Election, Adopting for Use at the Special Municipal Election the Requirements and Procedures of the Uniform Election Code of 1992 Except to the Extent the Uniform Election Code of 1992 Conflicts with a Specific Provision of the Charter of the City of Pueblo, and Suspending for Such Purposes All Ordinances and Resolutions of the City in Conflict Therewith – *Introduced May 10, 2010 by Councilman Chris Kaufman*

**Required Council Action:** Motion to Approve the Ordinance on Final Presentation

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**R. ORDINANCES – FINAL PRESENTATION (Continued)**

- R-4 **PUBLIC HEARING:** An Ordinance Approving an Intergovernmental Agreement Between the City of Pueblo and the County of Pueblo Relating to Election Services for the August 10, 2010 Special Municipal Franchise Election and Authorizing the President of City Council to Execute Same – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-5 **PUBLIC HEARING:** An Ordinance Submitting to the Electors Entitled to Vote Thereon at the Special Municipal Franchise Election to be Held on August 10, 2010 the Question of Adopting Ordinance No. 8186 Granting a Non-Exclusive Franchise to Black Hills/Colorado Electric Utility Company, L.P. to Furnish and Sell Electricity to the City and to all Residents Within the City, and the Non-Exclusive Right to Acquire, Purchase, Construct, Install, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary for the Generation, Production, Sale, Purchase, Exchange, Transmission and Distribution of Electric Utility Service Within and Through the City, Together with the Right to Make Reasonable Use of the Streets and Public Utility Easements of the City as Herein Defined as May Be Necessary, and Fixing the Terms, Conditions and Requirements Applicable to All of the Foregoing – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-6 **PUBLIC HEARING:** An Ordinance Re-Extending a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Any Application for City of Pueblo Permit or License Related to the Operation of a Business that Sells Medical Marijuana Pursuant to the Authority Granted by Article 18, Section 14 of the Colorado Constitution; Directing the Prompt Investigation of the City's Regulatory Authority Over Such Businesses and Declaring the Intention of the City Council to Consider the Adoption of Appropriate Regulations with Respect to Such Businesses if Permitted by Law – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-7 **PUBLIC HEARING:** An Ordinance Approving an Amendment to the July 7, 2006 Agreement Between the City of Pueblo, a Municipal Corporation, and Colorado Department of Transportation Relating to the Arkansas River Trail Phase 2 Reconstruction Project and Authorizing the President of City Council to Execute the Same – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-8 **PUBLIC HEARING:** An Ordinance Amending Chapter 4 of Title XVII of the Pueblo Municipal Code Relating to Height Requirements for the HARP-2 and HARP-3 Zone Districts and Providing Penalties for Violation Thereof – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
The Planning and Zoning Commission at their Regular Meeting on April 14, 2010 voted 6-0 to Recommend APPROVAL.  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation

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**R. ORDINANCES – FINAL PRESENTATION (Continued)**

- R-9 **PUBLIC HEARING:** An Ordinance Amending Chapters 2 and 4 of Title XVII of the Pueblo Municipal Code Relating to Uses by Review in the B-4 Zone District and Providing Penalties for Violation Thereof – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
The Planning and Zoning Commission at their Regular Meeting on April 14, 2010 voted 6-0 to Recommend APPROVAL.  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-10 **PUBLIC HEARING:** An Ordinance Annexing the Area Commonly Known as the Black Hills Annexation *Phase 1* and Described as East of Baculite Mesa Road and North of Pete Jimenez Parkway and Approving an Annexation Agreement Relating Thereto – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
The Planning and Zoning Commission at their Regular Meeting on April 14, 2010 voted 6-0 to Recommend APPROVAL.  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-11 **PUBLIC HEARING:** An Ordinance Annexing the Area Commonly Known as the Black Hills Annexation *Phase 2* and Described as East of Baculite Mesa Road and North of Pete Jimenez Parkway and Approving an Annexation Agreement Relating Thereto – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
The Planning and Zoning Commission at their Regular Meeting on April 14, 2010 voted 6-0 to Recommend APPROVAL.  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation
- R-12 **PUBLIC HEARING:** An Ordinance Annexing the Area Commonly Known as the Black Hills Annexation *Phase 3* and Described as East of Baculite Mesa Road and North of Pete Jimenez Parkway and Approving an Annexation Agreement Relating Thereto – *Introduced May 10, 2010 by Councilman Chris Kaufman*  
The Planning and Zoning Commission at their Regular Meeting on April 14, 2010 voted 6-0 to Recommend APPROVAL.  
**Required Council Action:** Motion to Approve the Ordinance on Final Presentation

**ADJOURN**