



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

**MONDAY, AUGUST 14, 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 Phil Lucero, Praise Assemble

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

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

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 July 24, 2023, as distributed.

J1 Minutes City Council Meeting July 24, 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 \$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
- M2 A Resolution authorizing the transfer of budgeted and appropriated funds in the amount of \$135,000 from Project No. CI2302 – Fire Record Management System to the Fire Department's capital budget for Computer equipment > 2500
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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)
- 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

- 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
- 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
- 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
- M16 A Resolution approving compensation with respect to a Legal Services Agreement with Hoffmann, Parker, Wilson & Carberry, P.C.
- 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
- M18 A Resolution confirming the appointment by the Mayor of Joe Latino to the El Centro del Quinto Sol Recreation Center Board of Directors
- 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

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 for 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

I move 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.

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
- 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

- 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
- 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
- Q5 A Resolution confirming the appointment of George A. Hypolite to the position of City Attorney

R. ORDINANCES – FINAL PRESENTATION

- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- R5 An Ordinance approving a Special Area Plan for the DFB Subdivision - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- R6 An Ordinance approving the DFB Subdivision, A Special Area Plan - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- R7 An Ordinance approving the Medal of Honor Subdivision - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*

- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*
- 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 - *Introduced July 24, 2023 by Councilor Vicente Martinez Ortega*

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
- 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

T. ADJOURN