



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, AUGUST 14, 2023 - 7:00 PM
MINUTES**

A. CALL TO ORDER

President Graham called the meeting to order at 7:02 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, Acting City Attorney Bob Jagger, City Clerk Marisa Stoller.

E. SPECIAL RECOGNITIONS

E1 CERTIFICATE OF RECOGNITION: HALEY ROGERS, EMERGENCY SERVICES DISPATCHER - PUEBLO POLICE DEPARTMENT

E2 PROCLAMATION PRESENTATION: "PUEBLO LGBTQ+ PRIDE DAY: AUGUST 20, 2023" - TOMMY FARRELL, PRESIDENT - SOUTHERN COLORADO EQUALITY ALLIANCE

F. PUBLIC FORUM

- Sharon Roybal - Safety
- Ted Freeman - half cent sales tax

G. COUNCIL MEMBER AND MAYOR COMMENTARY

Mayor Gradisar remembered Louis Quigley, the former City Manager and Parks & Rec Director, who recently passed away. He also discussed his trip to Sacramento, CA where he saw how

they work on the mental health of their homeless individuals and how it might be applied to Pueblo, as mental health is the number one reason people are homeless in Pueblo. Item N12 is the collective bargaining agreement with the Firefighters Union, with a tentative agreement reached.

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 move item R12 to the front of the Final Presentations, to move items R4, R5, R6 to the end of the agenda, and to approve the agenda as amended.

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

J. READING AND APPROVAL OF MINUTES

J1 MINUTES CITY COUNCIL MEETING JULY 24, 2023

Councilor Martinez Ortega, seconded by Councilor Flores, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **July 24, 2023** as distributed.

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

K. CONSENT AGENDA

L. COMMUNICATIONS

M. RESOLUTIONS

M1 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$149,743.81 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 2820 ASTER ST, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME

This Resolution was assigned as 15323.

M2 A RESOLUTION AUTHORIZING THE TRANSFER OF BUDGETED AND APPROPRIATED FUNDS IN THE AMOUNT OF \$135,000 FROM PROJECT NO. C12302 – FIRE RECORD MANAGEMENT SYSTEM TO THE FIRE DEPARTMENT'S CAPITAL BUDGET FOR COMPUTER EQUIPMENT > 2500

This Resolution was assigned as 15324.

M3 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT

IN THE AMOUNT OF \$112,044.26 TO PARKER EXCAVATING, INC., FOR PROJECT NO. 23-099, FOUNTAIN CREEK TRAIL EMERGENCY REPAIRS, AND APPROVING THE PURCHASING AGENT'S EXECUTION OF SAME

This Resolution was assigned as 15325.

- M4 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$92,166.47 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 1701 E. 12TH STREET, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF SAME**

This Resolution was assigned as 15326.

- M5 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$73,304.58 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 715 E. B STREET, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution was assigned as 15327.

- M6 A RESOLUTION AWARDING CONTRACT AMENDMENT NO. 1 IN THE AMOUNT OF \$30,214.89 TO MERRIMAN LAND WORKS DBA FLAT AND FANCY, FOR PROJECT NO. 22-094, PEAKVIEW CONCRETE REPAIRS AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15328.

- M7 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$5,792.13 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 1900 W 31ST STREET, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution was assigned as 15329.

- M8 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$5,091.00 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 1612 E. ABRIENDO AVENUE, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution was assigned as 15330.

- M9 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$4,563.43 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 1402 E. 9TH STREET, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution was assigned as 15331.

- M10 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$3,486.00 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 538 HEWITT STREET,**

PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME

This Resolution was assigned as 15332.

M11 A RESOLUTION AMENDING RESOLUTION NO. 15237 TO UPDATE THE ACCOUNT NUMBER DESIGNATED TO PAY COSTS ASSOCIATED WITH PROJECT 23-067, ASPHALT IMPROVEMENTS - PRAIRIE AVENUE (PUEBLO BOULEVARD TO MESA AVENUE)

This Resolution was assigned as 15333.

M12 A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE WITH COLORADO REVISED STATUTES SECTION 31-12-107 (1) OF THE PETITION FOR THE 10.74-ACRE AREA COMMONLY KNOWN AS THE DORCY COMMUNITY HOUSING ANNEXATION, AND SETTING A PUBLIC HEARING BEFORE THE CITY COUNCIL IN COUNCIL CHAMBERS ON SEPTEMBER 25, 2023 IN ACCORDANCE WITH COLORADO REVISED STATUTES, SECTIONS 31-12-104 AND 31-12-105 ESTABLISHING ELIGIBILITY FOR ANNEXATION UNDER THE MUNICIPAL ANNEXATION ACT OF 1965

This Resolution was assigned as 15334.

M13 A RESOLUTION ESTABLISHING AN APPROVED LIST OF CONTRACTORS TO PERFORM EMERGENCY STORM SEWER POINT REPAIRS DURING CALENDAR YEARS 2023 THROUGH 2026 AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE THE SAME

This Resolution was assigned as 15335.

M14 A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR THE HEARING ON ANY OBJECTIONS TO AN ABATEMENT ASSESSMENT AS SEPTEMBER 15, 2023 AT 9:00 A.M. IN CITY COUNCIL CHAMBERS AND DIRECTING THE MAYOR TO APPOINT A HEARINGS OFFICER

This Resolution was assigned as 15336.

M15 A RESOLUTION AUTHORIZING THE CITY OF PUEBLO TO APPLY FOR A 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) AND APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING RECEIPT AND DISBURSEMENT OF FUNDS FROM SAID GRANT, AUTHORIZING THE MAYOR TO EXECUTE SAME AND RATIFYING HIS PRIOR SIGNATURE THERETO

This Resolution was assigned as 15337.

M16 A RESOLUTION APPROVING COMPENSATION WITH RESPECT TO A LEGAL SERVICES AGREEMENT WITH HOFFMANN, PARKER, WILSON & CARBERRY, P.C.

This Resolution was assigned as 15338.

M17 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF DON BRUESTLE, SHARON CAMPBELL, MARY AGNES LEONARD, AND ROBERT LONG TO SERVE A FOUR-YEAR TERM EXPIRING AUGUST 31, 2027 ON THE PUEBLO ADA ADVISORY COMMITTEE

This Resolution was assigned as 15339.

M18 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF JOE LATINO TO THE EL CENTRO DEL QUINTO SOL RECREATION CENTER BOARD OF DIRECTORS

This Resolution was assigned as 15340.

M19 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF GUY CHABOT TO COMPLETE A FOUR-YEAR TERM EXPIRING JANUARY 1, 2026 ON THE HISTORIC PRESERVATION COMMISSION

This Resolution was assigned as 15341.

N. ORDINANCES – FIRST PRESENTATION

N1 AN ORDINANCE APPROVING AND ACCEPTING AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT AGREEMENT NO. 3-08-0046-048-2023 FROM THE UNITED STATES OF AMERICA ACTING THROUGH THE FEDERAL AVIATION ADMINISTRATION FOR FUNDS IN THE AMOUNT OF \$9,316,522 FOR COSTS RELATED TO THE REHABILITATION OF RUNWAY 8R/26L AND TAXIWAY A2 REMOVAL (PHASE 2 – CONSTRUCTION) AT THE PUEBLO MEMORIAL AIRPORT, BUDGETING AND APPROPRIATING \$9,316,522 TO PROJECT NO. AP2205 - REHAB OF RUNWAY 8R-26L DESIGN AND CONSTRUCTION, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

N2 AN ORDINANCE APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND DIBBLE AND ASSOCIATES CONSULTING ENGINEERS, INC., FOR THE CONSTRUCTION ADMINISTRATION FOR THE REHABILITATION OF RUNWAY 8R/26L AND TAXIWAY A2 REMOVAL (PHASE 2 – CONSTRUCTION) PROJECT, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

N3 AN ORDINANCE BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$201,869 TO PROJECT PS2203 FOR THE NURSE NAVIGATION PROGRAM

N4 AN ORDINANCE APPROVING AND ACCEPTING A COLORADO RESOURCE FOR EMERGENCY AND TRAUMA EDUCATION (CREATE) GRANT ESTABLISHING PROJECT NO. PS2311 FOR EMERGENCY AND TRAUMA GRANT, AND BUDGETING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$17,950, WHICH INCLUDES A FIFTY PERCENT COST MATCH OF \$17,950 FR THE PURPOSES AUTHORIZED BY THE GRANT AGREEMENT

N5 AN ORDINANCE TRANSFERRING \$10,000 FROM ACCOUNT PROJECT CI2204, STREET REHABILITATION TO CI2205, FIRE 3 STATIONS - ARCH/DESIGN TO FUND ADDITIONAL DESIGN EFFORT FOR THE

EXTENSION OF A WATER MAIN IN JERRY MURPHY ROAD, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000 AND AUTHORIZING THE MAYOR TO EXECUTE SAME

- N6 AN ORDINANCE APPROVING A DEPOSIT AGREEMENT BETWEEN PIONEER WEST HOMES, LLC., A COLORADO LIMITED LIABILITY COMPANY, AND THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, RELATING TO THE COLLECTION OF A DEPOSIT FOR THE INSTALLATION OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THE PROPERTY AT 55 ABERDEEN BLUFF, AUTHORIZING EXECUTION OF SAID AGREEMENT BY THE MAYOR, AND PROVIDING PROCEDURES FOR RETURN OF THE DEPOSIT AND PREVIOUSLY COLLECTED LOT FEES AFTER INSTALLATION AND ACCEPTANCE OF THE REQUIRED PUBLIC IMPROVEMENTS IS COMPLETED**
- N7 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE 2511 EAST 4TH STREET AND THREE PARCELS LOCATED NORTH OF 2511 EAST 4TH STREET FROM B-4, R-2, AND S-4 TO BP, BUSINESS PARK ZONE DISTRICT**
- N8 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE LOT 3, BLOCK 1, TRINITY SUBDIVISION FROM B-3, HIGHWAY AND ARTERIAL BUSINESS DISTRICT TO I-2, INDUSTRIAL ZONE DISTRICT**
- N9 AN ORDINANCE DESIGNATING 314 WEST 18TH STREET, THE EDWARD TELLER HOUSE, AS A LOCAL HISTORIC LANDMARK**
- N10 AN ORDINANCE AMENDING THE FY 2023 STAFFING ORDINANCE BY CONVERTING A VACANT CIVIL ENGINEER-CONSTRUCTION POSITION WITHIN THE PUBLIC WORKS DEPARTMENT TO A NEW CLASSIFICATION OF CONSTRUCTION MANAGER**
- N11 AN ORDINANCE AMENDING SECTION 6-5-16 OF CHAPTER 5, OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE FY 2023 CLASSIFICATION AND PAY PLAN BY ESTABLISHING THE PAY SCALE FOR CONSTRUCTION MANAGER AND ABOLISHING THE PAY SCALE FOR CIVIL ENGINEER-CONSTRUCTION**
- N12 AN ORDINANCE APPROVING AND ENACTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL NO. 3 COMMENCING JANUARY 1, 2024 AND AUTHORIZING THE MAYOR TO EXECUTE SAME.**

N13 AN ORDINANCE AMENDING SECTION 12 OF CHAPTER 3 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE FOR THE PURPOSE OF ELIMINATING THE DISTANCE RESTRICTION CONTAINED IN SECTION 44-3-313(1)(D)(I), C.R.S., WITH RESPECT TO LODGING AND ENTERTAINMENT LIQUOR LICENSES ON PREMISES LOCATED IN THE THUNDER VILLAGE BUSINESS DISTRICT NEAR THE CAMPUS OF COLORADO STATE UNIVERSITY - PUEBLO

N14 AN ORDINANCE APPROVING AND ACCEPTING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF PUEBLO ON BEHALF OF THE PUEBLO POLICE DEPARTMENT, THE PUEBLO COUNTY DEPARTMENT OF HUMAN SERVICES, THE PUEBLO COUNTY SHERIFF'S OFFICE, AND THE 10TH JUDICIAL DISTRICT ATTORNEY'S OFFICE WITH RESPECT TO THE INVESTIGATION OF CHILD ABUSE AND NEGLECT CASES, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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 August 28, 2023, and Order the Ordinances to be published BY TITLE.

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

P. REGULAR AGENDA

Q. RESOLUTIONS

Q1 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO PUEBLO MEMORIAL HALL IN THE AMOUNT OF \$6,626 TO SPONSOR THE TIME IS NOW BENEFIT SHOW ON SATURDAY, OCTOBER 28, 2023 AT MEMORIAL HALL

A staff report and detailed review of the Resolution was given by Laura Solano, Chief of Staff.

Councilor Winner, seconded by Councilor Martinez , moved to continue the Resolution to the August 28, 2023 meeting.

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

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

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

Q2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO THE PUEBLO CHAMBER IN THE AMOUNT OF \$2,500 TO SUPPORT THE 3RD ANNUAL PUEBLO CHILE BALLOON FEST ON SEPTEMBER 22-24, 2023

A staff report and detailed review of the Resolution was given by Laura Solano, Chief of Staff.

Councilor Atencio, seconded by Councilor Martinez, moved to approve the Resolution.

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

This Resolution was assigned as 15342.

Q3 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO COLORADO STATE FAIR FIESTA COMMITTEE IN THE AMOUNT OF \$2,000 TO SPONSOR THE FIESTA DAY PARADE ON SEPTEMBER 3, 2023 AT 10 AM

A staff report and detailed review of the Resolution was given by Laura Solano, Chief of Staff.

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

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

This Resolution was assigned as 15343.

Q4 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO THE PUEBLO POLICE ACTIVITIES LEAGUE (PPAL) IN THE AMOUNT OF \$2,000 TO SPONSOR THE RONCALLI MIDDLE SCHOOL AND RISLEY MIDDLE SCHOOL FOOTBALL TEAM'S EQUIPMENT

A staff report and detailed review of the Resolution was given by Laura Solano, Chief of Staff.

Councilor Atencio, seconded by Councilor Martinez Ortega, moved to amend the Resolution to add an additional \$1,000 and include Risley in the sponsorship.

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

Councilor Martinez Ortega, seconded by Councilor Atencio, moved to approve the Resolution as amended.

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

This Resolution was assigned as 15344.

Q5 A RESOLUTION CONFIRMING THE APPOINTMENT OF GEORGE A. HYPOLITE TO THE POSITION OF CITY ATTORNEY

A staff report and detailed review of the Resolution was given by Mayor Nicholas Gradisar.

- Randy Thurston appeared in person to speak against this appointment

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

Roll Call - **Ayes:** Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega. **Nays:** Councilor Winner. Motion Passed 6-1.

This Resolution was assigned as 15345.

R. ORDINANCES – FINAL PRESENTATION

R12 AN ORDINANCE SUBMITTING TO THE ELIGIBLE ELECTORS OF THE CITY OF PUEBLO, COLORADO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, A QUESTION ESTABLISHING AN ADDITIONAL ONE AND ONE-HALF PERCENT LODGER'S TAX RATE FOR PROVIDING ACCESSIBLE AND AFFORDABLE CHILDCARE PROGRAMS FOR WORKING FAMILIES IN THE CITY OF PUEBLO

A staff report and detailed review of the Ordinance was given by Bob Jagger, Acting City Attorney.

PUBLIC HEARING:

Written public comment submitted by Jeff Shaw of PEDCO, Mariposa Center for Safety, Elected Officials for 2A, Maegan Lokteff of Early Childhood Council Leadership Alliance, and Brittny McAlister of Catholic Charities of Southern Colorado was administratively noticed and ordered to be added to the record by President Graham.

- Ken White appeared in person to speak in favor of this ordinance
- Angie Shehorn appeared in person to speak in favor of this ordinance
- Matt Guy appeared in person to speak in favor of this ordinance
- Diamond Perez appeared in person to speak in favor of this ordinance
- Michael Messervy appeared in person to speak in favor of this ordinance
- Josette Habinero appeared in person to speak in favor of this ordinance
- Hillary Glasgow appeared in person to speak in favor of this ordinance
- Christopher Croizer in person to speak against this ordinance
- Jeff Bailey appeared in person to speak against this ordinance
- 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 Ortega, seconded by Councilor Martinez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** Councilor Winner, Councilor Atencio, Councilor Flores, President Graham, Councilor Martinez, Councilor Martinez Ortega. **Nays:** Councilor Maestri. Motion Passed 6-1.

This Ordinance was assigned as 10519.

- R1 AN ORDINANCE (1) APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND FOMCORE, A MICHIGAN LIMITED LIABILITY COMPANY, RELATING TO A JOB CREATING CAPITAL IMPROVEMENT PROJECT AND (2) APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REAL PROPERTY CONVEYANCE AGREEMENT AND RELATED QUITCLAIM DEED BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE PUEBLO DEVELOPMENT FOUNDATION, A COLORADO NONPROFIT CORPORATION, RELATING TO A PARCEL OF IMPROVED LAND LOCATED IN THE PUEBLO MINNEQUA INDUSTRIAL PARK AND (3) TRANSFERRING SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$6,500,000) FROM THE 1992-2026 SALES AND USE TAX CAPITAL IMPROVEMENT PROJECTS FUND FOR THE PURPOSE OF SAID CONVEYANCE AGREEMENT AND (4) TRANSFERRING ONE MILLION SEVEN HUNDRED AND FORTY THOUSAND DOLLARS (\$1,740,000) FROM THE 1992-2026 SALES AND USE TAX CAPITAL IMPROVEMENT PROJECTS FUND FOR THE PURPOSE OF THE CITY OF PUEBLO'S COMPLIANCE WITH SAID EMPLOYMENT AGREEMENT**

A staff report and detailed review of the Ordinance was given by Jeff Shaw, PEDCO.

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

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

This Ordinance was assigned as 10520.

- R2 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 SIX HUNDRED THOUSAND DOLLARS (\$600,000) FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF**

A staff report and detailed review of the Ordinance was given by Mayor Nicholas Gradisar.

PUBLIC HEARING:

- Michael Reilly appeared in person to speak in favor of this ordinance

- William Wright appeared in person to speak in favor of this ordinance
- Dr. Nicole Ferguson appeared in person to speak in favor of this ordinance
- Joy Sullivan appeared via zoom to speak in favor of this ordinance
- Mario Genazio Jr. appeared in person to speak in favor of this ordinance

Seeing no one else 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 Martinez, Councilor Martinez Ortega. **Nays:** Councilor Maestri, Councilor Winner. Motion Passed 5-2.

This Ordinance was assigned as **10521.**

R3 AN ORDINANCE APPROVING AN AGREEMENT TO BUY AND SELL REAL ESTATE BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND PUEBLO URBAN RENEWAL AUTHORITY, A PUBLIC BODY CORPORATE AND POLITIC OF THE STATE OF COLORADO, RELATING TO THE SALE OF PROPERTY AT 612 E. 2ND STREET, PUEBLO, COLORADO AND 618 E. 2ND STREET, PUEBLO, COLORADO FOR THE AMOUNT OF TEN THOUSAND, EIGHT HUNDRED, FORTY-SIX DOLLARS AND TWENTY-FIVE CENTS (\$10,846.25), AND AUTHORIZING THE MAYOR TO EXECUTE SAME

A staff report and detailed review of the Ordinance was given by Bryan Gallagher, Director of Housing and Human Services and Jerry Pacheco, PURA Director.

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

This Ordinance was assigned as **10522.**

R7 AN ORDINANCE APPROVING THE MEDAL OF HONOR SUBDIVISION

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning documents for this item, Case #S-23-05 dated 14, 2023, be made part of the record for this hearing. So ordered by President Graham.

PUBLIC HEARING:

- Gary Raso appeared in person to speak in favor of this ordinance

Seeing no one else 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 Winner, Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10523.**

R8 AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND PUEBLO SCHOOL DISTRICT NO. 60, RELATING TO THE MANAGEMENT OF A PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNEL ON THE COMCAST CABLE SYSTEM IN THE CITY OF PUEBLO, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

A staff report and detailed review of the Ordinance was given by Haley Sue Robinson, Director of Communications.

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

This Ordinance was assigned as **10524.**

R9 AN ORDINANCE APPROVING TWO INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO, DEPARTMENT OF HIGHER EDUCATION, RELATING TO THE MANAGEMENT OF TWO PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNELS ON THE COMCAST CABLE SYSTEM IN THE CITY OF PUEBLO AND PROVIDING FOR THE PRODUCTION OF WEEKLY COUNCIL MEETINGS, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

A staff report and detailed review of the Ordinance was given by Haley Sue Robinson, Director of Communications.

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

This Ordinance was assigned as **10525.**

R10 AN ORDINANCE APPROVING A PUBLIC ART DONATION AGREEMENT BETWEEN LATKA STUDIOS, LLC., A COLORADO LIMITED LIABILITY COMPANY AND THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, RELATING TO THE DONATION OF ARTWORK FOR PUBLIC ENJOYMENT 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 Winner, Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez, Councilor Martinez Ortega. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10526.**

R11 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE COUNTY OF PUEBLO, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, RELATING TO THE 2023 GENERAL MUNICIPAL ELECTION

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

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

This Ordinance was assigned as **10527.**

S. EMERGENCY ORDINANCES

S1 AN EMERGENCY ORDINANCE TRANSFERRING \$100,000 FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND TO CI2205, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$100,000 AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

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

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

This Ordinance was assigned as **10528.**

S2 AN EMERGENCY ORDINANCE APPROVING AND ACCEPTING A RELEASE OF CLAIM AND INDEMNITY AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE BNSF RAILWAY CORPORATION, FOR A TRAINING EXERCISE THAT WILL OCCUR ON AUGUST 17, 2023

A staff report and detailed review of the Ordinance was given by Barb Huber, Fire Chief.

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

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

This Ordinance was assigned as **10529.**

R4 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE LAND LOCATED EAST OF THE VILLAGE CIRCLE CUL-DE-SAC FROM O-1, NEIGHBORHOOD OFFICE DISTRICT TO R-4, MIXED RESIDENTIAL DISTRICT

Councilor Martinez recused herself due to a conflict of interest.

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning documents for this item, Case #Z-22-20 dated June 14, 2023, be made part of the record for this hearing. So ordered by President Graham.

PUBLIC HEARING:

- John Christam appeared in person to speak in favor of this ordinance
- Cindy Gradishar appeared in person to speak against this ordinance
- Jehan Zinanti appeared in person to speak against this ordinance
- Marty Bechina appeared in person to speak against this ordinance

Seeing no one else 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 Winner, Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez Ortega. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10530**.

R5 AN ORDINANCE APPROVING A SPECIAL AREA PLAN FOR THE DFB SUBDIVISION

Councilor Martinez recused herself due to a conflict of interest.

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning documents for this item, Case #SAP-21-01 dated June 14, 2023, be made part of the record for this hearing. So ordered by President Graham.

PUBLIC HEARING:

- John Christam appeared in person to speak in favor of this ordinance
- Michael Chosic appeared in person to speak against this ordinance

Seeing no one else 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 Winner, Councilor Atencio, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez Ortega. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10531**.

R6 AN ORDINANCE APPROVING THE DFB SUBDIVISION, A SPECIAL AREA PLAN

Councilor Martinez recused herself due to a conflict of interest.

A staff report and detailed review of the Ordinance was given by Scott Hobson, Acting Director of Planning & Community Development. Mr. Hobson requested that the Planning & Zoning documents for this item, Case #S-23-05 dated June 14, 2023, be made part of the record for this hearing. So ordered by President Graham.

PUBLIC HEARING:

- John Christam appeared in person to speak in favor of this ordinance
- Cindy Gradishar appeared in person to speak against this ordinance
- Michael Chosic appeared in person to speak against this ordinance
- Sheri Olson appeared in person to speak against this ordinance

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

As Council had additional questions, Councilor Flores, seconded by Councilor Martinez Ortega, moved to reopen the hearing.

Roll Call - **Ayes:** Councilor Atencio, Councilor Winner, Councilor Flores, President Graham, Councilor Maestri, Councilor Martinez Ortega. **Nays:** None. Motion Passed 5-1.

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

This Ordinance was assigned as **10532**.

T. ADJOURN

President Graham adjourned the meeting at 12:30 a.m.

Respectfully submitted,

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

Marisa Stoller
City Clerk