



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: February 14, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Scott Hobson, Acting Director of Planning and Community Development
SUBJECT: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN ENGAGEMENT LETTER WITH SETER & VANDER WALL, P.C. TO ADVISE THE CITY OF PUEBLO REGARDING PROPOSED METROPOLITAN DISTRICT SERVICE PLANS AND RELATED LAND USE MATTERS

SUMMARY:

On January 13, 2022, the City received an application to approve a service plan for the proposed Andiamo Metropolitan District. The proposed Andiamo Metropolitan District, containing approximately 95 acres, is located south of Dillon Drive, east of Mesa View Drive, and north of Wills Boulevard. This Resolution approves an engagement letter with Seter & Vander Wall, P.C. to assist the City in the review of proposed Metropolitan District Service Plans.

PREVIOUS COUNCIL ACTION:

With City Council's approval, Spencer Fane LLP was previously hired by the City in 2018 to assist in reviewing service plans for the North Vista Highlands, Pastora Ranch, Pikes Peak Park, and Villa Bella Metropolitan Districts. However, Matt Dalton, the partner from Spencer Fane LLP who previously advised the City on metropolitan districts and related land use matters has recently retired from the practice of law and so a different outside legal counsel is being engaged to represent the City.

BACKGROUND:

The City Law Department has authorized the assistance of Seter & Vander Wall, P.C. to assist the City in the review of the proposed metropolitan districts. The hourly rate for Seter & Vander Wall, P.C. is \$410.00 per hour. The costs incurred by the City for the review of the service plans will be required to be paid by the applicant prior to any final action of City Council being provided to the Pueblo District Court.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City. All fees charged by Seter & Vander Wall will be paid by the developers requesting City approval.

BOARD/COMMISSION RECOMMENDATION:

Not applicable.

STAKEHOLDER PROCESS:

Not applicable.

ALTERNATIVES:

If City Council does not approve this Ordinance, Seter & Vander Wall, P.C. will not be retained.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance.

Engagement Letter from Seter & Vander Wall, P.C. February 4, 2022

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN ENGAGEMENT LETTER WITH SETER & VANDER WALL, P.C. TO ADVISE THE CITY OF PUEBLO REGARDING PROPOSED METROPOLITAN DISTRICT SERVICE PLANS AND RELATED LAND USE MATTERS

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Engagement Letter pertaining to the review of Metropolitan District Service Plans and related land use matters between the City of Pueblo, a Colorado municipal corporation and Seter & Vander Wall, P.C., dated February 4, 2022, a copy of which is attached hereto including all associated documents, having been approved as to form by the City Attorney, is hereby approved. The Mayor is authorized to execute and deliver said Engagement Letter in the name of the City and the City Clerk is authorized to affix the seal of the City thereto and attest same.

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Engagement Letter to implement the policies and procedures described therein.

SECTION 3.

This Ordinance shall become effective immediately upon final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk