



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, MARCH 27, 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, Lori Winner.

Council Members Present via Zoom: None.

Council Members Absent: Vicente Martinez Ortega.

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

E. SPECIAL RECOGNITIONS

E1 PROCLAMATION PRESENTATION: "CHILD ABUSE PREVENTION MONTH - APRIL 2023", KEELEY LUCE, RESOURCE DEVELOPMENT COORDINATOR AND FELYSHA VALDEZ, FAMILY CARE SPECIALIST FOR PUEBLO CHILD ADVOCACY CENTER

E2 RECOGNITION PRESENTATION: PUEBLO HUMAN RELATIONS COMMISSION, 2023 STUDENT CALENDAR

E3 PROCLAMATION PRESENTATION: "WEEK OF THE YOUNG CHILD - APRIL 1-7 2023", ANGELA SHEHORN, DIRECTOR FOR CHILDREN FIRST/PUEBLO EARLY CHILDHOOD COUNCIL

E4 RECOGNITION PRESENTATION: ARPA TASKFORCE VOLUNTEERS

F. PUBLIC FORUM

- Steve Villejos - Pueblo
- Dr. Mike - SUD
- Ted Freeman - Economic Development
- Rebecca Robles - Take it Down
- Deborah Espwosh - C. Columbus reaping
- Dave DeCenzo - Demographic
- Pablo Moora - Utility rates
- Ron Pety - Dist 2 Safety
- Randolph Carrillo - Stop signs
- Omar Maldonado - Abandoned homes/real estate investment
- Jacquelyn Bernal - Community Engagement

G. COUNCIL MEMBER AND MAYOR COMMENTARY

Mayor Gradisar discussed N6, Lights on for Safety, N8, Liens, Mayor's challenge to Save Water (April). Go to mywaterpledge.com to participate.

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 requested to delay item N6 to the April 24, 2023 agenda.

Councilor Martinez, seconded by Councilor Flores, moved to move item N6 to the April 24, 2023 agenda and approve the agenda as amended.

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Winner. **Nays:** None. Motion Passed 6-0.

J. READING AND APPROVAL OF MINUTES

K. PUBLIC HEARINGS

K1 PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC TESTIMONY AS IT PERTAINS TO THE ASSESSMENT OF THE COSTS OF DEMOLITION AND REMOVAL OF DANGEROUS BUILDINGS AND OTHER STRUCTURES UPON LAND LOCATED AT 1608 WABASH AVE AND 1103 E. 8 STREET. REQUIRED COUNCIL ACTION: OPEN THE HEARING, RECEIVE PUBLIC TESTIMONY, AND CLOSE THE HEARING. REFERENCE ITEMS R5 AND R6

PUBLIC HEARING:

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

L. CONSENT AGENDA

M. RESOLUTIONS

- M1 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$653,921.80 TO TONY J. BELTRAMO & SONS, INC., FOR PROJECT NO. 23-050, STREET IMPROVEMENTS - WEST 11TH STREET, SETTING FORTH \$98,088.20 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15178.

- M2 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$467,581.45 TO PYRAMID CONSTRUCTION, INC., FOR PROJECT NO. 23-008, STREET IMPROVEMENTS - CHEYENNE AVENUE, SETTING FORTH \$93,516.29 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15179.

- M3 A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$65,000 FROM PROJECT CI2113 - AMERICAN RESCUE PLAN ACT FOR A GOVERNMENT PROJECT TO RENOVATE THE HEADWATERS FOUNTAIN WATER CIRCULATION 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**

This Resolution was assigned as 15180.

- M4 A RESOLUTION AUTHORIZING THE TRANSFER OF \$40,108 FROM ELMWOOD GOLF COURSE ENTERPRISE CAPITAL PROJECT EW2304 - ELMWOOD GOLF COURSE PARKING LOT REPAIRS INTO EW2303 - ELMWOOD GOLF COURSE IRRIGATION PUMP STATION REPLACEMENT**

This Resolution was assigned as 15181.

- M5 A RESOLUTION APPROVING AMENDMENT NO. 4 TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND SHORT-ELLIOTT-HENDRICKSON, INC., IN THE AMOUNT OF \$18,685 FOR PROJECT NO. 21-075, DILLON AND EAGLERIDGE ROUNDABOUT, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15182.

- M6 A RESOLUTION APPROVING AMENDMENT NO. 5 OF THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND SHORT-ELLIOTT-HENDRICKSON, INC., IN THE AMOUNT OF \$22,031 FOR 21-075, DILLON AND EAGLERIDGE ROUNDABOUT, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15183.

- M7 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO CASA OF PUEBLO, A COLORADO NONPROFIT CORPORATION, FOR THE USE OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 107 QUINCY AVENUE FOR THE PURPOSE OF INSTALLING AWNINGS**

This Resolution was assigned as 15184.

N. ORDINANCES – FIRST PRESENTATION

- N1 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**
- N2 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**
- N3 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**
- N4 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**
- N5 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**
- N6 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND PUEBLO CRIME STOPPERS, 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 TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES OF PROVIDING FINANCIAL SUPPORT TO THE "LIGHTS ON FOR SAFETY" PROJECT FOR LOCAL SMALL BUSINESSES LOCATED IN QUALIFIED CENSUS TRACTS IN**

THE CITY OF PUEBLO WHICH WERE THEREBY DISPROPORTIONATELY IMPACTED BY THE COVID-19 PANDEMIC

- N7 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**
- N8 AN ORDINANCE FIXING THE MONTHLY SALARIES OF THE MEMBERS AND PRESIDENT OF THE CITY COUNCIL AT \$1,400 AND \$1,800 RESPECTIVELY**
- N9 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. C12113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF**
- N10 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**

O. APPROVAL OF CONSENT AGENDA

Councilor Atencio, seconded by Councilor Martinez, moved to approve all Resolutions Set Forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for Monday, April 10, 2023, and Order the Ordinances to be published BY TITLE.

Roll Call – **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Winner. **Nays:** None. Motion Passed 6-0.

P. REGULAR AGENDA

Q. RESOLUTIONS

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 PUEBLO CITY-COUNTY HEALTH DEPARTMENT, A DIVISION OF THE STATE OF COLORADO, AND AUTHORIZING THE PAYMENT OF FIFTY FIVE THOUSAND DOLLARS (\$55,000) FROM FUND NO. 226 - OPIOID ABATEMENT SETTLEMENT, FOR PURPOSES THEREOF

A staff report and detailed review of the Ordinance was given by Shylo Dennison, PDPHE, and Marisa Stoller, City Clerk.

PUBLIC HEARING:

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

Councilor Flores, 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 Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10417.**

R2 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO 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 AN ADDITIONAL FIFTY THOUSAND DOLLARS (\$50,000) FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF

A staff report and detailed review of the Ordinance was given by Bryan Gallagher, Director of Housing and Citizen Services.

PUBLIC HEARING:

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

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Martinez. **Nays:** Councilor Maestri, Councilor Winner. Motion Passed 4-2.

This Ordinance was assigned as **10418.**

R3 AN ORDINANCE APPROVING AND ADOPTING A SUBSTANTIAL AMENDMENT TO THE CITY OF PUEBLO'S FY2021 ACTION PLAN INCORPORATING THE HOME INVESTMENT PARTNERSHIP AMERICAN RESCUE PLAN (HOME-ARP) ACT FUNDS ALLOCATED TO THE PUEBLO CONSORTIUM, AND AUTHORIZING THE MAYOR TO EXECUTE AND SUBMIT THE SUBSTANTIAL AMENDMENT TOGETHER WITH ALL REQUIRED AND NECESSARY CERTIFICATIONS, ASSURANCES AND DOCUMENTATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A staff report and detailed review of the Ordinance was given by Bryan Gallagher, Director of Housing and Citizen Services.

PUBLIC HEARING:

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

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Martinez, Councilor Winner. **Nays:** Councilor Maestri. Motion Passed 5-1.

This Ordinance was assigned as **10419**.

R4 AN ORDINANCE APPROVING AMENDMENT NO. 1 FIXED BASE OPERATOR GROUND LEASE AND OPERATING AGREEMENT BY AND BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, TRAVELAIRE SERVICES, INC. AND FREEMAN HOLDINGS OF COLORADO, LLC, D/B/A FREEMAN JET CENTER – PUEBLO, RELATING TO THE ASSIGNMENT OF FUEL TANK RIGHTS, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

PUBLIC HEARING:

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

Councilor Flores, 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 Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10420**.

R5 AN ORDINANCE TO ASSESS THE COST OF DEMOLITION AND REMOVAL OF DANGEROUS BUILDINGS UPON LAND LOCATED AT 1608 WABASH AVENUE

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10421**.

R6 AN ORDINANCE TO ASSESS THE COST OF DEMOLITION AND REMOVAL OF DANGEROUS BUILDINGS UPON LAND LOCATED AT 1103 E. 8TH STREET

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

PUBLIC HEARING:

- Dave DeCenzo appeared in person to speak in favor of this ordinance

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

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as 10422.

R7 AN ORDINANCE AMENDING ORDINANCE NO. 10373 TO UPDATE THE ASSIGNED PROJECT NUMBER FROM PL2203 TO PL2301

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as 10423.

R8 AN ORDINANCE APPROVING A PUBLIC ART DONATION AGREEMENT BETWEEN REID MILLER 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

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, 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 Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as 10424.

R9 AN ORDINANCE APPROVING A DEFERRED IMPROVEMENTS AGREEMENT BETWEEN MARK DITKOFF AND THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, RELATING TO THE CONSTRUCTION OF PUBLIC IMPROVEMENTS INCIDENTAL TO A REARRANGEMENT OF PROPERTY BOUNDARIES AND AUTHORIZING EXECUTION THEREOF BY THE MAYOR

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 Atencio, 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 Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as 10425.

R10 AN ORDINANCE APPROVING AN AGREEMENT TO ACCEPT PROPERTY AND RELEASE OF CLAIMS BETWEEN CITY OF PUEBLO AND PUEBLO WEST FIRE DEPARTMENT RELATING TO ONE 2006 FREIGHTLINER HAZMAT APPARATUS

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Winner. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as 10426.

R11 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A LEASE BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND PROFESSIONAL BULL RIDERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR STORAGE SPACE LOCATED AT 317 NORTH MAIN STREET, PUEBLO, COLORADO 81003

A staff report and detailed review of the Ordinance was given by Daniel Kogovsek, City Attorney.

PUBLIC HEARING:

- Ted Freeman appeared in person to speak against this ordinance

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

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Martinez. **Nays:** Councilor Maestri, Councilor Winner. Motion Passed 4-2.

This Ordinance was assigned as **10427**.

S. ADJOURN

President Graham adjourned the meeting at 10:01 p.m.

Respectfully submitted,



Marisa Stoller
City Clerk