



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
MONDAY, AUGUST 22, 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: 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, City Attorney Daniel Kogovsek, Chief of Staff Laura Solano, City Clerk Marisa Stoller.

- E. SPECIAL RECOGNITIONS**
- F. PUBLIC FORUM**
 - Elvis Martinez – City Council, Domestic Violence, More
 - Frank Cirillo – Monument
- G. COUNCIL MEMBER AND MAYOR COMMENTARY**

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

Mayor Gradisar informed Council that the two marijuana initiated petitions had been deemed insufficient by the City Clerk and petitioners had withdrawn those efforts. He also reminded Council that the State Fair starts on Friday and asked the community to be good hosts to our guests from around the state.

- H. REVIEW AND APPROVAL OF THE AGENDA**

The agenda was reviewed page by page. Mayor Gradisar requested that item R-1 be continued to the September 12, 2022 agenda. Ms. Martinez, seconded by Mr. Martinez Ortega, moved to continue item R-1 to the September 12, 2022 agenda and to approve the agenda as modified.

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

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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, August 8, 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 NONE SUBMITTED

M. RESOLUTIONS

M-1 RESOLUTION NO 14968 RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$6,188 WITH PARKER EXCAVATION, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 1142 BERKLEY PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF SAME

M-2 RESOLUTION NO 14969 ESTABLISHING PROJECT CI2212 – ICE ARENA COOLING TOWER PROJECT, TRANSFERRING \$37,600.47 FROM CAPITAL PROJECTS CI1811 AND CI1111 INTO PROJECT CI2212, AND AUTHORIZING THE TRANSFER OF \$42,399.53 FROM LOTTERY PROJECTS LT1113, LT1402, LT1701, LT1902, AND LT2201 INTO PROJECT LT2202 – ICE ARENA COOLING TOWER REPLACEMENT PROJECT

M-3 RESOLUTION NO 14970 TRANSFERRING \$20,000 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-4 RESOLUTION NO 14971 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO THE COLORADO STATE FAIR, FOR USE OF THE SMALL AVENUE RIGHT OF WAY, BETWEEN EUCLID AVENUE AND SCRANTON AVENUE, TO ALLOW FOR PARKING SCHOOL BAND BUSES AND EQUIPMENT VEHICLES

M-5 RESOLUTION NO 14972 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO PUEBLO COMMUNITY COLLEGE FOR THE USE OF ORMAN AVENUE IN BETWEEN HARRISON AVENUE AND ARTHUR STREET AND THEIR RIGHTS OF WAY TO HOLD A WELCOME BACK TO CAMPUS EVENT ON MONDAY, AUGUST 22, 2022

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- M-6 RESOLUTION NO 14973 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO THE PUEBLO BULLS HOCKEY CLUB FOR THE USE OF GRAND AVENUE AND THE RIGHTS OF WAY IN BETWEEN WEST CITY CENTER DRIVE AND WEST 2ND STREET ON SEPTEMBER 10, 2022 TO HOLD THEIR OPENING NIGHT CELEBRATION**
- M-7 RESOLUTION NO 14974 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO YMCA OF PUEBLO FOR THE USE OF A PORTION OF SPAULDING AVENUE, AND PARKER BOULEVARD, ON SEPTEMBER 10, 2022 TO HOLD THE 2022 CORPORATE CUP 5K RUN/WALK EVENT**
- M-8 RESOLUTION NO 14975 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO YMCA OF PUEBLO FOR THE USE OF SPAULDING AVENUE, AND 31ST STREET, ON SEPTEMBER 15, 2022 TO HOLD THE 2022 CORPORATE CUP ONE MILE EVENT**
- M-9 RESOLUTION NO 14976 ACCEPTING THE FINDINGS OF AND ADOPTING THE NEW AIRPORT MASTER PLAN**
- M-10 RESOLUTION NO 14977 CONFIRMING THE APPOINTMENT BY THE MAYOR OF TIFFANY GARCIA TO THE ADA ADVISORY COMMITTEE**

N. ORDINANCES – FIRST PRESENTATION

- N-1 AN ORDINANCE ESTABLISHING COMMUNITY OUTREACH PROGRAM PROJECT NO. PS2208, APPROVING A COOPERATION AGREEMENT WITH PUEBLO TRIPLE AIM CORPORATION, AND ACCEPTING, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$8,042 TO SAID PROJECT – *submitted for First Presentation***

Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

- N-2 AN ORDINANCE ESTABLISHING 2023 PUEBLO RURAL TRANSPORTATION PLANNING PROJECT AND BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$7,400 FOR SAID PROJECT – *submitted for First Presentation***

Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

- N-3 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE 1221 EAST ABRIENDO AVENUE FROM B-4, CENTRAL BUSINESS DISTRICT TO CCN, COMMERCIAL CHARTER NEIGHBORHOOD – *submitted for First Presentation***

Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

- N-4 AN ORDINANCE VACATING TWO 20-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED WITHIN BLOCKS 3, 4 AND 5, VILLA BELLA SUBDIVISION, FILING NO. 1 AND UNIMPROVED CBI DRIVE AND THE EASTERN PORTION OF UNIMPROVED NAPOLI WAY – *submitted for First Presentation***

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Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

N-5 AN ORDINANCE CHANGING THE STREET NAME OF NAPOLI WAY TO MEDICI WAY – submitted for First Presentation

Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

N-6 AN ORDINANCE APPROVING THE VILLA BELLA FILING NO. 2 SUBDIVISION – submitted for First Presentation

Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

N-7 AN ORDINANCE APPROVING AND ACCEPTING A LEASE AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND THE PUEBLO BULLS HOCKEY CLUB, INC., A COLORADO CORPORATION, FOR THE MANAGEMENT, OPERATION, AND PROMOTION OF THE PUEBLO ICE ARENA, AND AUTHORIZING THE MAYOR TO EXECUTE SAME – submitted for First Presentation

Public Hearing was Set for Monday, September 12, 2022, Notice of Hearing was Ordered Published by Title.

O. APPROVAL OF CONSENT AGENDA

Mr. Martinez Ortega, seconded by Mr. 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, September 12, 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

Q-1 RESOLUTION NO 14978 AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FROM PROJECT CI2113 - AMERICAN RESCUE PLAN ACT FOR A GOVERNMENT SERVICES PROJECT TO RELOCATE AND REPLACE FIBER LINES, AS AUTHORIZED BY SECTION 603(C)(1)(C) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6

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

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Mr. Martinez Ortega, seconded by Mr. Flores, 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 14979 AWARDDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$755,305.50 TO MARTIN MARIETTA MATERIALS, INC., AND SETTING FORTH \$160,000 FOR CONTINGENCIES, FOR PROJECT NO. 22-063 ASPHALT PAVING – PHASE 2 AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

A staff report and detailed review of the Resolution 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, Maestri, Martinez, Martinez Ortega, and Winner. Motion carried unanimously.

Q-3 RESOLUTION NO 14980 AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO UNITED WAY - PUEBLO COUNTY IN THE AMOUNT OF \$500 TO SUPPORT THE CAMPAIGN KICKOFF LUNCHEON

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

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

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

Q-4 RESOLUTION NO 14981 AUTHORIZING TRANSFER OF FUNDS FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO PUEBLO COUNTY IN SUPPORT OF THE 2022 HOLIDAY LIGHTING CEREMONY

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

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

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

Q-5 RESOLUTION NO 14982 AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO YBARRA'S BOXING IN THE AMOUNT OF \$1,500 TO SUPPORT ITS BOXING EVENT

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

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

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

Q-6 RESOLUTION NO 14983 CONFIRMING THE APPOINTMENT OF ANDRA AHRENS TO THE POSITION OF DIRECTOR OF WASTEWATER

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

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

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

R. ORDINANCES – FINAL PRESENTATION

R-1 CONTINUED TO SEPTEMBER 12, 2022 AGENDA

R-2 ORDINANCE NO 10253 APPROVING AND ACCEPTING COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) AERONAUTICS DIVISION GRANT NO. 22-PUB-01 FOR FUNDS IN THE AMOUNT OF \$18,412 FOR BOTH THE RUNWAY 8R-26L REHABILITATION DESIGN AND THE SNOW REMOVAL EQUIPMENT ACQUISITION PROJECTS, AUTHORIZING THE MAYOR TO EXECUTE SAME, BUDGETING AND APPROPRIATING \$7,725 TO PROJECT NO. AP2205 – REHAB RUNWAY 8R-26L DESIGN & CONSTRUCTION, AND BUDGETING AND APPROPRIATING \$10,687 TO PROJECT NO. AP2201 – SNOW REMOVAL EQUIPMENT (SRE) – *submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Greg Pedroza, Airport Director.

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-3 ORDINANCE NO 10254 APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE PUEBLO REGIONAL BUILDING DEPARTMENT FOR THE SHARING OF COSTS RELATED TO THE PUEBLO MEANS BUSINESS WEB-PORTAL, AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for Final Presentation*

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

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-4 ORDINANCE NO 10255 APPROVING A GRANT AWARD AGREEMENT BETWEEN PUEBLO, A MUNICIPAL CORPORATION, AND STATE OF COLORADO, ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF NATURAL RESOURCES, AND AUTHORIZING THE MAYOR TO EXECUTE SAME – *submitted for Final Presentation*

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

PUBLIC HEARING:

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

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

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

R-5 ORDINANCE NO 10256 AMENDING ZONING RESTRICTIONS TO REZONE PARCELS 527306003 AND 527306004 FROM A-4, AGRICULTURAL FOUR ZONE DISTRICT TO I-2, INDUSTRIAL ZONE DISTRICT – *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 documents and records for Case #Z22-10 from the Planning & Zoning Commission meeting dated July 13, 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.

Mr. Martinez Ortega, seconded by Ms. Winner, 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-6 ORDINANCE NO 10257 AMENDING CHAPTER 1 OF TITLE X AND CHAPTER 1 OF TITLE XV OF THE PUEBLO MUNICIPAL CODE WITH REGARDS TO ELECTRIC BICYCLES, ELECTRIC SCOOTERS, AND OTHER ELECTRIC DEVICES – *submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development.

PUBLIC HEARING:

- Mark Holmes appeared in person to speak in favor of this ordinance
- Robin Cope appeared in person to speak against this ordinance
- Ron Serna appeared in person to speak in favor of this ordinance

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

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

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

R-7 ORDINANCE NO 10258 APPROVING AND ACCEPTING AN AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, REGARDING REIMBURSEMENT OF POLICE PERSONNEL OVERTIME AND OTHER EXPENSES ACCRUED WHILE WORKING JOINT OPERATIONS – *submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Chris Noeller, Chief of Police.

PUBLIC HEARING:

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

Ms. Winner, 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-8 ORDINANCE NO 10259 AMENDING TITLE XI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 13 RELATING TO THE CREATION OF A COMMUNITY SERVICE OFFICER POSITION, AND ESTABLISHING AUTHORITY AND ENFORCEMENT POWERS IN ACCORDANCE THEREWITH – *submitted for Final Presentation*

A staff report and detailed review of the Ordinance was given by Chris Noeller, Chief of Police.

PUBLIC HEARING:

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

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

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

R-9 ORDINANCE NO 10261 SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, A QUESTION RELATING TO THE EXTENSION OF THE ONE-FIFTH PERCENT (.2%) SALES AND USE TAX RATE FOR FIVE YEARS FOR POLICE PERSONNEL AND OPERATING COSTS AND THE ADOPTION OF ORDINANCE NO. 10260 TO IMPLEMENT THE EXTENSION – submitted for Final Presentation

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

PUBLIC HEARING:

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

Ms. Winner, 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-10 ORDINANCE NO 10262 SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, THE QUESTION OF RE-ESTABLISHING THE CITY'S AUTHORITY TO PROVIDE, OR TO FACILITATE OR PARTNER OR COORDINATE WITH SERVICE PROVIDERS FOR THE PROVISION OF, "ADVANCED (HIGH-SPEED INTERNET) SERVICE," "CABLE TELEVISION SERVICE," AND "TELECOMMUNICATION SERVICE," EITHER DIRECTLY, INDIRECTLY, OR BY CONTRACT, TO RESIDENTIAL, COMMERCIAL, NONPROFIT, GOVERNMENT OR OTHER SUBSCRIBERS AND TO ACQUIRE, OPERATE AND MAINTAIN ANY FACILITY FOR THE PURPOSE OF PROVIDING SUCH SERVICES, RESTORING LOCAL AUTHORITY AND FLEXIBILITY THAT WAS REMOVED BY TITLE 29, ARTICLE 27, PART 1 OF THE COLORADO REVISED STATUTES, WITHOUT INCREASING TAXES – submitted for Final Presentation

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

PUBLIC HEARING:

- Denise Atkinson-Shorey appeared in person to speak in favor of this ordinance
- Salvador Akunez appeared in person to speak in favor of 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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S. EXECUTIVE SESSION

Mr. Atencio, seconded by Mr. Martinez Ortega, 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); and the following additional details are provided for identification purposes:

To instruct negotiators regarding economic development projects and issues presented by the Pueblo Economic Development Corporation, acting as agent for the City of Pueblo

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

ADJOURN: 9:11 p.m. President Graham Adjourned the Meeting into Executive Session.

Respectfully submitted,



Marisa Stoller
City Clerk