



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, DECEMBER 12, 2022 - 7:00 PM
MINUTES**

A. CALL TO ORDER

President Graham called the meeting to order at 7:40 p.m.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

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

Council Members Present via Zoom: None.

Council Members Absent: None.

Administrative Staff Members Present: Mayor Nicholas Gradisar, Chief of Staff Laura Solano, City Attorney Daniel Kogovsek, City Clerk Marisa Stoller.

E. SPECIAL RECOGNITIONS

F. PUBLIC FORUM

- Elvis Martinez spoke on various topics
- Ted Freeman spoke regarding the half cent sales tax

G. COUNCIL MEMBER AND MAYOR COMMENTARY

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

H. REVIEW OF AGENDA

The agenda was reviewed page by page.

I. APPROVAL OF AGENDA

President Graham, seconded by Councilor Martinez Ortega, moved to table item R5.

Roll Call - **Ayes:** Councilor Flores, President Graham, Councilor Martinez, Councilor Martinez Ortega. **Nays:** Councilor Atencio, Councilor Maestri, Councilor Winner. Motion Passed 4-3.

Councilor Martinez, seconded by Councilor Flores, requested to move item M7 to the regular agenda and moved to approve the agenda as amended.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Martinez, Councilor Martinez Ortega. **Nays:** Councilor Maestri, Councilor Winner. Motion Passed 5-2.

J. READING AND APPROVAL OF MINUTES

J1 CITY COUNCIL MINUTES FOR NOVEMBER 28, 2022

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

K. CONSENT AGENDA

L. COMMUNICATIONS

M. RESOLUTIONS

M1 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$14,136.14 TO MERRIMAN LAND WORKS DBA FLAT & FANCY FOR PROJECT NO. 22-098, JUAN MADRID AVENUE AND 9TH STREET CONCRETE REPAIRS, SETTING FORTH \$3,163.86 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as 15083.

M2 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$105,912 TO DOUG VAUGHN, LLC., A LIMITED LIABILITY COMPANY, FOR PROJECT NO. 22-077, MISCELLANEOUS REPAIRS - PHASE 2, SETTING FORTH \$15,868 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as 15084.

M3 A RESOLUTION TRANSFERRING \$588,119 FROM THE AIRPORT FUND TO PROJECT NO. AP2204 - EAST GA APRON REHABILITATION

This Resolution was assigned as 15085.

M4 A RESOLUTION AWARDED AN AGREEMENT FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$14,800 TO JOLENE COLLINS TO COMPLETE CURRICULUM REVISION AND SERVE AS THE CLASS INSTRUCTOR FOR THE PUEBLO FOOD PROJECT ENTREPRENEUR DEVELOPMENT PROGRAM

This Resolution was assigned as 15086.

M5 A RESOLUTION AWARDED AN AGREEMENT FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$7,300 TO JOSLYN RAFFERTY-CAMMER TO

COMPLETE WORK AS THE YOUTH LED CHICKEN COOP COORDINATOR

This Resolution was assigned as 15087.

M6 A RESOLUTION APPROVING REVISIONS TO THE STANDARD CONSTRUCTION SPECIFICATIONS AND STANDARD DETAILS FOR THE CITY OF PUEBLO

This Resolution was assigned as 15088.

M8 A RESOLUTION RATIFYING THE APPOINTMENT OF IRIS CLARK AND TRISHA MACIAS TO THE PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES

This Resolution was assigned as 15089.

M9 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF ROXANNE PIGNANELLI TO THE PUEBLO HUMAN RELATIONS COMMISSION

This Resolution was assigned as 15090.

M10 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF RANDY MCCALL AND JESSICA MOORE TO THE SANGRE DE CRISTO ARTS AND CONFERENCE CENTER BOARD OF TRUSTEES

This Resolution was assigned as 15091.

M11 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF BRANDI ADAKAI, LORI ARABIE, LARA CARTAGENA, HEATHER MAIO, SPENCER MILES, MELISSA NERESON, DEAN PACE, AND DERIC STOWELL TO THE COMMUNITY COMMISSION ON HOUSING AND HOMELESSNESS (CCHH)

This Resolution was assigned as 15092.

N. ORDINANCES – FIRST PRESENTATION

N1 AN ORDINANCE APPROVING AN AMENDMENT TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND DIBBLE AND ASSOCIATES CONSULTING ENGINEERS, INC., FOR THE REHABILITATION OF RUNWAY 8R/26L (PHASE 1 - DESIGN) AT THE PUEBLO MEMORIAL AIRPORT, BUDGETING AND APPROPRIATING \$49,807 TO PROJECT NO. AP2205 – REHAB RUNWAY 8R-26L DESIGN AND CONSTRUCTION, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

N2 AN ORDINANCE APPROVING THE TRANSFER OF FUNDS FROM PUBLIC WORKS DEPARTMENT OPERATING FUNDS TO PROJECT NO. CIAN20 - CITY BUILDING REPAIRS IN THE AMOUNT OF \$300,000

N3 AN ORDINANCE APPROVING AN AGREEMENT WITH COLORADO DEPARTMENT OF TRANSPORTATION AND CONTINUUM OF COLORADO FOR THE TRANSFER OF THREE PARATRANSIT BUSES TO BE USED IN

PUBLIC TRANSIT OPERATIONS

- N4 AN ORDINANCE AUTHORIZING AMENDMENT NO. 18 TO THE AGREEMENT FOR COMMUNITY SERVICES PLANNING, ADMINISTRATION, AND ACCOUNTABILITY SERVICES BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PUEBLO**
- N5 AN ORDINANCE PROVIDING FOR THE CITY OF PUEBLO DEPARTMENTAL AUTHORIZED PERSONNEL POSITIONS FOR THE FISCAL YEAR 2023**
- N6 AN ORDINANCE AMENDING SECTIONS 6-5-16 AND 6-5-18 OF CHAPTER 5, OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 2023**
- N7 AN ORDINANCE ESTABLISHING THE BEARCAT PROJECT NO. CI2220, TRANSFERRING \$300,000 FROM THE POLICE DEPARTMENT ACCOUNT 101-20502-51030 AND BUDGETING AND APPROPRIATING \$300,000 FOR SAID PROJECT**
- N8 AN ORDINANCE APPROVING AN INTERNSHIP BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, WESTERN ILLINOIS UNIVERSITY SCHOOL OF LAW ENFORCEMENT AND JUSTICE ADMINISTRATION, AND KATHERYN BLACK AND AUTHORIZING THE MAYOR TO EXECUTE SAME**
- N9 AN ORDINANCE APPROVING AND ACCEPTING AN ADDENDUM TO THE DEPARTMENT OF DEFENSE LAW ENFORCEMENT SUPPORT OFFICE ("LESO") PROGRAM STATE PLAN OF OPERATION ("SPO") AND APPLICABLE CONDITIONS PERTAINING THERETO BETWEEN THE STATE OF COLORADO AND THE CITY OF PUEBLO ON BEHALF OF THE PUEBLO POLICE DEPARTMENT RELATING TO DEPARTMENT OF DEFENSE EXCESS PROPERTY CONDITIONALLY TRANSFERRED TO THE CITY**
- N10 AN ORDINANCE AMENDING CHAPTER 10 OF TITLE IX OF THE PUEBLO MUNICIPAL CODE, UPDATING BUSINESS LICENSING PROVISIONS RELATED TO EMPLOYMENT AGENCIES**
- N11 AN ORDINANCE AMENDING CHAPTER 3 OF TITLE VII OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE IV RELATING TO THE CARRYOUT BAG FEES IMPOSED PURSUANT TO THE PLASTIC**

POLLUTION REDUCTION ACT, SECTION 25-17-501 ET SEQ., C.R.S., AND PROVIDING FOR THE ENFORCEMENT, COLLECTION, REMITTANCE, AND DISTRIBUTION OF SAID FEES

N12 AN ORDINANCE AMENDING SECTION 14-4-21 OF TITLE IVX OF CHAPTER 4 OF THE PUEBLO MUNICIPAL CODE RELATING TO THE CITY'S SALES AND USE TAX CODE AND EXCLUDING THE STATE CARRYOUT BAG FEE FROM THE DEFINITION OF PURCHASE PRICE

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 December 27, 2022, and Order the Ordinances to be published BY TITLE.

Roll Call – **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

P. REGULAR AGENDA

Q. RESOLUTIONS

M7 A RESOLUTION NAMING THE ARKANSAS RIVER LEVEE PEDESTRIAN BRIDGES AFTER CHARLES W. LEE AND G. HARVEY NUCKOLLS

A staff report and detailed review of the Resolution was given by Mike Taft, Parks & Recreation Department, and Corinne Koehler, Pueblo Conservancy District.

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15093.

Q1 A RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$450,000 FROM PROJECT CI2204, STREET REHABILITATION PROJECT TO CI2121, 18TH STREET EXTENSION, AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,541,884 TO K.R. SWERDFEGER CONSTRUCTION FOR PROJECT NO. 22-082, WEST 18TH STREET EXTENSION, SETTING FORTH \$200,000 FOR CONTINGENCIES, 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.

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15094.

Q2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2022 GENERAL FUND BUDGET TO PUEBLO FRIENDS OF THE ARKANSAS RIVER IN THE AMOUNT OF \$500 TO SPONSOR THE WINTER SOLSTICE LANTERN PARADE ON SATURDAY, DECEMBER 17 FROM 2 - 7 PM AT THE PILLAR PARK, THE LEVEE TRAIL, AND THE NEW PEDESTRIAN BRIDGE

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

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15095.

R. ORDINANCES – FINAL PRESENTATION

R1 AN ORDINANCE BUDGETING AND APPROPRIATING INSURANCE PROCEEDS IN THE AMOUNT OF \$148,338.77 INTO PROJECT SWAN01 EQUIPMENT PURCHASES STORMWATER

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

PUBLIC HEARING:

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

Councilor Martinez Ortega, seconded by Councilor Martinez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 10349.

R2 AN ORDINANCE APPROVING A DEPOSIT AGREEMENT BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND SKY CREEK HOMES, LTD, LLC., A COLORADO LIMITED LIABILITY COMPANY, RELATED TO THE INSTALLATION AND CONSTRUCTION OF REQUIRED PUBLIC IMPROVEMENTS WITHIN SETTLERS VILLAGE FILING SIX SUBDIVISION AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

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

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.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10350.**

R3 AN ORDINANCE ESTABLISHING PS-2216, APPROVING A COOPERATION AGREEMENT WITH PUEBLO TRIPLE AIM CORPORATION, AND ACCEPTING, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$8700 TO SAID PROJECT

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.

Councilor Martinez Ortega, seconded by Councilor Martinez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10351.**

R4 AN ORDINANCE AMENDING SECTIONS 7-1-3, 7-3-5, 7-3-42, AND 7-4-4 OF TITLE VII OF CHAPTERS 1, 3 AND 4 OF THE PUEBLO MUNICIPAL CODE RELATING TO LIENS FOR NUISANCES, LITTER, JUNK VEHICLES, WEEDS, AND VACANT PROPERTY REGISTRATION, AND EXPANDING THE REMEDIES TO COLLECT SUCH LIENS TO INCLUDE FORECLOSURE AND ASSIGNMENT

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.

Councilor Martinez, seconded by Councilor Flores, moved to amend the Ordinance as redlined by staff.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

Councilor Martinez Ortega, seconded by Councilor Flores, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10352**.

R5 AN ORDINANCE REQUIRING ABORTION PROVIDERS IN PUEBLO TO COMPLY WITH FEDERAL LAW

This item was tabled.

S. ADJOURN

President Graham adjourned the meeting at 8:42 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Stoller', written in a cursive style.

Marisa Stoller
City Clerk