



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE**

**MONDAY, FEBRUARY 13, 2023
7:00 PM**

Individuals Requiring Special Accommodations Should Notify the City's ADA Coordinator at (719) 553-2295 by Noon on the Friday Preceding the Meeting.

- A. CALL TO ORDER** President Heather Graham
- B. INVOCATION** Pastor Steve Cornella, Pueblo Christian Center
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**
- E. SPECIAL RECOGNITIONS**
- F. PUBLIC FORUM**
- G. COUNCIL MEMBER AND MAYOR COMMENTARY**
- H. REVIEW OF AGENDA**
- I. APPROVAL OF AGENDA**

Motion to Amend the Agenda or Motion to Approve the Agenda as distributed.

J. READING AND APPROVAL OF MINUTES

Motion to dispense with the reading and approve the Minutes of the Regular Meeting dated January 23, 2023, as distributed.

J1 City Council Minutes January 23, 2023

K. CONSENT AGENDA

All items listed in this portion of the agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilperson so requests; in which event, the item will be removed from the Consent Agenda and considered under the Regular Agenda. Unless otherwise indicated, titles are self-explanatory.

L. COMMUNICATIONS

M. RESOLUTIONS

- M1 A Resolution ratifying an emergency construction contract in the amount of \$48,774.20 to Parker Excavating, Inc., for Project No. 23-044, West 31st Street at Wildhorse Creek - Emergency Repair, setting forth \$20,000 for contingencies, and authorizing the Purchasing

Agent to execute same

- M2 A Resolution awarding a construction contract in the amount of \$72,137 to Greatland Concrete & Landscaping, Inc., for Project No. 23-001, Concrete Improvements - Troy Avenue, setting forth \$20,000 for contingencies, and authorizing the Purchasing Agent to execute same
- M3 A Resolution authorizing the transfer of budgeted and appropriated funds in the amount of \$332,311.26 from Project No. HU2102 - Portland Avenue Roadway & Concrete Repair to Project No. HUAN03 - Cross Pan/Curb and Gutter and closing out Project No. HU2102
- M4 A Resolution authorizing the issuance of a revocable permit to Lowe-North Construction, Inc., for the use of the public right-of-way near 3522 N. Elizabeth Street for the purpose of installing wayfinding signage
- M5 A Resolution authorizing the issuance of a revocable permit to Wendy Fetty and Mike Fetty for the purpose of installing landscaping improvements in the right-of-way near 750 Fortino Blvd
- M6 A Resolution approving revisions to the Standard Construction Specifications and Standard Details for the City of Pueblo
- M7 A Resolution adopting the 2023 City of Pueblo Three-Mile Annexation plan for the City of Pueblo for the purposes of annexation as required by the municipal annexation act of 1965 and rescinding all annexation master plans previously adopted
- M8 A Resolution tabling final action on the petition for the annexation of the 10.74-acre area commonly known as the Dorcy Community Housing Annexation, generally located south of Red Creek Springs Road, north of Regency Park 10th Filing, and west of The Meadows Subdivision, Filing 4 for an additional period of not more than 180 days
- M9 A Resolution of the Golf Course Enterprise Establishing Green Fees, Cart Fees, and other fees to be paid for play upon Elmwood and Walking Stick Municipal Golf Courses and rescinding all other Resolutions relating to such fees
- M10 A Resolution urging Congress to enact national infrastructure bank legislation (H.R 3339)
- M11 A Resolution confirming the appointment of Larry Atencio to the Pueblo Depot Activity Development Authority Board of Directors for the year 2023
- M12 A Resolution confirming the appointment by the Mayor of Rita Gonzales to the ADA Advisory Committee

N. ORDINANCES – FIRST PRESENTATION

- N1 An Ordinance approving and authorizing the Mayor to sign a subrecipient agreement between the City of Pueblo, a Colorado Municipal Corporation and the Pueblo Zoological Society, d/b/a the Pueblo Zoo, a Colorado nonprofit corporation, as authorized by section 603 of the American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6 and authorizing the payment of one hundred two thousand one hundred sixty-nine dollars (\$102,169) from Project no. CI2113 - American Rescue Plan Act, for purposes thereof
- N2 An Ordinance approving a Memorandum of Understanding between the City of Pueblo and the National League of Cities Institution (“NLCI”), approving and accepting a Cities Addressing Fines and Fees Equitably (“CAFFE”) grant, establishing Project No. PS2302, and budgeting and appropriating funds of \$10,000 to be used consistent with the MOU
- N3 An Ordinance authorizing funds in the amount of \$50,507.64 from the Black Hills Energy Underground Utility Fund to be expended for the Arkansas River Trail, Phase 4 Project,

- N4 An Ordinance approving a grant agreement with the Cities for Financial Empowerment Fund, Inc. for the financial empowerment center (FEC) implementation grant program, authorizing the Mayor to sign the grant agreement, accepting the grant award in the amount of \$150,000, creating Project No. CI2315, and budgeting and appropriating the grant funds of \$150,000 and matching funds of \$50,000 into Project No. CI2315
- N5 An Ordinance approving an agreement between the City of Pueblo, a Colorado Municipal Corporation, and the U.S Department of the Interior, by and through the U.S. Geological Survey, relating to the installation and maintenance of a gaging station at the 8th street bridge
- N6 An Ordinance designating St. Paul First African Methodist Church, 613 West Mesa Avenue, as a local historic landmark
- N7 An Ordinance amending zoning restrictions to rezone 612 East 2nd Street, lots 8 and 9 block 20, Mattices Subdivision, East Pueblo Heights, from R-2, Single Family Residential to RCN, Residential Charter Neighborhood
- N8 An Ordinance amending zoning restrictions to rezone 618 East 2nd Street, lots 6 and 7 block 20, Mattices Subdivision, East Pueblo Heights, from R-2, Single Family Residential to RCN, Residential Charter Neighborhood
- N9 An Ordinance vacating the entire Summo Court right-of-way, select sidewalk, public access, utility, and drainage easements in Lots 1-12, Block 2, Pinion Ridge Commercial Center Subdivision
- N10 An Ordinance approving the Regency Park 5th Filing, 1st Amendment Subdivision
- N11 An Ordinance amending the the Fiscal Year 2023 Staffing Ordinance by temporarily adding two (2) Firefighter positions within the Fire Department
- N12 An Ordinance approving an ambulance service agreement between the City of Pueblo and American Medical Response of Colorado, Inc
- N13 An Ordinance approving a cooperative agreement between the U.S. Department of Justice Drug Enforcement Administration (DEA) and the City of Pueblo relating to the assignment of Pueblo Police Officers to a regional task force to assist in the investigation and the disruption of drug trafficking crimes, and authorizing the Mayor to execute same
- N14 An Ordinance approving a Second Amendment to an employment agreement between the City of Pueblo, a Colorado municipal corporation and Walter's Beer, LLC, a Colorado limited liability company relating to a job creating capital improvement project and authorizing the Mayor to execute said Second Amendment
- N15 An Ordinance approving and authorizing the Mayor to execute an Amendment No. 1 to the Agreement For Professional Services between the City of Pueblo, a Colorado Municipal Corporation and Tatiana Bailey, Ph.D. d/b/a Peak Analytics Consulting relating to the Pueblo monthly economic dashboard reports
- N16 An Ordinance amending Section 7-3-6 of Article I of Chapter 3 of Title VII of the Pueblo Municipal Code relating to illegal dumping and providing for a mandatory fine of one thousand dollars (\$1,000) for violations thereof
- N17 An Ordinance amending Sections 12-6-4 and 12-6-5 of Chapter 6 of Title XII of the Pueblo Municipal Code relating to excavation permits and conditions and limitations applicable thereto

N18 An Ordinance approving and authorizing the Mayor to sign a Subrecipient Agreement between the City of Pueblo, a Colorado municipal corporation and the Sangre de Cristo Arts and Conference Center, Inc., a Colorado nonprofit corporation, as authorized by Section 603 of the American Rescue Plan Act and U.S. Treasury final rule 31 CFR 35.6 and authorizing the payment of fifty thousand dollars (\$50,000) from Project No. CI2113 - American Rescue Plan Act, for purposes thereof

O. APPROVAL OF CONSENT AGENDA

I move to approve all Resolutions Set Forth in the Consent Agenda; Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for February 27, 2023, and Order the Ordinances to be published BY TITLE.

P. REGULAR AGENDA

Q. RESOLUTIONS

- Q1 A Resolution authorizing payment from the council contingencies account in the 2023 general fund budget to the Boys and Girls Club of Pueblo County, a Colorado Nonprofit Corporation, in the amount of \$1,600 to sponsor a V.I.P. table for the annual Champions of Youth Dinner on Thursday, March 9 at 5:30 pm in the Pueblo Convention Center
- Q2 A Resolution authorizing transfer of funds from the council contingencies account in the 2023 general fund budget to the Pueblo Police Department in the amount of \$650 to sponsor a table for the annual awards ceremony on Friday, June 9 at 5:30 pm in the Pueblo Convention Center

R. ORDINANCES – FINAL PRESENTATION

- R1 An Ordinance approving and authorizing the Mayor to sign a Subrecipient Agreement between the City of Pueblo, a Colorado municipal corporation and United Way of Pueblo County, Inc., a Colorado nonprofit corporation, as authorized by Section 603 of the American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6 and authorizing the payment of nine hundred seventy-five thousand dollars (\$975,000) from Project No. CI2113 - American Rescue Plan Act, for purposes thereof - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R2 An Ordinance approving and accepting a grant agreement for the City of Pueblo from the State of Colorado Department of Public Safety, Division of Criminal Justice for the better LED spaces grant, authorizing the Mayor to execute same, establishing project number CI2314, and budgeting and appropriating funds in the amount of \$744,000 to project number CI2314 - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R3 An Ordinance approving and accepting a PACOG multimodal transportation and mitigation options fund, coronavirus state and local fiscal recovery (MMOF-ARPA-SLFRF) funds grant, relating to transportation planning services, establishing Project number TP2241, budgeting and appropriating funds not to exceed \$200,000 and authorizing the Mayor to execute same - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R4 An Ordinance approving an amendment to the Delegation Agreement between the City of Pueblo, a Municipal Corporation, and the Pueblo Area Council of Governments for 2023 transportation planning services and authorizing the Mayor to execute same - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R5 An Ordinance approving a lease between the City of Pueblo, a Colorado Municipal Corporation and Black Hills Colorado Electric, LLC, a Delaware limited liability for the use of city-owned parcel no. 536100025 and authorizing the Mayor to execute same - *Introduced January 23, 2023 by Vicente Martinez Ortega*

- R6 An Ordinance approving an exchange agreement between the City of Pueblo and BIF IV Intrepid OpCo, LLC, allowing for the use of a city-owned conduit for the installation of Intrepid's fiber optic pathway in exchange for twelve (12) fiber strands for the city's exclusive use, and authorizing the Mayor to execute same - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R7 An Ordinance approving an animal services contract between the City of Pueblo, a Colorado municipal corporation and Pueblo County, a political subdivision of the State of Colorado and the Humane Society of The Pikes Peak Region, a Colorado non-profit corporation relating to the operation of the Pueblo Animal Shelter and the enforcement of local animal control ordinances and authorizing the Mayor to execute said contract - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R8 An Ordinance amending Chapter 4 of Title XI of the Pueblo Municipal Code, updating the provisions for dangerous animals and potentially dangerous animals - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R9 An Ordinance amending Chapter 1 of Title XI of the Pueblo Municipal Code to update the harassment provisions in accordance with recent supreme court rulings - *Introduced January 23, 2023 by Vicente Martinez Ortega*
- R10 An Ordinance amending Article VI of Chapter 3 of Title XI of the Pueblo Municipal Code, updating alcohol beverage tasting provisions due to changes in state law - *Introduced January 23, 2023 by Vicente Martinez Ortega*

S. EMERGENCY ORDINANCE

- S1 An Emergency Ordinance approving and authorizing the Mayor to sign a subrecipient agreement between the City of Pueblo, a Colorado Municipal Corporation and Posada, inc., a Colorado nonprofit corporation, as authorized by Section 603 of the American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6 and authorizing the payment of fifty thousand dollars (\$50,000) from project no. CI2113 - American Rescue Plan act, for purposes thereof

T. COUNCIL MEMBER CONFLICT OF INTEREST

Councilor Maestri may ask to be excused from the meeting due to a potential conflict of interest with agenda item number T-1.

- T1 A Resolution awarding a construction contract in the amount of \$397,339.80 to Baha Construction, Inc., for Project No. 22-052, Concrete Improvements - Dillon Drive, setting forth \$52,660.20 for contingencies, and authorizing the Purchasing Agent to execute same

U. ADJOURN