



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS - CITY HALL
MONDAY, JANUARY 11, 2010 - 7:00 P.M.**

MINUTES

- A. CALL TO ORDER** President Vera Ortegon called the City Council Meeting to order.
- B. INVOCATION** Fire Chief Chris Riley presented the Invocation.
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**

Council Members Present: Ray Aguilera, Larry Atencio, Leroy Garcia, Chris Kaufman, Steve Nawrocki, Vera Ortegon and Judy Weaver

Administrative Staff Members Present: City Manager Jerry Pacheco, Assistant City Manager Jenny Eickelman, Interim City Attorney Thomas Florczak, City Clerk Gina Dutcher, Director of Public Works Earl Wilkinson, Director of Housing and Citizen Services Ada Clark, Fire Chief Chris Riley and Director of Wastewater Gene Michael

OATH OF OFFICE AND PRESENTATION OF CERTIFICATES OF ELECTION

City Clerk Gina Dutcher presented the Oath of Office to newly elected and re-elected Council members Judy Weaver, Council Member District 1, Leroy Garcia, Council Member District 3, Chris Kaufman, Council Member At-Large and Steve Nawrocki, Council Member At-Large. A Certificate of Election was presented to each of them by Mrs. Dutcher.

PARTING REMARKS BY COUNCIL PRESIDENT VERA ORTEGON

President Ortegon reviewed the highlights of 2009 for the City of Pueblo during her tenure as President. She thanked everyone for their support during the year and stated it was an honor for her to be President. She clarified that much has been accomplished; however there are still many challenges ahead. Mrs. Ortegon praised the leadership of City Manger Jerry Pacheco and stated he is a "Blessing for our City."

ELECTION OF PRESIDENT

Mr. Kaufman, seconded by Mr. Atencio nominated Councilman Larry Atencio for President of the City Council for the Year 2010.

With no other nominations being expressed, President Ortegon closed the nominations.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

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PRESIDENT ATENCIO ASSUMES THE PRESIDENCY

President Atencio stated it is an honor for him and he is proud to be elected President for this year. He thanked the Council for their support and stated he looks forward to working closely with City Manager Pacheco. He clarified that his number one priority for this Council is communication and respect of each other. He reviewed his intentions and the goals he would like to see the Council accomplish during his year as President of the City Council.

ELECTION OF VICE-PRESIDENT

Mr. Garcia seconded by Mr. Aguilera nominated Councilman Ray Aguilera for Vice-President of the Council for the Year 2010.

With no other nominations being expressed, President Atencio closed the nominations.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

PRESIDENT VIDMAR APPOINTS AN EXECUTIVE COMMITTEE CHAIRPERSON

President Atencio reappointed Councilwoman Judy Weaver as the Executive Committee Chairperson for the Year 2010.

E. PUBLIC FORUM

Dr. Alvin Rivera expressed comments in regard to the City's practices of "Competitive Bidding," related practices and feels this raises questions about the fairness of the process and the practice of how the process is being used.

F. SPECIAL RECOGNITIONS:

Councilwoman Weaver announced that Kimberly Jefferies, Senior Emergency Services Dispatcher was selected as the City's Employee of the Year for 2009. Mrs. Weaver reviewed Ms. Jefferies' distinctive and exemplary service to the City of Pueblo. Kimberly was presented with an honorary plaque, an additional personal day off and a \$200 cash bonus.

G. COUNCIL COMMENTS

Council members expressed comments in regard to various issues and communications. Newly elected Council Members also expressed comments in regard to their upcoming terms in office and their commitment for dedicated service to the City as a member of the City Council.

President Atencio expressed comments in regard to the negativism involved with the management and operation of the El Centro Del Quinto Sol Recreation Center following the proposal from La Gente Youth Sports to manage the Center. He stressed disappointment in the destructive comments about LGYS because they possess an unmatched commitment to the kids of the community, but also because this type of recreation/activity center is much needed for not only the youth and citizens of the Eastside, but for the community as a whole.

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CONSENT AGENDA

H. REVIEW OF THE AGENDA

Mrs. Weaver asked that per the request of the Administration, agenda item numbers N-2 (Ordinance First Presentation) be removed from the agenda and move item number R-4 (Ordinance Final Presentation) to the end of the agenda.

I. AMENDMENTS TO AND APPROVAL OF AGENDA

Mrs. Weaver seconded by Mr. Aguilera moved to amend the agenda by removing item number N-2 and moving item number R-4 to the end of the agenda and approve the agenda as amended.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

J. READING AND APPROVAL OF MINUTES

Mr. Aguilera seconded by Mr. Nawrocki moved to dispense with the reading and approve the Minutes of the *Regular Meeting dated Monday, December 28, 2009*, as distributed.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

K. CONSENT AGENDA

L. COMMUNICATIONS

There were no Communication agenda items.

M. RESOLUTIONS

M-1 RESOLUTION NO. 11782 DESIGNATING A PUBLIC PLACE FOR THE POSTING OF NOTICE OF MEETINGS FOR THE YEAR 2010

M-2 RESOLUTION NO. 11783 FIXING AN ALTERNATE DAY FOR THE REGULAR CITY COUNCIL MEETING CURRENTLY SCHEDULED FOR THE SECOND MONDAY IN OCTOBER 2010

M-3 RESOLUTION NO. 11784 APPROVING THE URBAN RENEWAL AUTHORITY OF PUEBLO FISCAL YEAR 2009 AMENDED OPERATING BUDGET FOR PHASE ONE URBAN RENEWAL PROJECT AREA, THE EXPANDED PHASE ONE URBAN RENEWAL PROJECT AREA AND THE PUEBLO CONVENTION CENTER

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CONSENT AGENDA

M. RESOLUTIONS (Continued)

- M-4 RESOLUTION NO. 11785 APPROVING THE URBAN RENEWAL AUTHORITY OF PUEBLO FISCAL YEAR 2010 OPERATING BUDGET FOR PHASE ONE URBAN RENEWAL PROJECT AREA, THE EXPANDED PHASE ONE URBAN RENEWAL PROJECT AREA AND THE PUEBLO CONVENTION CENTER**
- M-5 RESOLUTION NO. 11786 APPROVING MODIFICATION AGREEMENT NO. 3 BETWEEN THE CITY OF PUEBLO, PUEBLO SPRINGS RANCH, LLC AND PUEBLO SPRINGS RANCH II, LLC RELATING TO MODIFICATION OF THE TERM "TRIGGERING EVENT" SET FORTH IN THE WARRANTY DEED AND RIGHT OF REVERSION DATED OCTOBER 22, 2007 AND MODIFIED ON DECEMBER 31, 2007 AND FURTHER MODIFIED ON DECEMBER 22, 2008**
- M-6 RESOLUTION NO. 11787 APPROVING AMENDMENT NO. 9 TO A RENTAL CAR LEASE AND OPERATING AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION AND THE HERTZ CORPORATION AND AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO EXECUTE SAME**
- M-7 RESOLUTION NO. 11788 AWARDED A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$28,340.00 TO CTL THOMPSON TO PERFORM GEOTECHNICAL SERVICES FOR UPCOMING CONSTRUCTION PROJECTS AT THE JAMES R. DIORIO WATER RECLAMATION FACILITY, AND AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO EXECUTE SAME**
- M-8 RESOLUTION NO. 11789 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$129,368.65 TO SPACCAMONTI EXCAVATING, INC., FOR SANITARY SEWER POINT REPAIR IN THE ALLEY BETWEEN 17TH & 18TH STREETS, HOOD-HOOPER, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE THE SAME.**
- M-9 RESOLUTION NO. 11790 APPOINTING COUNCIL MEMBERS TO THE PLANNING AND ZONING COMMISSION, THE PUEBLO REGIONAL BUILDING COMMISSION, THE COMMITTEE ON DISPOSITION OF FORFEITED PROPERTY, THE URBAN RENEWAL AUTHORITY OF PUEBLO, COLORADO, THE PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE, AND THE STREETScape ADVISORY COMMITTEE AND APPOINTING DIRECTORS TO THE PUEBLO ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS, THE HARP AUTHORITY BOARD OF DIRECTORS AND THE PUEBLO DEVELOPMENT FOUNDATION BOARD OF DIRECTORS**

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CONSENT AGENDA

N. ORDINANCES - FIRST PRESENTATION

- N-1 AN ORDINANCE VACATING ALL PUBLIC UTILITY EASEMENTS IN LOT 1, BLOCK 1, UNIVERSITY VILLAGE SUBDIVISION, FILING NO. 1; AND ALL OF THE DRAINAGE, SIDEWALK, AND INGRESS/EGRESS EASEMENTS IN LOTS 1 AND 2, BLOCK 2, UNIVERSITY SUBDIVISION FILING, NO. 2 - was presented for First Presentation**

Public Hearing was set for Monday, January 25, 2010 and Notice of Hearing was ordered published BY TITLE

- N-2 AN ORDINANCE APPROVING THE WOLF VILLAGE SUBDIVISION, FILING NO. 1- was presented for First Presentation**

Public Hearing was set for Monday, January 25, 2010 and Notice of Hearing was ordered published BY TITLE

- N-3 AN ORDINANCE AMENDING SECTION 16 OF CHAPTER 5 OF TITLE VI AND THE FISCAL YEAR 2010 STAFFING ORDINANCE AND RELATING TO THE CREATION OF A SENIOR ANALYST POSITION IN THE PARKS AND RECREATION DEPARTMENT - REMOVED FROM THE AGENDA**

O. Consent Agenda Roll Call and Vote:

Mrs. Ortegon seconded by Mrs. Weaver moved 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, January 25, 2010 and Order the Ordinances of the Consent Agenda to be Published **BY TITLE**.

Roll Call -- Ayes: Aguilera, Atencio, Occhiato Ortegon, Thurston and Vidmar. Motion carried unanimously.

P. REGULAR AGENDA

Q. RESOLUTIONS

There were no Regular Agenda Resolutions

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REGULAR AGENDA

R. ORDINANCES - FINAL PRESENTATION

- R-1 ORDINANCE NO. 8130 AMENDING APPROPRIATIONS AND COMPILING PREVIOUS AMENDMENTS TO THE GENERAL FUND, SPECIAL REVENUE FUNDS, ENTERPRISE FUNDS, INTERNAL SERVICE FUNDS, DEBT SERVICE FUNDS, AND CAPITAL PROJECT FUNDS FOR THE FISCAL YEAR 2009 AND AMENDING THE BUDGET FOR THE YEAR 2009 - was presented for Final Presentation**

STAFF REPORT GIVEN BY MR. PACHECO:

In November of 2008 City Council adopted the City Budget for the year 2009. During the year, due to various operational changes, City Council adopted ordinances that amended that budget. This ordinance also provides for changes and corrections that were dictated through the year-end closing process and accumulates all of these items into one summary ordinance, which reflects the final revised City Budget for the year 2009.

PUBLIC HEARING:

Seeing no one wishing to speak, President Atencio declared the Hearing closed.

Mrs. Ortegon seconded by Mrs. Weaver moved to approve the Ordinance on Final Presentation.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

- R-2 ORDINANCE NO. 8131 APPROVING A CONTRACT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE VETERAN'S BRIDGE ON HARP, ESTABLISHING PROJECT NO. ARPW02 AND ACCEPTING \$600,000 OF ARRA FUNDS, TRANSFERRING AND APPROPRIATING SAID \$600,000 TO EXISTING PROJECT PWHP08, INCREASING PROJECT BUDGET TO \$1,158,872, AND AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO EXECUTE SAME - was presented for Final Presentation**

STAFF REPORT GIVEN BY MR. WILKINSON:

The approval of this contract awards \$600,000 of American Reinvestment and Recovery Act (ARRA) to the overall construction of the Veteran's Bridge at the Riverwalk's Gateway Park. This ordinance also transfers the \$600,000 of ARRA funds to the existing capital project, which was created by Ordinance 7935 with the acceptance of Department of Local Affairs (DOLA) funds specific to construction of both Veteran's Bridge and reconstruction of the boathouse. The ARRA funds are 100% federal funds; there is no local match required and no financial impact to the City.

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REGULAR AGENDA

R. ORDINANCES - FINAL PRESENTATION (Continued)

R-2 Continued

PUBLIC HEARING:

Seeing no one wishing to speak, President Atencio declared the Hearing closed.

Mr. Kaufman seconded by Mrs. Weaver moved to approve the Ordinance on Final Presentation.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

R-3 ORDINANCE NO. 8132 APPROVING AND AUTHORIZING THE SUBMITTAL OF THE CITY OF PUEBLO'S FIVE-YEAR CONSOLIDATED PLAN FOR THE YEAR'S 2010-2014 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - was presented for Final Presentation

STAFF REPORT GIVEN BY ADA CLARK:

The City of Pueblo is a recipient of Community Development Block Grants and HOME Investment Partnership Act grants as an entitlement community. The U.S. Department of HUD requires that each entitlement community complete and submit a five-year consolidated plan prior to receiving grant funding. The needs are determined through feedback from local agencies, the general public, studies, and other existing plans. The Plan outlines the objectives, strategies, and funding to meet those needs. The funding sources to address the needs are not confined to CDBG or HOME, but reflect the vast influx of dollars that this community receives from both the private and public sector. Adoption and submittal of the Plan allows for the City of Pueblo to receive CDBG and HOME funds from 2010 through 2014. The City is expected to receive \$1,635,000 in CDBG, and \$925,858,000 in HOME, for housing and community development projects in 2010.

PUBLIC HEARING:

Larry Fancher was sworn in and spoke in favor of the five-year Consolidated Plan including the objectives, strategies and funding to meet the needs of the community. He stated this plan is an assessment of the communities needs, with special emphasis on housing. Mr. Fancher complimented Mrs. Clark and her staff and the members of the Citizens Advisory Committee for the excellent management of these federal funds.

Seeing no additional speakers, President Atencio declared the Hearing closed.

Mrs. Ortegon seconded by Mrs. Weaver moved to approve the Ordinance on Final Presentation.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.

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REGULAR AGENDA

R. ORDINANCES - FINAL PRESENTATION (Continued)

(R-4 MOVED TO THE END OF THE AGENDA)

- R-5 ORDINANCE NO. 8133 APPROVING A GRANT AGREEMENT BETWEEN PUEBLO, A MUNICIPAL CORPORATION AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN AN AMOUNT OF \$485,000.00 FOR REHABILITATION OF EXISTING SANITARY SEWERS AND A SANITARY SEWER LIFT STATION, AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO EXECUTE THE SAME, AND APPROPRIATING FUNDS THEREFORE - *was presented for Final Presentation***

STAFF REPORT GIVEN BY MR. MICHAEL:

The Pueblo Wastewater Department has been awarded a Federal Grant in the amount of \$485,000.00. These funds are intended to perform trenchless rehabilitation on existing sanitary sewer mains, and to rehabilitate the sanitary sewer lift station on Portland Avenue. The anticipated total project cost is \$881,818.00. The Federal share is \$485,000 and the local contribution is \$396,818.00. The local contribution was approved in the 2010 budget and will be paid from the Sewer User Fund.

PUBLIC HEARING:

Seeing no one wishing to speak, President Atencio declared the Hearing closed.

Mrs. Weaver seconded by Mr. Aguilera moved to approve the Ordinance on Final Presentation.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Nawrocki, Ortegon and Weaver. Motion carried unanimously.



At this time, Councilman Nawrocki declared a potential conflict of interest regarding the next item and asked to be excused from the meeting. President Atencio excused Mr. Nawrocki and he left the Council Chambers.

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REGULAR AGENDA

R. ORDINANCES - FINAL PRESENTATION (Continued)

- R-4 ORDINANCE NO. 8134 APPROVING AND ADOPTING THE CITY OF PUEBLO'S ANNUAL ACTION PLAN FOR THE YEAR 2010 FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP ACT FUNDS AND REPROGRAMMING PRIOR YEAR FUNDS, AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO SUBMIT THE APPLICATION TOGETHER WITH ALL REQUIRED AND NECESSARY CERTIFICATIONS, ASSURANCES AND DOCUMENTATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND APPROPRIATING AND BUDGETING CDBG AND HOME FUND THEREFORE - was presented for Final Presentation**

STAFF REPORT GIVEN BY MRS. CLARK :

The 2010-2011 Annual Action Plan contains the funding recommendations made by the Citizen's Advisory Committee. Each recommended project to be funded with the 2010-2011 grant is an eligible project and has been through the application and public hearing process as required, as well as meeting an established priority of the 2010-2014 Consolidated Plan. This is the first year of the 5-year Consolidated Plan.

PUBLIC HEARING:

Seeing no one wishing to speak, President Atencio declared the Hearing closed.

Mrs. Ortegon seconded by Mrs. Weaver moved to approve the Ordinance on Final Presentation.

Roll Call -- Ayes: Aguilera, Atencio, Garcia, Kaufman, Ortegon and Weaver. Motion carried unanimously.

ADJOURN - 8:55 p.m.

President Atencio declared the meeting adjourned.

Respectfully submitted,



Gina Dutcher, MMC
City Clerk