



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, JANUARY 23, 2023 - 7:00 PM
MINUTES**

A. CALL TO ORDER

President Graham called the meeting to order at 7:12 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

- Judalon Smyth - Petition Remove Mayor System
- Laura Hall - Police Misconduct
- Deborah Martinez - Columbus
- Elvis Martinez - MLK and more
- Ted Freeman - Improving Quality of Life
- Rebecca Robles - Take it Down - Columbus
- John Colon - Renaming Pueblo Blvd
- Paul Rael - PRBD
- Sandra Sherrer - Pueblo Blvd/Mayor Position
- Lynda Vandiver - Planning Meeting
- Steve Villegos - Various

G. COUNCIL MEMBER AND MAYOR COMMENTARY

Mayor Gradisar discussed the State of the City speech, the next Community Connections event on February 3rd at the Vale Hotel at 9 a.m., reorganizing the Commission on Housing and Homelessness and creating a plan, an Ordinance to increase the fine on illegal dumping to

\$1,000, and the petition on eliminating the Strong Mayor position.

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

Councilor Martinez, seconded by Councilor Martinez Ortega, moved to remove item N1 from the agenda and approve the agenda as amended.

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

J. READING AND APPROVAL OF MINUTES

J1 CITY COUNCIL MINUTES FOR JANUARY 9, 2023

Councilor Martinez Ortega, seconded by Councilor Flores, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **January 9, 2023** 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

L1 MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING FOR 12/14/2022

M. RESOLUTIONS

M1 A RESOLUTION APPROVING AND ACCEPTING A DONATION OF FUNDS FROM THE GARONE NICKSICH FOUNDATION TO THE CITY OF PUEBLO ON BEHALF OF THE PUEBLO FOOD PROJECT FOR THE ENTREPRENEUR DEVELOPMENT PROGRAM IN THE AMOUNT OF \$20,000 AND TRANSFERRING SAID FUNDS TO PROJECT NO. CO2102

This Resolution was assigned as 15127.

M2 A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF PUEBLO, A MUNICIPAL CORPORATION, AND BOHANNAN-HUSTON, INC., AND WILSON COMPANY, INC., FOR PROJECT NO. 22-069 PUEBLO REGIONAL ON-CALL TRANSPORTATION TECHNICAL ASSISTANCE CONSULTING SERVICES FOR PACOG/MPO AND THE CITY OF PUEBLO, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as 15128.

M3 A RESOLUTION CONFIRMING THE APPOINTMENT OF COUNCIL MEMBERS TO VARIOUS BOARDS AND COMMISSIONS FOR THE YEAR 2023

This Resolution was assigned as 15129.

M4 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF MELISSA NERESON AND JON WALKER TO THE PUEBLO URBAN RENEWAL AUTHORITY

This Resolution was assigned as 15130.

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 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

This item was removed from the agenda.

N2 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

N3 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

N4 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

N5 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

N6 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

N7 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

N8 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

N9 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE, UPDATING THE PROVISIONS FOR DANGEROUS ANIMALS AND POTENTIALLY DANGEROUS ANIMALS

N10 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

N11 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

O. APPROVAL OF CONSENT AGENDA

Councilor Martinez Ortega, seconded by Councilor Flores, moved to receive and file the minutes of the Planning & Zoning Commission, approve all Resolutions Set Forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for February 13, 2023, 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. HEARINGS

Q1 HEARING ON THE APPEAL OF MR. HENRY BORUNDA REGARDING THE DECISION OF THE HISTORIC PRESERVATION COMMISSION ON THE APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS FOR THE PROPOSED INSTALLATION OF A STEEL FACADE AT 322-326 SOUTH UNION AVE

A staff report was given by Scott Hobson, Acting Director of Planning & Community Development and Wade Broadhead, Senior Planner.

An appeal was given by Jimmy Newmoon Roybal, Attorney, on behalf of Henry Borunda.

A picture of B street iron fencing around the patio was accepted as Exhibit A. A picture of a parklet on Union Ave was accepted as Exhibit B.

President Graham, seconded by Councilor Martinez Ortega, moved to remand the item to the Historic Preservation Commission for further review and to urge the HPC to issue a certificate of appropriateness.

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

Q2 HEARING ON THE APPEAL OF MR. HENRY BORUNDA REGARDING THE DECISION OF THE HISTORIC PRESERVATION COMMISSION ON THE APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS FOR THE PROPOSED INSTALLATION OF THE "CORE" MURAL ON 326 SOUTH UNION AVE

A staff report was given by Scott Hobson, Acting Director of Planning & Community Development and Wade Broadhead, Senior Planner.

An appeal was given by Jimmy Newmoon Roybal, Attorney, on behalf of Henry Borunda.

Councilor Flores, seconded by Councilor Martinez Ortega, moved to remand the item to the Historic Preservation Commission for further review and to urge the HPC to issue a certificate of appropriateness.

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

R. RESOLUTIONS

R1 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO THE PUEBLO COMMUNITY COLLEGE FOUNDATION IN THE AMOUNT OF \$1,000 TO SPONSOR THE PUEBLO HALL OF FAME EVENT ON SATURDAY, FEBRUARY 18, 2023 AT THE PCC FORTINO BALLROOM

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

Councilor Flores, seconded by Councilor Atencio, 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 15131.

R2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO THE STEELWORKS CENTER OF THE WEST, DBA BESSEMER HISTORICAL SOCIETY, IN THE AMOUNT OF \$1,000 TO SPONSOR THE FACES OF CF&I DINNER ON SATURDAY, FEBRUARY 4, 2023 AT THE PUEBLO UNION DEPOT

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

Councilor Flores, seconded by Councilor Maestri, 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 15132.

R3 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO CATHOLIC CHARITIES OF DIOCESE OF PUEBLO IN THE AMOUNT OF \$1,500 TO SPONSOR THE ESPIRITU DINNER ON FRIDAY, FEBRUARY 10, 2023 AT THE PUEBLO CONVENTION CENTER

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

Councilor Martinez Ortega, seconded by Councilor Maestri, 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 15133.

S. ORDINANCES – FINAL PRESENTATION

S1 AN ORDINANCE ESTABLISHING PROJECT PL2203 FOR COLORADO

SMELTER REVITALIZATION PROJECT SUPPORT, AND BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$22,000 TO SAID PROJECT ACCOUNT

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

PUBLIC HEARING:

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

Councilor Martinez Ortega, seconded by President Graham, 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 10373.

S2 AN ORDINANCE ESTABLISHING PROJECT PL2101 FOR SAFE ROUTES TO SCHOOL FOR HAAFF ELEMENTARY SCHOOL, APPROVING 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: SAR M086-094 (24468), BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$279,180 AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

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 10374.

S3 AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO THE ANNEXATION AGREEMENT FOR THE AREA COMMONLY KNOWN AND DESCRIBED AS NORTH OF RED CREEK SPRINGS ROAD AND EAST OF THE GOODNIGHT ARROYO, AS APPROVED BY ORDINANCE NO. 7241

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

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 **10375**.

T. ADJOURN

President Graham adjourned the meeting at 9:52 p.m.

Respectfully submitted,

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

Marisa Stoller
City Clerk