



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
MONDAY, MAY 23, 2022 – 7:00 P.M.**

MINUTES

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

COUNCIL MEMBERS PRESENT: Dennis Flores, Heather Graham, Regina Maestri, Vicente Martinez Ortega, and Lori Winner.

COUNCIL MEMBERS PRESENT VIA ZOOM: Sarah Martinez.

COUNCIL MEMBERS ABSENT: Larry Atencio.

ADMINISTRATIVE STAFF MEMBERS PRESENT: Chief of Staff Laura Solano, City Attorney Daniel Kogovsek, and Deputy City Clerk Vincent Petkosek.

- E. SPECIAL RECOGNITIONS**
- F. PUBLIC FORUM**
- Nick Donaldson – Trash
 - Frank Cirullo – Monument and Pledge
 - Derek Voll – Housing Crises
 - Laura Hall – Police Misconduct

G. COUNCIL MEMBER AND MAYOR COMMENTARY

Chief of Staff Solano shared some city updates from Mayor Gradisar.

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

H. / I REVIEW AND APPROVAL OF THE AGENDA

The agenda was reviewed page by page. Chief of Staff Solano requested that item N-5, N-10, N-11 be removed from the agenda. Chief of Staff Solano requested that item R-1 be continued to the June 13th, 2022, meeting.

Councilor Winner, seconded by Councilor Maestri moved to continue N-15 to another work session.

Roll Call - Ayes: Graham, Maestri, and Winner. Nays: Flores, Martinez, and Martinez Ortega. Motion failed 3-3 vote.

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Councilor Martinez, seconded by Councilor Flores moved to amend the agenda to remove N-5, N-10, N-11, and continue R-1 to the June 13th, 2022, meeting.

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

J. READING AND APPROVAL OF MINUTES

Councilor Flores, seconded by Councilor Martinez Ortega, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **Monday, May 9th, 2022**, as distributed.

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

K. CONSENT AGENDA

Deputy City Clerk Vincent Petkosek read the Consent Agenda into the record.

L. COMMUNICATIONS

L-1 NONE SUBMITTED

M. RESOLUTIONS

M-1 RESOLUTION NO. 14890 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$413,343 TO K.R. SWERDFEGER CONSTRUCTION, INC., AND SETTING FORTH \$82,669 FOR CONTINGENCIES, FOR PROJECT NO. 22-019 (WWAN05) 2022 MANHOLE REHABILITATION PROJECT AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

M-2 RESOLUTION NO. 14891 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$432,022.80 TO K.R. SWERDFEGER, INC. AND SETTING FORTH \$86,405 FOR CONTINGENCIES, FOR PROJECT NO. 22-001 (WW1705) FY2022 BESSEMER DITCH LINING PROJECT AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

M-3 RESOLUTION NO. 14892 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$140,229.60 TO DOUG VAUGHN, LLC., AND SETTING FORTH \$59,750 FOR CONTINGENCIES, FOR PROJECT NO. 22-025 ABRIENDO AVENUE ADA CURB RAMPS PHASE 2 AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

M-4 RESOLUTION NO. 14893 AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$24,064 TO DOUG VAUGHN, LLC., AND SETTING FORTH \$5,691 FOR CONTINGENCIES, FOR PROJECT NO. 22-032 ELMWOOD GOLF COURSE CART PATH PHASE 2 AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

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- M-5 RESOLUTION NO. 14894 APPROVING AND ACCEPTING A COLORADO DEPARTMENT OF LAW PEACE OFFICER STANDARDS AND TRAINING (POST) GRANT, JULY 1, 2021, THROUGH JUNE 30, 2022, ESTABLISHING PROJECT NUMBER PS2205, TRANSFERRING FUNDS NOT TO EXCEED THE AMOUNT OF \$4000 FROM PROJECTS-TO-BE-DETERMINED IN THE PUBLIC SAFETY GRANTS FUND**

- M-6 RESOLUTION NO. 14895 TRANSFERRING \$36,000 IN THE SOUTHPOINTE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT BUDGET FROM THE "PROJECTS TO BE DETERMINED" OPERATING BUDGET LINE ACCOUNT INTO THE "REPAIR & MAINTENANCE" OPERATING BUDGET LINE ACCOUNT**

- M-7 RESOLUTION NO. 14896 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO JIM PRESENTS, LLC FOR THE USE OF CENTRAL MAIN STREET FROM CITY CENTER DRIVE TO ALAN HAMEL AVENUE, ON MAY 28, 2022, FOR OVERFLOW SHOW CARS AT A CAR SHOW AT THE PUEBLO CONVENTION CENTER**

- M-8 RESOLUTION NO. 14897 CONFIRMING THE APPOINTMENT BY THE MAYOR OF ALVIN RIVERA TO THE BOARD OF ELECTIONS**

- M-9 RESOLUTION NO. 14898 CONFIRMING THE APPOINTMENT BY THE MAYOR OF MODESTO CARTAGENA TO THE LIQUOR AND BEER LICENSING BOARD**

- M-10 RESOLUTION NO. 14899 AMENDING SECTION 2 OF RESOLUTION 14823, PREVIOUSLY PASSED BY CITY COUNCIL ON MARCH 14, 2022**

N. ORDINANCES – FIRST PRESENTATION

- N-1 AN ORDINANCE APPROVING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$258,217 BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND BROWN AND CALDWELL, INC., FOR CONSULTING ENGINEERING SERVICES WITH RESPECT TO THE SOUTHERN COLORADO CLINIC SANITARY SEWER OUTFALL SEWER CROSSING DESIGN AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for First Presentation***

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-2 AN ORDINANCE APPROVING AND ACCEPTING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PUEBLO AND PHILOSOPHY COMMUNICATIONS, INC. TO PERFORM BRANDING CONSULTATIONS FOR THE PUEBLO FOOD PROJECT ENTREPRENEUR DEVELOPMENT PROGRAM FOR \$3,000 – *submitted for First Presentation***

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

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- N-3 AN ORDINANCE TRANSFERRING \$609,245 FROM THE 2022 UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND TO PROJECT CI2205 FIRE STATIONS 6, 8, AND 11, AND BUDGETING AND APPROPRIATING \$609,245 FOR SAID PROJECT – submitted for First Presentation**

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-4 AN ORDINANCE VACATING A PORTION OF THE ALLEY BETWEEN MAHREN AVENUE AND EGAN AVENUE – submitted for First Presentation**

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-5 REMOVED FROM AGENDA**

- N-6 AN ORDINANCE APPROVING A HANGAR LEASE AGREEMENT FOR 522 SKYWAY STREET AT PUEBLO MEMORIAL AIRPORT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND SOUTHERN COLORADO FLIGHT PROFESSIONALS, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND AUTHORIZING THE MAYOR TO EXECUTE SAME – submitted for First Presentation**

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-7 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE LOTS 1-8, BLOCK 1; LOTS 1-4, BLOCK 2 AND LOTS 1-2, BLOCK 3 RIVER’S RUN SUBDIVISION FROM B-P, BUSINESS PARK AND B-2, SUBREGIONAL BUSINESS DISTRICT TO R-5, MULTIPLE RESIDENTIAL AND OFFICE DISTRICT – submitted for First Presentation**

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-8 AN ORDINANCE VACATING A PORTION OF FIR STREET AND MULTIPLE DRAINAGE AND PUBLIC UTILITY EASEMENTS LOCATED WITHIN BLOCKS 1 AND 2, RIVER’S RUN SUBDIVISION – submitted for First Presentation**

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-9 AN ORDINANCE APPROVING THE RIVER’S RUN SUBDIVISION 1ST AMENDMENT - submitted for First Presentation**

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-10 REMOVED FROM AGENDA**

- N-11 REMOVED FROM AGENDA**

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- N-12 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND TATIANA BAILEY, PH.D. D/B/A PEAK ANALYTICS CONSULTING TO DEVELOP A PUEBLO MONTHLY ECONOMIC DASHBOARD - *submitted for First Presentation***

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-13 AN ORDINANCE AMENDING SECTION 1 (A) OF CHAPTER 6 OF TITLE 6 OF THE PUEBLO MUNICIPAL CODE TO RECOGNIZE JUNETEENTH AS A CITY HOLIDAY - *submitted for First Presentation.***

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-14 AN ORDINANCE AMENDING SECTION 16-12-10 OF CHAPTER 12 OF TITLE XVI OF THE PUEBLO MUNICIPAL CODE RELATING TO AND AUTHORIZING THE STORMWATER DIRECTOR TO ACCEPT DRAINAGE AND STORMWATER EASEMENTS AND TO EXECUTE MAINTENANCE AGREEMENTS REQUIRED PURSUANT TO SAID SECTION - *submitted for First Presentation.***

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

- N-15 AN ORDINANCE AMENDING THE LEGISLATIVE PROCEDURES AND RULES OF THE PUEBLO CITY COUNCIL REGARDING CONFLICTS OF INTEREST - *submitted for First Presentation.***

Public Hearing was Set for Monday, June 13, 2022, Notice of Hearing was Ordered Published by Title.

O. APPROVAL OF CONSENT AGENDA

Councilor Martinez Ortega, seconded by Councilor Flores, moved to approve all Resolutions Set Forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for **Monday, June 13th**, and Order the Ordinances to be published **BY TITLE**.

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

P. REGULAR AGENDA

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

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Q. RESOLUTIONS

Q-1 RESOLUTION NO. 14900 AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$300,000 FROM PROJECT CI2113 - AMERICAN RESCUE PLAN ACT TO PROVIDE GOVERNMENT SERVICES THROUGH TRASH REMOVAL AND CLEAN-UP PROJECTS AS AUTHORIZED BY SECTION 603(C)(1)(C) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6 (D)

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

Councilor Flores, seconded by Councilor Martinez Ortega, moved to approve the Resolution.

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

Q-2 RESOLUTION NO. 14901 AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO THE HARP FOUNDATION IN THE AMOUNT OF \$9,000 TO SUPPORT THE ROLLIN' ON THE RIVERWALK 4TH OF JULY EVENT

A staff report and detailed review of the Resolution was given by Councilor Heather Graham.

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

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

R. ORDINANCES – FINAL PRESENTATION

R-1 MOVED TO JUNE 13TH AGENDA

R-2 ORDINANCE NO. 10178 APPROVING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$65,031 BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND BROWN AND CALDWELL, INC., FOR CONSULTING ENGINEERING SERVICES WITH RESPECT TO THE SUSTAINABILITY STUDY FOR THE WASTEWATER DEPARTMENT AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Andra Ahrens, Acting Director of Wastewater.

PUBLIC HEARING:

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

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

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

R-3 ORDINANCE NO. 10179 ESTABLISHING PROJECT CI2208 FOR UNION AVENUE BRIDGE REPAIR PROJECT, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO, ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION, PROJECT: BRO M086-096 (24927) IN THE AMOUNT OF \$100,500 TRANSFERRING THE FUNDS IN THE AMOUNT OF \$100,500 FROM BRIDGE REPAIRS PROJECT, HUAN05 TO THE UNION AVENUE BRIDGE REPAIR PROJECT, CI2208, AND BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$201,000 – submitted for Final Presentation

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

PUBLIC HEARING:

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

Councilor Martinez Ortega, seconded by Councilor Maestri, moved to approve the Ordinance on Final Presentation.

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

R-4 ORDINANCE NO. 10180 VACATING A PORTION OF THE ALLEY BETWEEN MAHREN AVENUE AND EGAN AVENUE. – submitted for Final Presentation

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning file Case #V-21-02 dated April 13th,2022, 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.

Councilor Winner, seconded by Councilor Martinez Ortega, moved to approve the Ordinance on Final Presentation.

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

R-5 ORDINANCE NO. 10181 AMENDING ZONING RESTRICTIONS OF LOT 1 OF THE PUEBLO SPRINGS APARTMENTS SUBDIVISION FROM A-1, AGRICULTURAL ONE ZONE DISTRICT TO R-5, MULTIPLE-RESIDENTIAL AND OFFICE ZONE DISTRICT – submitted for Final Presentation

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A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning file Case #Z-21-18 dated December 8th, 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.

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

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

R-6 ORDINANCE NO. 10182 APPROVING THE PUEBLO SPRINGS APARTMENTS SUBDIVISION – submitted for Final Presentation

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning file Case #S-21-09 dated December 8th, 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.

Councilor Martinez Ortega, seconded by Councilor Maestri, moved to approve the Ordinance on Final Presentation.

Roll Call - Ayes: Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried 6-0 Councilor Atencio absent, not unanimous.

R-7 ORDINANCE NO. 10183 EXTENDING THE TERM OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS LOCAL 537 FOR A ONE-YEAR PERIOD COMMENCING JANUARY 1, 2023, THROUGH DECEMBER 31, 2023 – submitted for Final Presentation

A staff report and detailed review of the Ordinance was given by Deputy City Attorney Bob Jagger.

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: Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried 6-0 with Councilor Atencio absent.

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R-8 ORDINANCE NO. 10184 EXTENDING THE TERM OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL NO. 3 FOR A ONE-YEAR PERIOD COMMENCING JANUARY 1, 2023, THROUGH DECEMBER 31, 2023 – submitted for Final Presentation

A staff report and detailed review of the Ordinance was given by City Attorney Bob Jagger.

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: Flores, Graham, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried 6-0 with Councilor Atencio absent.

COUNCIL MEMBER CONFLICT OF INTEREST

T. COMMUNICATIONS

T-1 A CITIZEN FILED ETHICS COMPLAINT AGAINST LORI WINNER. (Councilor Winner was excused and left the chambers.)

A staff report and detailed review of the ethics complaint against Councilor Lori Winner was given by Dan Kogovsek.

Mr. Martinez Ortega, seconded by Mr. Flores, moved to accept this communication.

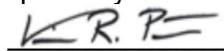
Roll Call - Ayes: Flores, Graham, Maestri, Martinez, and Martinez Ortega. Motion carried 5 - 0 with Councilor Atencio absent and Councilor Winner excused.

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

Roll Call - Ayes: Flores, Graham, Maestri, Martinez, and Martinez Ortega. Motion carried 5 - 0 Councilor Atencio absent and Councilor Winner excused.

ADJOURN: At 8:27pm, President Graham Adjourned the Meeting.

Respectfully submitted,



Vincent Petkosek
Deputy City Clerk