



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS - CITY HALL
MONDAY, JUNE 26, 2017 – 7:00 P.M.**

MINUTES

- A. CALL TO ORDER** President Stephen G. Nawrocki
- B. INVOCATION** Pastor Steve Cornella, Pueblo Christian Center
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**

Council Members Present: Ray Aguilera, Larry Atencio, Ed Brown, Steve Nawrocki, Chris Nicoll, Bob Schilling, and Lori Winner

Administrative Staff Members Present: City Manager Sam Azad, City Attorney Dan Kogovsek, and City Clerk Gina Dutcher

E. SPECIAL RECOGNITIONS

Mr. Brown read and presented a proclamation declaring the month of July “Parks and Recreation Month” and presented it to Steven Meier, Director and Mike Sexton, Assistant Director of the Parks and Recreation Department

F. PUBLIC FORUM

Name of Individual	Topic of Comment/Issue
Jerry Grady	Stated he feels the City needs to be a leader in the advancement of technology.
Ted Freeman	Submitted an Initiated Petition to repurpose the ½ cent sales tax dedicated to job creating capital improvement projects to only capital improvement projects
John Nesbitt	Updated Council as the Team Captain for his Neighborhood Watch group
Rita Gonzales	Thanked City Council for all they do. Reviewed a clothing collection that will be held on June 28 th in conjunction with Sister Nancy. Drop off of clothing will be at the Democratic Headquarters
Ramona Sandoval	Introduced herself and stated she intends to get more involved in the community
Mary Severance	Submitted a <i>Notice of Fraud</i> to the City Council, City Attorney and Municipal Judge. Stated she is “giving her consent and demand for the recusal and or termination of the purported governing body under the title of City Council.”

G. COUNCIL MEMBER COMMENTARY

Council members expressed comments regarding community-related issues and events/functions they attended.

H. REVIEW OF THE AGENDA

The agenda was reviewed page by page. Councilman Brown asked that Item M-3 be moved to the Regular Agenda for a staff report.

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I. APPROVAL OF THE AGENDA

Ms. Winner, seconded by Mr. Brown moved to amend the agenda and move item M-3 (Resolution) to the Regular Agenda and approve the agenda as amended.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

Mr. Nicoll, seconded by Mr. Schilling moved to amend the agenda and move item N-2 (Ordinance First Presentation) to the Regular Agenda for a brief explanation.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

J. READING AND APPROVAL OF MINUTES

Mr. Brown, seconded by Mr. Schilling, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **Monday, June 12, 2017** as distributed.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

K. CONSENT AGENDA

L. COMMUNICATIONS

L-1 MINUTES OF THE PLANNING AND ZONING COMMISSION'S REGULAR MEETING DATED MAY 10, 2017

The Communications were ordered to be received and filed.

M. RESOLUTIONS

M-1 RESOLUTION NO. 13702 ADDING A NEW RULE 603.2 TO THE PUEBLO RETAIL MARIJUANA RULES AND REGULATIONS RELATING TO EARLY ISSUANCE OF RETAIL MARIJUANA LICENSES

M-2 RESOLUTION NO. 13703 APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN PUEBLO, A MUNICIPAL CORPORATION AND NORTHSTAR ENGINEERING AND SURVEYING, INC., IN THE AMOUNT OF \$16,300 RELATING TO THE SURVEYING AND MAPPING FOR THE CONVEYANCE AND DISCONNECTION OF THE CITY-OWNED PUEBLO SPRINGS RANCH PROPERTY AND AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO EXECUTE SAME

M-3 MOVED TO THE REGULAR AGENDA

M-4 RESOLUTION NO. 13704 APPROVING AN AGREEMENT FOR DEED IN SATISFACTION BY AND AMONG THE CITY OF PUEBLO, PUEBLO MAIN STREET GARAGE CORPORATION AND THE PUEBLO URBAN RENEWAL AUTHORITY, RELATING TO THE SATISFACTION OF AN OUTSTANDING LOAN OBLIGATION BETWEEN THE CORPORATION AND THE AUTHORITY, AUTHORIZING THE PRESIDENT OF THE CITY COUNCIL TO EXECUTE SAID DOCUMENT AND AFFIRMING THE CONTINUED EFFECTIVENESS OF VARIOUS DOCUMENTS RELATED THERETO

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M. RESOLUTIONS (Continued)

- M-5 RESOLUTION NO. 13705 APPOINTING MEMBERS TO THE ZONING BOARD OF APPEALS (STEVE ANSELMO AND RODERICK ORTIZ)**
- M-6 RESOLUTION NO. 13706 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO BEA A. VALDEZ AT 431 E. ORMAN AVENUE FOR THE INSTALLATION OF PRIVATE SANITARY SEWER LINE WITHIN THE ORMAN AVENUE RIGHT-OF-WAY**
- M-7 RESOLUTION NO. 13707 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO THE HISTORIC ARKANSAS RIVERWALK OF PUEBLO FOUNDATION FOR THE USE OF ALAN HAMEL AVENUE BETWEEN SANTA FE AVENUE AND UNION AVENUE, AND MAIN STREET BETWEEN RICHMOND AVENUE AND D STREET TO HOST THE ANNUAL *ROLLIN' ON THE RIVERWALK***

N. ORDINANCES – FIRST PRESENTATION

- N-1 AN ORDINANCE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, DIRECTING THAT THE GENERAL MUNICIPAL ELECTION BE CONDUCTED AS PART OF A COORDINATED ELECTION, ADOPTING FOR USE AT THE GENERAL 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 THE PUEBLO ELECTION CODE AND ALL ORDINANCES AND RESOLUTIONS OF THE CITY IN CONFLICT THEREWITH -- *Submitted for First Presentation***

Public Hearing was Set for Monday July 10, 2017 Notice of Hearing was Ordered Published by Title.

N-2 MOVED TO THE REGULAR AGENDA

- N-3 AN ORDINANCE APPROVING AN AMENDMENT TO THE 2017 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS LOCAL 537 RELATING TO HOURS WORKED FOR THE PURPOSES OF DETERMINING OVERTIME AND ADOPTING A ROTATING SELECTION PROCEDURE FOR FORCED OVERTIME ASSIGNMENTS -- *Submitted for First Presentation***

Public Hearing was Set for Monday July 10, 2017 Notice of Hearing was Ordered Published by Title.

- N-4 AN ORDINANCE ESTABLISHING CAPITAL PROJECT NO. AP1702 AIRPORT ADVERTISING FUND, BUDGETING AND APPROPRIATING \$25,772 FOR SAID PROJECT AND TRANSFERRING \$20,000 FROM THE 2017 AIRPORT ADVERTISING BUDGET TO SAID PROJECT -- *Submitted for First Presentation***

Public Hearing was Set for Monday July 10, 2017 Notice of Hearing was Ordered Published by Title.

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N. ORDINANCES – FIRST PRESENTATION (Continued)

O. APPROVAL OF CONSENT AGENDA

Mr., seconded by Mr. moved to Receive and File the Minutes of the Planning and Zoning Commission, Approve all Resolutions set forth in the Consent Agenda, Pass the Ordinance on the Consent Agenda on First Presentation, Set the Public Hearing for **Monday, July 10, 2017**, and Order the Ordinance on the Consent Agenda to be published **BY TITLE**.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

P. REGULAR AGENDA

Q. RESOLUTIONS

RESOLUTION MOVED FROM THE CONSENT AGENDA

M-3 RESOLUTION NO. 13708 APPROVING TWO (2) SOLAR PRODUCTION AGREEMENTS BETWEEN PUEBLO, A MUNICIPAL CORPORATION AND CEC SOLAR, A LIMITED LIABILITY COMPANY, SUCH AGREEMENTS DESIGNATED AS “BHE 2 – CEC SOLAR #1118, LLC, AND “BHE 3 – LLC SOLAR #1117, RELATING TO SOLAR ENERGY GENERATION INSTALLATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS

A staff report and detailed review of the Resolution was given by Mr. Azad. This request was initiated by Councilman Atencio

Mr. Brown, seconded by Mr. Schilling moved to approve the Resolution.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously

ORDINANCE FIRST PRESENTATION MOVED FROM THE CONSENT AGENDA

N-2 AN ORDINANCE SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, A BALLOT QUESTION CONCERNING THE ESTABLISHMENT OF A STREET MAINTENANCE UTILITY ENTERPRISE -- Submitted for First Presentation

A brief review of the Ordinance was given by Mr. Azad.

Mr. Nicoll, seconded by Mr. Aguilera moved to approve the Ordinance on First Presentation, Set the Public Hearing for Monday July 10, 2017 and Ordered the Ordinance to be published **By Title**.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously

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Q. RESOLUTIONS (Continued)

Q-1 RESOLUTION NO. 13709 DECLARING THE CITY OF PUEBLO'S AFFIRMATION OF THE GOALS OF THE PARIS CLIMATE ACCORD BY SIGNING ONTO AN OPEN LETTER TO THE INTERNATIONAL COMMUNITY AND THE PARTIES TO THE PARIS CLIMATE AGREEMENT

A staff report and detailed review of the Resolution was given by Mr. Azad. This request was initiated by Councilman Atencio

Mr. Aguilera, seconded by Mr. Schilling moved to approve the Resolution.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously

Q-2 RESOLUTION NO. 13710 APPOINTING TWO MEMBERS TO THE RETAIL AND MEDICAL MARIJUANA LICENSING AUTHORITY

A staff report and detailed review of the Resolution was given by Ms. Dutcher.

Mr. Schilling, seconded by Mr. Nicoll moved to approve the Resolution, inserting the names of Margaret (Peggy) Archuletta for the four-year term expiring July 1, 2021, and Michael Varadi to complete the term expiring July 1, 2018.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously

Q-3 RESOLUTION NO. 13711 AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2017 GENERAL FUND BUDGET TO COLORADO MISSION OF MERCY IN THE AMOUNT OF \$5,000 TO SPONSOR THE 11TH ANNUAL COMOM DENTAL CLINIC

A staff report and detailed review of the Resolution was given by Mr. Azad. This request was initiated by Councilman Aguilera

Mr. Schilling, seconded by Mr. Brown moved to approve the Resolution.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously

Q-4 RESOLUTION NO. 13712 AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2017 GENERAL FUND BUDGET TO THE PUEBLO POVERTY FOUNDATION IN THE AMOUNT OF \$500 TO SPONSOR THE 2017 BESSEMER CHRISTMAS STOCKING GIVEAWAY

A staff report and detailed review of the Resolution was given by Mr. Azad. This request was initiated by Councilman Aguilera

Mr. Schilling, seconded by Mr. Brown moved to approve the Resolution.

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously

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R. ORDINANCES – FINAL PRESENTATION

R-1 ORDINANCE NO. 9134 SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017 A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF PUEBLO AND FIXING THE BALLOT TITLE THEREFOR -- *Submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Mr. Kogovsek

PUBLIC HEARING:

Nick Gradisar was sworn in and stated he is representing the Issue Committee “Committee Organized to Elect a Mayor (CO-TEAM) and asked Council to support them by submitting this question to the vote of the people.

Seeing no other individuals wishing to speak, President Nawrocki declared the Hearing closed.

Mr. Nicoll, seconded by Mr. Brown moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

R-2 ORDINANCE NO. 9135 AMENDING THE FISCAL YEAR 2017 STAFFING ORDINANCE BY CHANGING THE TITLE OF A POSITION WITHIN THE SALES TAX DIVISION OF THE FINANCE DEPARTMENT -- *Submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Roni Kimbrel, Director of Finance

PUBLIC HEARING:

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

Mr. Brown, seconded by Mr. Schilling moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

R-3 ORDINANCE NO. 9136 AMENDING SECTION 6-5-16 OF CHAPTER 5, OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE FISCAL YEAR 2017 CLASSIFICATION AND PAY PLAN BY ESTABLISHING THE PAY SCALE FOR THE TAX COMPLIANCE TECHNICIAN -- *Submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Ms. Kimbrel

PUBLIC HEARING:

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

Mr. Schilling, seconded by Mr. Brown moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

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R. ORDINANCES – FINAL PRESENTATION (Continued)

R-4 ORDINANCE NO. 9137 AMENDING SECTION 2 OF CHAPTER 4 OF TITLE XIV OF THE PUEBLO MUNICIPAL CODE RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE SALES AND USE TAX CODE -- Submitted for Final Presentation

A staff report and detailed review of the Ordinance was given by Ms. Kimbrel

PUBLIC HEARING:

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

Mr. Brown, seconded by Mr. Nicoll moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

R-5 ORDINANCE NO. 9138 AMENDING ZONING RESTRICTIONS FOR PROPERTY LOCATED AT 302 CITY CENTER DRIVE -- Submitted for Final Presentation

A staff report and detailed review of the Ordinance was given by Scott Hobson, Assistant City Manager for Community Investment/Land Use Administrator

PUBLIC HEARING:

Fred Barros was sworn in and explained he is the applicant for the rezoning. He explained he is asking to rezone the property for an office and indoor storage building for an existing Water Works Plus business.

Mr. Kogovsek asked that the all documents from the Planning & Zoning Commission regarding this matter, identified as case number Z-17-04 dated May 10, 2017 be made part of the record for this hearing. So ordered by President Nawrocki

Seeing no other individuals wishing to speak, President Nawrocki declared the Hearing closed.

Mr. Brown, seconded by Mr. Schilling moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

R-6 ORDINANCE NO. 9139 AMENDING SECTIONS 17-2-1, 17-2-2, 17-4-51, 9-10-83 AND 9-10-84 OF THE PUEBLO MUNICIPAL CODE RELATING TO MOBILE FOOD UNITS -- Submitted for First Presentation

A staff report and detailed review of the Ordinance was given by Mr. Hobson.

PUBLIC HEARING:

Mr. Kogovsek asked that the all documents from the Planning & Zoning Commission regarding this matter, identified as case number TA-17-02 dated April 26, 2017 and June 14, 2017 be made part of the record for this hearing. So ordered by President Nawrocki

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

Mr. Nicoll, seconded by Mr. Brown moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

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R. ORDINANCES – FINAL PRESENTATION (Continued)

R-7 ORDINANCE NO. 9140 AMENDING CHAPTER 6 OF TITLE I OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 1-6-11 RELATING TO THE CREATION OF A MUNICIPAL COURT MARSHAL POSITION

A staff report and detailed review of the Ordinance was given by Judge Carla Sikes

PUBLIC HEARING:

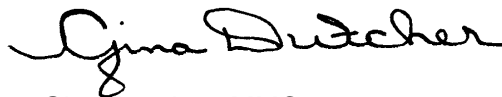
Seeing no one wishing to speak, President Nawrocki declared the Hearing closed.

Mr. Brown, seconded by Ms. Winner moved to approve the Ordinance on Final Presentation

Roll Call -- Ayes: Aguilera, Atencio, Brown, Nawrocki, Nicoll, Schilling, and Winner. Motion carried unanimously.

ADJOURN: 9:25 p.m. President Nawrocki adjourned the meeting.

Respectfully submitted,



Gina Dutcher, MMC
City Clerk