



**REGULAR CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS – CITY HALL  
MONDAY, MARCH 14, 2022 – 7:00 P.M.**

**MINUTES**

- A. CALL TO ORDER** President Heather Graham
- B. INVOCATION** Pastor Josh Richardson, Pueblo Christian Center
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**

**Council Members Present:** Larry Atencio, Dennis Flores, Heather Graham, Regina Maestri, Sarah Martinez, Vicente Martinez Ortega, and Lori Winner.

**Council Members Present via Zoom:** None.

**Council Members Absent:** None.

**Administrative Staff Members Present:** Mayor Nicholas Gradisar, Deputy City Attorney Bob Jagger, Chief of Staff Laura Solano, City Clerk Marisa Stoller.

**E. SPECIAL RECOGNITIONS**

- Achievement Presentation: Pueblo East High School 4A State Wrestling Champions – Coach Patrick Laughlin

**F. PUBLIC FORUM**

- Elvis Martinez – Elections
- Laura Hall – Various topics
- Luke Wodiur – Ballots
- Dave DeCenzo – 2035, Post Hoc, Homeless

**G. COUNCIL MEMBER AND MAYOR COMMENTARY**

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

Mayor Gradisar congratulated all the young people in our local high schools who have represented Pueblo so well. He mentioned the Association of American Railroads is here for their conference and how this is exactly the kind of thing we want to come to our town. He also discussed the airport service seeking authorization to cancel service to Pueblo; the City has made it clear to Skywest that they will have to retain this essential service until an alternate can be found.

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**H. REVIEW AND APPROVAL OF THE AGENDA**

The agenda was reviewed page by page. Ms. Winner requested items M-4 and M-5 be moved to the Regular Agenda. President Graham requested that item Q-4 be moved to the first item under T. Communications.

Ms. Martinez, seconded by Mr. Martinez Ortega, moved to move items M-4 and M-5 to the regular agenda, to move item Q-4 to the first item under T. Communications and to approve the agenda as modified.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

**I. READING AND APPROVAL OF MINUTES**

Mr. Flores, seconded by Mr. Martinez Ortega, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **Monday, February 28, 2022** as distributed.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

**K. CONSENT AGENDA**

City Clerk Marisa Stoller read the Consent Agenda into the record.

**L. COMMUNICATIONS**

**L-1 MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING FOR FEBRUARY 9, 2022.**

**M. RESOLUTIONS**

**M-1 RESOLUTION NO 14823 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$249,870.05 TO TONY J. BELTRAMO AND SONS, INC., AND SETTING FORTH \$40,000 FOR CONTINGENCIES, FOR PROJECT NO. 22-003 ASPHALT PAVING IMPROVEMENTS – CITY CENTER DRIVE AND SANTA FE AVENUE AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

**M-2 RESOLUTION NO 14824 AWARDED AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$229,243 TO SHORT-ELLIOTT-HENDRICKSON, INC., A COLORADO CORPORATION, FOR PROJECT NO. 21-075 DILLON AND EAGLERIDGE ROUNDABOUT PROJECT AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

**M-3 RESOLUTION NO 14825 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$42,810 TO DOUG VAUGHN, LLC AND SETTING FORTH \$7,000 FOR CONTINGENCIES, FOR PROJECT NO. 22-014 ELMWOOD GOLF COURSE CART PATH AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

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**M-4 MOVED TO REGULAR AGENDA**

**M-5 MOVED TO REGULAR AGENDA**

**M-6 RESOLUTION NO 14826 CONFIRMING THE APPOINTMENT BY THE MAYOR OF JAY RICE TO COMPLETE A THREE-YEAR TERM EXPIRING SEPTEMBER 30, 2023, ON THE PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE**

**M-7 RESOLUTION NO 14827 CONFIRMING THE APPOINTMENT BY THE MAYOR OF TED HERNANDEZ AND LARRY COOK TO THE BANDERA SPECIAL IMPROVEMENT MAINTENANCE DISTRICT ADVISORY COMMITTEE**

**N. ORDINANCES – FIRST PRESENTATION**

**N-1 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE UNITED STATES FOREST SERVICE AND THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, FOR THE RELEASE OF THE FIRE FIGHTING RELOAD BASE, ALSO KNOWN AS THE TANKER BASE RELOAD PIT, CONSISTING OF TWO STORAGE TANKS, PUMPING MECHANISMS, AND ASSOCIATED ELECTRICAL UTILITIES, AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

**N-2 AN ORDINANCE AMENDING ORDINANCE NO. 9951, THE CITY OF PUEBLO'S FIVE-YEAR 2020-2024 CONSOLIDATED PLAN AND THE 2020 ANNUAL ACTION PLAN, INCREASING THE AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET BY \$40,000 TO \$1,832,425. – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

**N-3 AN ORDINANCE APPROVING A STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF PUEBLO AND PUBLIC SERVICE CO OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND ACCEPTING A RELATED EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSE OF DRAINAGE DETENTION AND DRAINAGE UTILITIES – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

**N-4 AN ORDINANCE APPROVING A STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF PUEBLO AND PUEBLO COMMUNITY HEALTH CENTER, INC. A COLORADO NON-PROFIT CORPORATION. AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND ACCEPTING A RELATED EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSE OF DRAINAGE DETENTION AND DRAINAGE UTILITIES – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

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- N-5 AN ORDINANCE APPROVING A STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF PUEBLO AND T & M, LLC, AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND ACCEPTING A RELATED EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSE OF DRAINAGE DETENTION AND DRAINAGE UTILITIES – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

- N-6 AN ORDINANCE MAKING CERTAIN LEGISLATIVE FINDINGS AND APPROVING THE URBAN RENEWAL PLAN FOR THE MITCHELL PARK SOUTH PROJECT AREA – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

- N-7 AN ORDINANCE APPROVING A DATA USE AGREEMENT BETWEEN THE PUEBLO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE CITY OF PUEBLO AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

- N-8 AN ORDINANCE APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR FIRE DEPARTMENT MEDICAL DIRECTOR BETWEEN PUEBLO, A MUNICIPAL CORPORATION, AND MICHAEL MANDRELL, M.D., AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

- N-9 AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PUEBLO AND THE INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS LOCAL 537 RELATING TO A 4/10 WORK SCHEDULE FOR EMPLOYEES ASSIGNED TO THE SPECIAL INVESTIGATIONS DIVISION AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

- N-10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE UPDATING OFFENSES AGAINST PROPERTY PROVISIONS IN ACCORDANCE WITH CHANGES TO THE COLORADO REVISED STATUTES – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

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**N-11 AN ORDINANCE AMENDING CHAPTER 3 OF TITLE VII OF THE PUEBLO MUNICIPAL CODE RELATING TO THE NOTICE PERIOD FOR THE REMOVAL OF ABANDONED VEHICLES – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

**N-12 AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI TO CONFORM WITH STATE STATUTES AND REGULATIONS – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

**N-13 AN ORDINANCE AMENDING TITLE XI OF THE PUEBLO MUNICIPAL CODE TO CORRECT TERMINOLOGY FOR VENOMOUS ANIMALS – *submitted for First Presentation***

Public Hearing was Set for Monday, March 28, 2022, Notice of Hearing was Ordered Published by Title.

**O. APPROVAL OF CONSENT AGENDA**

Mr. Atencio, seconded by Mr. Flores, moved to receive and file the minutes from the Planning and Zoning Commission, moved to approve all Resolutions Set Forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for **Monday, March 28, 2022**, and Order the Ordinances to be published **BY TITLE**.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

**P. REGULAR AGENDA**

**Q. RESOLUTIONS**

**M-4 RESOLUTION NO 14828 AUTHORIZING THE TRANSFER OF \$400,000 FROM THE 1992-2026 SALES AND USE TAX CAPITAL IMPROVEMENT PROJECTS FUND FOR THE PURPOSE OF PROVIDING UPKEEP AND MAINTENANCE TO BUILDINGS HELD FOR THE PURPOSE OF JOB CREATING CAPITAL PROJECTS**

A staff report and detailed review of the Ordinance was given by Chief of Staff Laura Solano.

Mr. Atencio, seconded by Mr. Martinez Ortega, moved to approve the Resolution on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

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**M-5 RESOLUTION NO 14829 TRANSFERRING CITY OWNED PROPERTY TO BLACK HILLS COLORADO ELECTRIC, LLC A DELAWARE LIMITED LIABILITY COMPANY**

A staff report and detailed review of the Ordinance was given by Andrew Hayes, Director of Public Works.

Mr. Martinez Ortega, seconded by Mr. Flores, moved to approve the Resolution on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Martinez, Martinez Ortega, and Winner. Nays: Maestri. Motion carried 6-1.

**Q-1 RESOLUTION NO 14830 AUTHORIZING PAYMENT OF FUNDS IN THE AMOUNT OF \$269,998 FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES OF ENHANCING CYBERSECURITY AS AUTHORIZED BY SECTION 603(A)(1)(C) OF THE AMERICAN RESCUE PLAN ACT AND FINAL RULE 31 CFR 35.6 (D)**

A staff report and detailed review of the Ordinance was given by Lori Pinz, Director of IT.

Ms. Martinez, seconded by Mr. Martinez Ortega, moved to approve the Resolution on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

**Q-2 RESOLUTION NO 14831 AUTHORIZING PAYMENT OF FUNDS IN THE AMOUNT OF FIVE THOUSAND ONE HUNDRED EIGHTY-NINE DOLLARS AND SEVENTY CENTS (\$5,189.70) FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO GLOBAL SPECTRUM, L.P., A DELAWARE LIMITED PARTNERSHIP, AS AGENT FOR THE CITY OF PUEBLO FOR SPONSORSHIP OF PUEBLO HAS TALENT 2022 PERFORMANCE**

A staff report and detailed review of the Ordinance was given by Councilor Dennis Flores.

Ms. Martinez, seconded by Mr. Martinez Ortega, moved to approve the Resolution on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

**Q-3 RESOLUTION NO 14832 AUTHORIZING PAYMENT OF FUNDS IN THE AMOUNT OF TWELVE HUNDRED DOLLARS (\$1,200) FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO CHILD ADVOCACY CENTER FOR SPONSORSHIP OF THE BLUE TIE GALA FUNDRAISER**

A staff report and detailed review of the Ordinance was given by Councilor Sarah Martinez.

Mr. Flores, seconded by Mr. Martinez Ortega, moved to approve the Resolution on Final Presentation.

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Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

**Q-4 MOVED TO T. COMMUNICATIONS**

**R. ORDINANCES – FINAL PRESENTATION**

**R-1 ORDINANCE NO 10129 APPROVING AND ACCEPTING THE HOME-ARP GRANT AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD"), AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT TOGETHER WITH ALL REQUIRED AND NECESSARY CERTIFICATIONS, ASSURANCES, AND DOCUMENTATION, ACCEPTING HOME-ARP GRANT FUNDS FROM HUD ON BEHALF OF THE PUEBLO CONSORTIUM IN THE AMOUNT OF \$3,090,925, AND BUDGETING AND APPROPRIATING THE HOME-ARP GRANT FUNDS – *submitted for Final Presentation***

A staff report and detailed review of the Ordinance was given by Bryan Gallagher, Director of Housing.

**PUBLIC HEARING:**

Seeing no one wished to speak, President Graham declared the Hearing closed.

Mr. Martinez Ortega, seconded by Mr. Flores, moved to approve the Ordinance on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega and Winner. Motion carried unanimously.

**R-2 ORDINANCE NO 10130 ESTABLISHING COMMUNITY OUTREACH PROGRAM PROJECT NO. PS2204, APPROVING A COOPERATION AGREEMENT WITH PUEBLO TRIPLE AIM CORPORATION AND HEALTH COLORADO INC, AND ACCEPTING, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$42,300 TO SAID PROJECT – *submitted for Final Presentation***

A staff report and detailed review of the Ordinance was given by Chief Barb Huber, Fire Chief.

**PUBLIC HEARING:**

- Celest Ariana appeared in person to speak regarding this ordinance

Seeing no one else wished to speak, President Graham declared the Hearing closed.

Mr. Martinez Ortega, seconded by Mr. Flores, moved to approve the Ordinance on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega and Winner. Motion carried unanimously.

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**R-3 ORDINANCE NO 10131 AMENDING ZONING RESTRICTIONS TO REZONE LOTS 4-8, BLOCK 1, COLLEGE ROAD SUBDIVISION, 4TH FILING, (COLLEGE ROAD SUBDIVISION 4TH FILING, REARRANGEMENT OF PROPERTY BOUNDARIES, RPB-21-12, PARCELS A, B, AND C) TOTALING 2.24-ACRES FROM B-4, CENTRAL BUSINESS DISTRICT TO B-P, BUSINESS PARK DISTRICT – submitted for Final Presentation**

A staff report and detailed review of the Ordinance was given by Scott Hobson, Director of Planning and Community Development. Mr. Hobson requested that items from the Planning & Zoning Commission Case #Z-21-14 for December 8, 2021 be made part of the record for this hearing. So ordered by President Graham.

**PUBLIC HEARING:**

Seeing no one wished to speak, President Graham declared the Hearing closed.

Mr. Flores, seconded by Mr. Martinez Ortega, moved to approve the Ordinance on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega and Winner. Motion carried unanimously.

**R-4 ORDINANCE NO 10132 AMENDING SECTIONS 17-2-2, 17-4-51,17-4-14, AND 17-10-05 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO MULTIFAMILY DEVELOPMENT DESIGN STANDARDS – submitted for Final Presentation**

A staff report and detailed review of the Ordinance was given by Scott Hobson, Director of Planning and Community Development. Mr. Hobson requested that the records for Planning & Zoning Committee Case #TA-201 for February 9, 2022 be made part of the record for this hearing. So ordered by President Graham.

**PUBLIC HEARING:**

- Dan DeCinzo appeared in person to speak against this ordinance

Seeing no one else wished to speak, President Graham declared the Hearing closed.

Mr. Martinez Ortega, seconded by Mr. Flores, moved to approve the Ordinance on Final Presentation.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, Martinez Ortega and Winner. Motion carried unanimously.

**S. COUNCIL MEMBER CONFLICT OF INTEREST**

Councilmember Lori Winner was excused from the meeting due to a conflict of interest with agenda item numbers Q-4 and T-1.

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**T. COMMUNICATIONS**

**Q-4 A RESOLUTION AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO RETAIN INDEPENDENT LEGAL COUNSEL TO INVESTIGATE COUNCILOR WINNER'S COMPLAINT CONCERNING THE CONDUCT OF THE CITY ATTORNEY ON OCTOBER 28, 2021**

A staff report and detailed review of the Ordinance was given by Mayor Nicholas Gradisar.

- Sandra Sherrer appeared in person to speak against this Resolution
- Elvis Martinez appears in person to speak against this Resolution

Mr. Martinez Ortega, seconded by Mr. Flores, moved to approve the Resolution on Final Presentation.

Roll Call - Ayes: None. Nays: Atencio, Flores, Graham, Maestri, Martinez, and Martinez Ortega. Motion fails 6-0 with Winner recused.

**T-1 A CITIZEN FILED ETHICS COMPLAINT AGAINST LORI WINNER**

Ms. Martinez, seconded by Mr. Martinez Ortega, moved to accept the communication.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, and Martinez Ortega. Motion carried 6-0 with Winner recused

Deputy City Attorney Bob Jagger gave a report regarding the content of the complaint and recommended to dismiss complaint for failure to state a claim.

Ms. Graham, seconded by Ms. Maestri, moved to dismiss the complaint.

Roll Call - Ayes: Atencio, Flores, Graham, Maestri, Martinez, and Martinez Ortega. Motion carried 6-0 with Winner recused.

**ADJOURN: 9:00 p.m.** President Graham Adjourned the Meeting into Executive Session.

Respectfully submitted,



Marisa Stoller  
City Clerk