



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS - CITY HALL
MONDAY, SEPTEMBER 10, 2007 - 7:00 P.M.**

MINUTES

City Council met in Regular Session with President Judy P. Weaver presiding.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilman Aguilera opened the meeting with an Invocation followed by the Pledge of Allegiance.

ROLL CALL

Council Members Present: Ray Aguilera, Lawrence Atencio, Vera Orregon, Randy Thurston and Judy Weaver

Council Members Absent: Michael Occhiato and Barbara Vidmar

Administrative Staff Members Present: City Manager David J. Galli, Assistant City Manager Douglas Fitzgerald, City Attorney Thomas Jagger and City Clerk Gina Dutcher.

SPECIAL RECOGNITIONS

City Employees and Champion float builders Bella Trujillo, Joella Hortsman, Tammy Bruning, Steve Dear, Sam Ingo and Kip Morphew presented the City Council with the two trophies that were received during the two annual Colorado State Fair parades. The City's float received 2nd place in the State Fair Parade and 1st place for the Fiesta Day Parade.

President Weaver recognized City Clerk Gina Dutcher for her recent designation as Master Municipal Clerk awarded by the International Institute of Municipal Clerks. She presented her with her Master Municipal Clerk pin and certification plaque. Gina was recognized for spending approximately 8 years engaged in the MMC Academy with extensive and meticulous educational programs, professional and social contribution components in order to earn this distinction.

PUBLIC FORUM

Simon Reyes expressed concern with the County Department of Social Services involving his children who have been placed in foster care. He reviewed his attempts to get his kids back; however, he feels the system is working against him. President Weaver suggested that he attend an upcoming meeting to be held at Pueblo Community College with Lt. O'Brian who will be addressing this exact issue. She explained the City Council does not have any authority to help him with his situation with the Department of Social Services.

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PUBLIC FORUM (Continued)

Dr. Alvin Rivera expressed comments in regard to a letter that was sent to him by President Weaver in regard to his inappropriate behavior in approaching the City Staff during a recent City Council Meeting.

REVIEW AND APPROVAL OF THE AGENDA

Mr. Thurston seconded by Mrs. Ortegon moved to amend the agenda and remove agenda item number 5 and approve the agenda as amended.

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

READING AND APPROVAL OF MINUTES

Mr. Thurston seconded by Mr. Aguilera moved to dispense with the reading and approve the Minutes of the *Regular Meeting dated Monday August 27, 2007*, as distributed.

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

CONSENT AGENDA

RESOLUTIONS

- 1 **RESOLUTION NO. 11097 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$81,474.96 TO BYERLY & COSYLEON, INC. AND SETTING FORTH \$11,725.04 FOR CONTINGENCIES, FOR THE FISCAL YEAR 2007 BESSEMER CURB & GUTTER AND SIDEWALK PROJECT (CD0710, CD0721) AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE THE SAME**

- 2 **RESOLUTION NO. 11098 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO BRIAN & SHEILA WOOD FOR THE USE OF THE RIGHT OF WAY LOCATED AT 326 WEST PITKIN FOR THE PURPOSE OF ALLOWING THE INSTALLATION OF A FENCE**

- 3 **RESOLUTION NO. 11099 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO THE PUEBLO CITY/COUNTY LIBRARY DISTRICT FOR THE USE OF BATES LANE FOR THE GRAND OPENING OF THE NEW HISPANIC RESOURCES CENTER – NUESTRA BIBLIOTECA**

- 4 **RESOLUTION NO. 11100 APPROVING SUBORDINATION AGREEMENT RELATING TO THE SANTA FE CROSSING PROJECT AND AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO EXECUTE SAME**

- 5 **REMOVED FROM THE AGENDA**

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CONSENT AGENDA

RESOLUTIONS (Continued)

- 6 RESOLUTION NO. 11101 ACCEPTING CONVEYANCE OF AN EASEMENT AND RIGHT-OF-WAY FROM OWNERS OF REAL PROPERTY LOCATED AT 904 WEST 10TH STREET WITHIN PUEBLO, COLORADO
- 17 RESOLUTION NO. 11102 APPROVING A REQUEST AND APPLICATION BY THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, FOR GRANT ASSISTANCE THROUGH THE SPECIAL HIGHWAY COMMITTEE IN THE FORM OF A FEDERAL BRIDGE REPLACEMENT GRANT, FOR THE PURPOSE OF REPLACING THE WEST 11TH STREET BRIDGE (PUE11TH-0.2-ADE) (OVER WILDHORSE CREEK) AND AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO EXECUTE THE APPLICATION
- 8 RESOLUTION NO. 11103 APPROVING A REQUEST AND APPLICATION BY THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, FOR GRANT ASSISTANCE THROUGH THE SPECIAL HIGHWAY COMMITTEE IN THE FORM OF A FEDERAL BRIDGE REHABILITATION GRANT, FOR THE PURPOSE OF REPAIRING THE UNION AVENUE BRIDGE (PUEUNIN-0.0-COR) AND AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO EXECUTE THE APPLICATION
- 9 RESOLUTION NO. 11104 APPROVING THE SALE OF REAL PROPERTY AT 1502-1506 TROY AVENUE BY THE CITY OF PUEBLO TO DG REAL ESTATE, LLC
- 10 RESOLUTION NO. 11105 APPROVING THE EXTENSION OF THE PERFORMANCE PERIOD FOR A GRANT FROM THE CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM (CSEPP)

ORDINANCES - FIRST PRESENTATION

- 11 AN ORDINANCE APPROVING THE PLAT OF PAWS SUBDIVISION -- *was presented for First Presentation*

Public Hearing was set for September 24, 2007 and Notice of Hearing was ordered published **BY TITLE**
- 12 AN ORDINANCE APPROVING THE PLAT OF MIDTOWN CIRCLE SUBDIVISION - *was presented for First Presentation*

Public Hearing was set for September 24, 2007 and Notice of Hearing was ordered published **BY TITLE**

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Consent Agenda Roll Call and Vote:

Mr. Thurston seconded by Mr. Aguilera 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 **SEPTEMBER 24, 2007** and Order the Ordinances of the Consent Agenda to be Published **BY TITLE**.

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

REGULAR AGENDA

ORDINANCES – FINAL PRESENTATION

- 13 ORDINANCE NO. 7656 AMENDING THE CITY OF PUEBLO FISCAL-YEAR 2007 STAFFING LEVEL FOR THE PUBLIC WORKS DEPARTMENT BY ADDING AN ASSOCIATE FIELD ENGINEER POSITION AND ELIMINATING A CONSTRUCTION INSPECTOR POSITION AND BY ADDING A SENIOR CLERK TYPIST POSITION AND ELIMINATING AN ADMINISTRATIVE TECHNICIAN POSITION – was presented for final presentation**

STAFF REPORT:

Mr. Galli gave the following staff report:

It has been determined that the needs of the Public Works Department will best be met by amending the staffing level. In addition to the duties of the Construction Inspector, the Associate Field Engineer will be responsible for construction inspection of major Public Works projects such as the Municipal Campus, HARP Development, Bridge Replacements, and Fire Stations including assisting the Construction Engineer with the review and record keeping of commercial site plans for building permits and certificates of occupancy. Due to the resignation of the former Administrative Technician in the division of Transportation, we ask to fill the position as a Senior Clerk. The duties of the position no longer necessitate the need for an Administrative Technician. The cost of the salary increase, not including benefits, for the Associate Field Engineer position is approximately \$4,000 per year. The salary savings for the Senior Clerk position is approximately \$4,200 per year.

HEARING:

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

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

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

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CONSENT AGENDA

ORDINANCES - FINAL PRESENTATION (Continued)

- 14 ORDINANCE NO. 7657 AMENDING SECTION 16 OF TITLE VI, CHAPTER 5, OF THE PUEBLO MUNICIPAL CODE, RELATING TO CLASSIFICATION AND PAY PLAN (2007) BY ADDING THE NEW POSITION OF ASSOCIATE FIELD ENGINEER – was presented for final presentation**

STAFF REPORT:

Mr. Galli Explained that the ordinance amends the 2007 Pay Plan in order to add the position of Associate Field Engineer to meet the current needs of the department.

HEARING:

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

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

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

- 15 ORDINANCE NO. 7658 APPROVING A GRANT AGREEMENT #CO-90-X159-00 BETWEEN PUEBLO, A MUNICIPAL CORPORATION, AND THE UNITED STATES OF AMERICA, AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO EXECUTE THE SAME AND AUTHORIZING THE ACCEPTANCE OF THE GRANT AWARD AND TO MAKE, EXECUTE AND DELIVER IN THE NAME OF THE CITY OF PUEBLO FISCAL YEAR 2007 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS AND APPROPRIATING FUNDS THEREFORE – was presented for final presentation**

STAFF REPORT:

Mr. Galli gave the following staff report:

The City has been allocated a Federal Operating Grant in the amount of \$1,559,196. These funds are intended to subsidize Pueblo Transit's operating expenses incurred during this fiscal year. The anticipated total project cost is \$3,118,392. The Federal share is \$1,559,196 and the local match, approved in the FY 2007 Pueblo Transit budget, is \$1,561,000. This is an annual grant approval.

HEARING:

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

Mr. Thurston seconded by Mr. Atencio moved to approve the Ordinance on Final Presentation.

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

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REGULAR AGENDA

ORDINANCES - FINAL PRESENTATION (Continued)

- 16 ORDINANCE NO. 7659 AMENDING CHAPTERS 4, 10, AND 13 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO A NEW RESIDENTIAL CHARTER NEIGHBORHOOD DISTRICT (RCN) AND A NEW COMMERCIAL CHARTER NEIGHBORHOOD DISTRICT (CCN) AND STANDARDS THEREFORE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF – *was presented for final presentation***

STAFF REPORT:

Mr. Jagger asked that the communication from the Planning & Zoning Commission distributed to Council regarding this matter, including all reports, minutes, proof of service and attachments identified as case number TA-07-04 dated August 8, 2007, be made part of the record of this hearing. So ordered by President Weaver.

Jerry Pacheco explained that the proposed text amendment establishes two new base zone districts, designed to facilitate traditional neighborhood development and stimulate the redevelopment of the city's oldest inner core neighborhoods, sometimes referred to as Charter Neighborhoods, while meeting modern needs and standards. These developed neighborhoods have a traditional neighborhood pattern with a diversity of affordable housing types on a variety of lot sizes with small lots predominating. There are tree-lined streets with detached sidewalks, alleys, neighborhood parks, and a mixture of uses within the residential fabric. The neighborhoods historically functioned at a pedestrian scale, with most residences, public amenities, and neighborhood goods and services accessible with little dependence on an automobile. There are some non-residential uses that present actual or potential compatibility problems. The standards of this district are intended to maintain and enhance these and other such desirable neighborhood characteristics and resolve questions of the compatibility of adjacent uses.

HEARING:

Susan Mae Pelto was sworn in and spoke in favor of the Ordinance that will create a new neighborhood district. She reviewed a current problem in an older neighborhood and explained how the proposed districts will help eliminate these problems.

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

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

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

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REGULAR AGENDA

ORDINANCES - FINAL PRESENTATION (Continued)

- 17 ORDINANCE NO. 7660 CHANGING ZONING RESTRICTIONS FROM R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2U, SINGLE-FAMILY RESIDENTIAL DISTRICT COVERING A PARCEL OF LAND COMMONLY KNOWN AS LOT 17, BLOCK 1, VENTANA, FILING NO. – *was presented for final presentation***

STAFF REPORT:

Mr. Jagger asked that the communication from the Planning & Zoning Commission distributed to Council regarding this matter, including all reports, minutes, proof of service and attachments identified as case number Z-07-19 dated August 8, 2007, be made part of the record of this hearing. So ordered by President Weaver.

HEARING:

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

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

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

- 18 ORDINANCE NO. 7661 APPROVING A SPECIAL AREA PLAN FOR LA BELLA VITA AT VENTANA – *was presented for final presentation***

STAFF REPORT:

Mr. Jagger asked that the communication from the Planning & Zoning Commission distributed to Council regarding this matter, including all reports, minutes, proof of service and attachments identified as case number SAP-07-03 dated August 8, 2007, be made part of the record of this hearing. So ordered by President Weaver.

HEARING:

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

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

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

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REGULAR AGENDA

ORDINANCES - FINAL PRESENTATION (Continued)

- 19 ORDINANCE NO. 7662 APPROVING D & G SUBDIVISION, A RE-SUBDIVISION OF A PORTION OF BLOCK 137, EAST PUEBLO HEIGHTS SUBDIVISION SECOND FILING**
– was presented for final presentation

STAFF REPORT:

Mr. Jagger asked that the communication from the Planning & Zoning Commission distributed to Council regarding this matter, including all reports, minutes, proof of service and attachments identified as case number S-07-18 dated August 8, 2007, be made part of the record of this hearing. So ordered by President Weaver.

HEARING:

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

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

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

EXECUTIVE SESSION

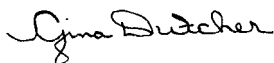
Mrs. Ortegon seconded by Mr. Thurston moved to convene into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) to instruct staff and/or negotiators in relation to Contract Negotiations and to instruct staff in relation to a job creating capital improvement project.

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

ADJOURN

President Weaver convened the meeting into Executive Session at 7:55 p.m.

Respectfully submitted,



Gina Dutcher, CMC
City Clerk