



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

**MONDAY, APRIL 10, 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 Richie Perko, Pueblo Christian Center

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. SPECIAL RECOGNITIONS

E1 Proclamation Presentation: "Arbor Day", Mike Taft - Parks Supervisor, and Charlie Kuntz - Forestry Program Coordinator

E2 Proclamation Presentation: "Parkinson's Awareness Month," Nick Herrera - Facilitator of Parkinson's Support Group, Kathy Unwin - Member

E3 Recognition Presentation: Pueblo East High School Wrestling Team, Coach Patrick Laughlin

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 March 27, 2023, as distributed.

J1 City Council Minutes March 27, 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

L1 Minutes of the Planning and Zoning Commission regular meeting for 2/8/2023

M. RESOLUTIONS

- M1 A Resolution awarding a construction contract in the amount of \$524,849.50 to Doug Vaughn, LLC, for Project No. 23-009, Concrete Improvements - Court Street, setting forth \$78,728 for contingencies, and authorizing the Purchasing Agent to execute same
- M2 A Resolution awarding a construction contract in the amount of \$395,853 to A-1 Chipseal Co., for Project No. 23-057, Asphalt Improvements - Crestview Hills, setting forth \$59,378 for contingencies, and authorizing the Purchasing Agent to execute same
- M3 A Resolution awarding a construction contract in the amount of \$272,082.40 to A-1 Chipseal Co., for Project No. 23-056, Asphalt Improvements - Regency Crest, setting forth \$40,812.60 for contingencies, and authorizing the Purchasing Agent to execute same
- M4 A Resolution authorizing payment in the amount of two hundred fifty thousand dollars (\$250,000.00) from project CI2113 – American Rescue Plan Act for a governmental project to construct a ramp to the renovated Barkman branch library which is in compliance with the Americans with Disabilities Act and to make improvements to an adjacent parking lot and to build a pedestrian bridge adjacent to the library, as authorized by section 603(C)(1)(C) of the American rescue plan act and U.S. Treasury final rule 31 CFR 35.6
- M5 A Resolution transferring .04 from CI1702, \$4,759.67 from CI1802, \$17,262.95 from CI1823, \$7687.75 from CI1904, \$9315.71 from CI2001, \$115,000 from CI2101, \$32,000 from CI2102, \$28,191.00 from CI2114, totaling \$214,217.80 into project no. CI2304 for the purposes of capital improvement purchases of 3 apparatus
- M6 A Resolution ratifying an emergency construction contract in the amount of \$77,701.95 with Parker Excavating, Inc. for emergency sanitary sewer point repair at 13 Bruce Ln, Project No. 20-059 (WWAN03) and approving the Purchasing Agent's execution of the same
- M7 A Resolution awarding a change order in the amount of \$11,948.07 to Parker Excavating, Inc., for Project No. 23-044, West 31st Street at Wildhorse Creek - emergency repair, and authorizing the Purchasing Agent to execute same
- M8 A Resolution authorizing the issuance of a revocable permit to Colorado State University - Pueblo (CSU-Pueblo) for use of the public right-of-way along Rawlings Avenue to facilitate the CSU-Pueblo graduation ceremony on Saturday, May 13, 2023.
- M9 A Resolution authorizing the issuance of a revocable permit to the HARP Foundation, a Colorado nonprofit corporation, for the use of portions of Alan Hamel Drive and Main Street public right-of-way to facilitate their annual Rollin' 4th of July Fireworks Celebration
- M10 A Resolution authorizing the issuance of a revocable permit to Ybarra's Boxing Club, a Colorado Nonprofit Corporation, for the use of the public right-of-way on Court Street between West 3rd Street and West 4th Street and a City-owned parking lot to facilitate a Cinco de Mayo boxing event
- M11 A Resolution authorizing the issuance of a revocable permit (REV-23-13) to The Food Truck Union, LLC., a Colorado limited liability company, for use of the public right-of-way along Court Street and W. 15th Street adjacent to Mineral Palace Park to facilitate Food Truck Union events on certain specified dates between April 14, 2023 and October 31, 2023

- M12 A Resolution approving the adoption of the City of Pueblo Drainage Criteria Manual
- M13 A Resolution approving Amendment No. 3 to the Public Art Services Agreement between the City of Pueblo, a Colorado Municipal Corporation, and Kenneth T. Williams, related to Project No. 17-065, Public Art Project for Pueblo I-25 Gateway, and authorizing the Purchasing Agent to execute same
- M14 A Resolution approving and authorizing the Mayor to execute a Software License and Support Agreement between the City of Pueblo, a Colorado Municipal Corporation, and Chenosa Systems Corporation, a New Jersey corporation doing business as ProPhoenix, and a related Software Escrow Agreement, for the software licensing and installation of a new Police Department Record Management and Computer-Aided Dispatch System, as authorized by Section 603(c)(1)(C) of The American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6
- M15 A Resolution confirming the appointment by the Mayor of Robert Hudgens, Shawn Shelton, and Frank Nemick to serve a three-year term expiring April 1, 2025 on the Fire Board of Appeals
- M16 A Resolution confirming the appointment by the Mayor of Kurt Madic to the Pueblo Depot Activity Development Authority Board of Directors, AKA PuebloPlex
- M17 A Resolution authorizing the issuance of a revocable permit (REV-23-12) to The Food Truck Union, LLC., a Colorado limited liability company, for use of the public right-of-way along Goodnight Avenue in City Park to facilitate Food Truck Union events on certain specified dates between April 7, 2023 and October 31, 2023

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 Crossroads' turning points, 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 seven hundred fifty thousand dollars (\$750,000.00) from project no. CI2113 - American rescue plan act, for purposes thereof
- N2 An Ordinance accepting funds in the amount of \$116,533.87 from Pueblo County for Aviation Fuel Taxes collected through Pueblo County sales tax collections, to be used for advertising for the Pueblo Memorial Airport, and budgeting and appropriating said funds to project APAN01 - Airport Advertising
- N3 An Ordinance approving and accepting a grant and applicable conditions pertaining thereto with the State of Colorado Department of Local Affairs (DOLA) Peace Officers Mental Health Support Grant Program, in the amount of \$99,464.00 establishing project number PS2301, and budgeting and appropriating funds into project PS2301
- N4 An Ordinance approving and adopting the City of Pueblo's 2023-2024 Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnership Act Grant (HOME), authorizing the Mayor of the City of Pueblo to submit the application together with all required and necessary certifications, assurances, and documentation to the U. S. Department of Housing and Urban Development, and appropriating and budgeting CDBG and HOME funds therefore
- N5 An Ordinance amending Section 12-5-5 of the Pueblo Municipal Code relating to street vacation application fees and reapplications
- N6 An Ordinance approving a parking agreement between Pueblo County and the City of Pueblo, relating to the County's use of parking spaces in the City's parking lot located at

W. 8th Street and Court Street and authorizing execution thereof by the Mayor

- N7 An Ordinance approving a Public Art Donation Agreement between Lyle Clift and the City of Pueblo, a Colorado Municipal Corporation, relating to the donation of artwork for public enjoyment as part of the Pueblo History and Artwalk Project and authorizing execution thereof by the Mayor
- N8 An Ordinance approving an agreement between the City of Pueblo, a Colorado Municipal Corporation, and the State of Colorado, by and through the Colorado State Fair Authority, related to the use of State facilities in support of a City-Wide Cleanup Event and authorizing the Mayor to execute said agreement
- N9 An Ordinance approving an intergovernmental agreement (IGA) between Colorado State Patrol and the City of Pueblo relating to use of the Pueblo Fire Department training facilities
- N10 An Ordinance amending Section 14-4-77 of the Pueblo Municipal Code relating to items exempt from use tax and clarifying that the use tax exemption with respect to nonresidents and property purchased prior to residency applies only to individuals and personal use of such property
- N11 An Ordinance amending the Fiscal Year 2023 Staffing Ordinance by temporarily adding a position within the Law Department for training purposes
- N12 An Ordinance approving and authorizing the Mayor to sign a Subrecipient Agreement between the City of Pueblo, a Colorado Municipal Corporation and the Pueblo Cooperative Care Center, a Colorado nonprofit corporation relating to its mobile shower program as authorized by Section 603 (c)(1)(a) of the American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6 and authorizing the payment of forty thousand dollars (\$40,000) 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 April 24, 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 Pueblo County in the amount of \$500 to sponsor the County Courthouse Lighting Ceremony at 7 pm on Tuesday, November 21, 2023
- Q2 A Resolution authorizing payment from the council contingencies account in the 2023 general fund budget to Latino Chamber Foundation in the amount of \$2,000 to sponsor the Annual Tostada Event at 6 pm on Friday, May 5, 2023 at the Sangre de Cristo Arts & Conference Center
- Q3 A Resolution authorizing payment from the council contingencies account in the 2023 general fund budget to Pueblo Child Advocacy Center in the amount of \$1,000 to sponsor the campaign for child abuse prevention
- Q4 A Resolution authorizing payment from the council contingencies account in the 2023 general fund budget to Southern Colorado Harm Reduction Association in the amount of \$2,500 as the fiscal agent for the Gang Alternative Program of Pueblo to sponsor the Gun Buyback Program

- Q5 A Resolution authorizing payment from the council contingencies account in the 2023 general fund budget to the Pueblo Downtown Association in the amount of \$700 to sponsor the 2023 Pueblo Levee Walk on June 10, 2023 from 7 am - 11 am

R. ORDINANCES – FINAL PRESENTATION

- R1 An Ordinance approving an agreement for Professional Engineering services in the amount of \$300,000 between the City of Pueblo, a Colorado Municipal Corporation, and Brown and Caldwell, Inc., for consulting engineering services with respect to the Stockyard Road 60- and 66-inch pipeline CIPP rehabilitation design and authorizing the Mayor to execute same - *Introduced March 27, 2023 by Larry Atencio*
- R2 An Ordinance approving and authorizing the Mayor to execute the contract between the City of Pueblo, a Colorado Municipal Corporation, and Financial Consulting Solutions Group, Inc., d.b.a. FCS Group, to provide utility rate consulting services for the Pueblo Wastewater Department and naming said Company as the rate consultant of record - *Introduced March 27, 2023 by Larry Atencio*
- R3 An Ordinance approving a Public Art Donation Agreement between Tia Monson and the City of Pueblo, a Colorado Municipal Corporation, relating to the donation of artwork for public enjoyment as part of the Pueblo History and Artwalk Project and authorizing execution thereof by the Mayor - *Introduced March 27, 2023 by Larry Atencio*
- R4 An Ordinance amending zoning restrictions to rezone 2001, 2005, 2009 Oakland Avenue, lots 1 through 3 block 1, CF&I corporation subdivision, from R-2, single family residential and O-1, neighborhood office to R-5, Multiple Residential and Office Zone District - *Introduced March 27, 2023 by Larry Atencio*
- R5 An Ordinance amending zoning restrictions to rezone 2716 Thornberry Lane, lot 4, block 4, South Prairie Subdivision, 2nd filing, from B-3, Highway and Arterial Business District to I-2, Light Industrial District - *Introduced March 27, 2023 by Larry Atencio*
- R6 An Ordinance approving and authorizing the City to sell and assign certain liens encumbering real property pursuant to Title VII, Chapter 9 of the Pueblo Municipal Code, and authorizing the Mayor to execute assignments of lien - *Introduced March 27, 2023 by Larry Atencio*
- R7 An Ordinance fixing the monthly salaries of the members and President of the City Council at \$1,400 and \$1,800 respectively - *Introduced March 27, 2023 by Larry Atencio*
- R8 An Ordinance approving and authorizing the Mayor to sign a Subrecipient Agreement between the City of Pueblo, a Colorado Municipal Corporation and the Southern Colorado Harm Reduction Association, 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 March 27, 2023 by Larry Atencio*
- R9 An Ordinance amending Sections 11-1-401 and 11-1-407 of the Pueblo Municipal Code to add a mandatory minimum jail sentence for those convicted thereof, where the value of the property stolen is three hundred dollars (\$300) or more, and to amend Section 1-2-1 of the Pueblo Municipal Code to add a mandatory minimum jail sentence for those convicted as habitual offenders having violated section 11-1-401 or 11-1-407 of the Code - *Introduced March 27, 2023 by Larry Atencio*

S. EMERGENCY ORDINANCES

- S1 An Emergency Ordinance transferring \$55,000 from the Unappropriated Fund Balance of

the General Fund to Project No. PL1801 - Dillon Flyover Bridge Art Project, and budgeting and appropriating \$55,000 for said project

- S2 An Emergency Ordinance establishing project no. CI2318 – land purchase to expand Harp project and transferring one million two hundred thousand three hundred thirteen dollars (\$1,200,313.00) and related closing costs from the unappropriated fund balance of the general fund to project no. CI2318 for purposes of purchasing approximately 2.06 acres of improved land lated at 175 S. Santa Fe Avenue and 131 S. Mechanic Street, Pueblo, CO 81003 for the expansion of the historic Arkansas river project

T. ADJOURN