



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, SEPTEMBER 11, 2023 - 7:00 PM**

MINUTES

A. CALL TO ORDER

President Graham called the meeting to order at 7 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: Chief of Staff Laura Solano, City Attorney George Hypolite, City Clerk Marisa Stoller.

E. SPECIAL RECOGNITIONS

E1 PROCLAMATION PRESENTATION: "COLORADO YOUTH AWARENESS WEEK: SEPTEMBER 11 - 15, 2023" - JESSE SENA, MEMBER OF THE COMMUNITIES THAT CARE COALITION

E2 PROCLAMATION PRESENTATION: "CREEK WEEK 2023: SEPTEMBER 30 - OCTOBER 8, 2023" - SUSAN FINZEL, PUEBLO OUTREACH COORDINATOR FOR THE FOUNTAIN CREEK WATERSHED DISTRICT

F. PUBLIC FORUM

- Michelle Gray - City Hall Town Hall
- Ted Freeman - Corruption
- Elvis Martinez - City Council and more
- Steve Villegas - City of Pueblo
- Susan Finzel - Fountain Creek Watershed - Creek Week

- Marty Klouovy - High weeds/sidewalk/ADA

G. COUNCIL MEMBER AND MAYOR COMMENTARY

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 M2 to the regular agenda and approve the agenda as modified.

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 CITY COUNCIL MINUTES AUGUST 28, 2023

Councilor Martinez Ortega, seconded by Councilor Flores, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **August 28, 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 PRELIMINARILY DETERMINING THAT THE PETITION FOR THE ANNEXATION OF THE 20.17-ACRE AREA COMMONLY KNOWN AS THE QUARTZ ROAD ANNEXATION, IS VALID UNDER THE PROVISIONS OF COLORADO REVISED STATUTES SECTIONS 31-12-104(1)(A) AND 31-12-107(1), TABLING FINAL ACTION OF THE PETITION FOR A PERIOD OF NOT MORE THAN 180 DAYS, AND REFERRING THE PETITION TO THE PLANNING AND ZONING COMMISSION FOR REVIEW AND RECOMMENDATION

This Resolution was assigned as 15357.

M3 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF PETER QUINBY AND WALTER ROSS TO SERVE A THREE-YEAR TERM EXPIRING SEPTEMBER 30, 2026 ON THE PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE

This Resolution was assigned as 15358.

M4 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF

GEORGE KONCILJA TO COMPLETE A FOUR-YEAR TERM EXPIRING JANUARY 1, 2027 ON THE HISTORIC PRESERVATION COMMISSION

This Resolution was assigned as 15359.

- M5 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF JANELLE QUICK TO SERVE A THREE-YEAR TERM EXPIRING AUGUST 31, 2026 ON THE EL CENTRO DEL QUINTO SOL RECREATION CENTER BOARD OF DIRECTORS**

This Resolution was assigned as 15360.

- M6 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF KRISTIN HOFFMANN TO COMPLETE A THREE-YEAR TERM EXPIRING DECEMBER 31, 2024 ON THE PUEBLO HUMAN RELATIONS COMMISSION - CITY APPOINTMENT**

This Resolution was assigned as 15361.

- M7 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-37) TO THE SENIOR RESOURCE DEVELOPMENT AGENCY (SRDA) FOR THE USE OF THE FRONT SIDEWALK IN FRONT OF THE SRDA BUILDING AND THE COURTYARDS SOUTH AND NORTH OF THE BUILDING FOR THE SRDA FUND RAISER AT THE PUEBLO CHILE AND FRIJOLES FESTIVAL**

This Resolution was assigned as 15362.

- M8 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-34) TO BELOW GRADE, LLC, DBA VESSEL BREWING COMPANY - GOLD DUST SALOON CRAFT BEER & GRILL LOCATED AT 217 SOUTH UNION AVENUE, BY EXTENDING EIGHTEEN (18) FEET INTO SOUTH UNION AVENUE FOR THE PUEBLO CHILE AND FRIJOLES FESTIVAL**

This Resolution was assigned as 15363.

- M9 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-39) TO THE P.L.A.C.E. (PUEBLO'S LEGACY AND COMMUNITY EXPERIENCE) PROJECT FOR THE USE OF THE PUBLIC RIGHT-OF-WAY ALONG RUBERSON DRIVE BETWEEN WEST 18TH STREET AND WEST 22ND STREET TO HOST A COMMUNITY BLOCK PARTY AND RESOURCE FAIR FOR FAMILIES ON THE WEST SIDE**

This Resolution was assigned as 15364.

- M10 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-41) TO E.T. TECHNOLOGIES, INC., FOR THE USE OF THE PUBLIC RIGHT-OF-WAY ON WEST "D" STREET AND LAMKIN STREET FOR THE PURPOSE OF INSTALLING GROUNDWATER MONITORING WELLS**

This Resolution was assigned as 15365.

- M11 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-33) TO SOLAR ROAST COFFEE, LLC., FOR THE USE OF THE EAST (RIGHT) LANE OF MAIN STREET BETWEEN THE ALLEY MID 200 BLOCK OF MAIN STREET AND 3RD STREET, INCLUDING THE PARKING SPACES DIRECTLY IN FRONT OF THE SOLAR ROAST COFFEE BUILDING TO HOST**

THE INAUGURAL PUEBLOPALOOZA MUSIC & ART FESTIVAL

This Resolution was assigned as 15366.

N. ORDINANCES – FIRST PRESENTATION

- N1 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO, BY AND THROUGH THE STATE FAIR AUTHORITY, RELATED TO THE RENTAL OF STATE FACILITIES TO HOST THE CITY'S 2023 ANNUAL EMPLOYEE HEALTH FAIR**
- N2 AN ORDINANCE APPROVING AMENDMENT NO. 1 TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE PUEBLO SPRINGS APARTMENTS SUBDIVISION ENTERED INTO BETWEEN THE CITY OF PUEBLO AND PUEBLO SPRINGS APARTMENTS, LLC, AND AUTHORIZING EXECUTION THEREOF BY THE MAYOR**
- N3 AN ORDINANCE ANNEXING UNINCORPORATED LAND COMMONLY KNOWN AS THE DORCY COMMUNITY HOUSING ANNEXATION TO THE CITY OF PUEBLO, DESCRIBED AS 10.74-ACRES OF LAND GENERALLY LOCATED SOUTH OF RED CREEK SPRINGS ROAD AND NORTH OF THE KINGSROYAL BOULEVARD TERMINUS**
- N4 AN ORDINANCE AMENDING ZONING RESTRICTIONS FROM PUEBLO COUNTY A-4 TO CITY OF PUEBLO R-3-, ONE- AND TWO-FAMILY RESIDENTIAL ZONE DISTRICT FOR APPROXIMATELY 10.74-ACRES GENERALLY LOCATED SOUTH OF RED CREEK SPRINGS ROAD, NORTH OF REGENCY PARK, 10TH FILING AND WEST OF THE MEADOWS, FILING 4 SUBDIVISION**
- N5 AN ORDINANCE VACATING A 0.167-ACRE DRAINAGE EASEMENT WITHIN LOT 1 AND LOT 2 OF THE GREDIG SUBDIVISION**
- N6 AN ORDINANCE APPROVING THE NORTH VISTA HIGHLANDS, FILING NO. 7 SUBDIVISION**
- N7 AN ORDINANCE VACATING A TEN-FOOT BY ONE HUNDRED AND TWENTY-THREE-FOOT STRIP OF SUMMIT AVENUE RIGHT-OF-WAY**
- N8 AN ORDINANCE AMENDING ZONING RESTRICTIONS FROM R-4, MIXED RESIDENTIAL ZONE DISTRICT TO RCN, RESIDENTIAL CHARTER NEIGHBORHOOD ZONE DISTRICT FOR 945 EAST ROUTT AVENUE**

N9 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE APPROXIMATELY 3,000 SQUARE FEET OF LAND AT 718 WEST 4TH STREET FROM B-4, REGIONAL BUSINESS ZONE DISTRICT TO S-1, GOVERNMENT USE ZONE DISTRICT

N10 AN ORDINANCE APPROVING AN AGREEMENT FOR RESEARCH AND ARTS STUDY SERVICES BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND ROXANNE PIGNANELLI AND AUTHORIZING THE MAYOR TO EXECUTE SAME

N11 AN ORDINANCE AMENDING ZONING RESTRICTIONS FROM I-2, INDUSTRIAL ZONE DISTRICT AND I-3 HEAVY INDUSTRIAL ZONE DISTRICT TO S-1, GOVERNMENT USE ZONE DISTRICT FOR APPROXIMATELY 2.9-ACRES GENERALLY LOCATED WEST OF SANTA FE DRIVE, NORTH AND EAST OF RICHMOND AVENUE, AND SOUTH OF MECHANIC STREET

N12 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND REVEREND PAUL ELDER AND THE CHRISTIAN GROWTH CENTER, INC., RELATED TO SETTLEMENT OF UNITED STATES DISTRICT COURT OF COLORADO ACTION NO. 22-CV-00460-CNS-MDB

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 September 25, 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

M2 A RESOLUTION AUTHORIZING THE TRANSFER OF BUDGETED AND APPROPRIATED FUNDS IN THE AMOUNT OF \$40,106.72 FROM ACCOUNT PROJECT NO. HU1502 - MAIN ST/UNION AVE BRIDGE OVERLAY TO ACCOUNT PROJECT NO. HUAN05 - BRIDGE REPAIRS.

This item was removed from the Consent Agenda.

A staff report and detailed review of the Resolution was given by Charles Roy, Deputy Director of Public Works.

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 15367.

Q. RESOLUTIONS

Q1 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO HISTORIC PUEBLO, INC. IN THE AMOUNT OF \$1,000 TO SPONSOR THE DAMON DAYS EVENT ON OCTOBER 27, 2023 AT 5:30 PM AT THE UNION DEPOT

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 15368.

Q2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO PUEBLO CHORAL SOCIETY IN THE AMOUNT OF \$6,000 TO SPONSOR THE OLD FASHIONED CHRISTMAS CONCERT ON DECEMBER 8, 2023 AT 7 PM IN MEMORIAL HALL

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 15369.

Q3 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO PUEBLO FILM FEST LTD. IN THE AMOUNT OF \$1,000 TO SPONSOR THE PUEBLO FILM FEST IN APRIL 2024 AT THE SANGRE DE CRISTO ARTS & CONFERENCE CENTER

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

Councilor Martinez Ortega, seconded by Councilor Martinez, 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 15370.

R. ORDINANCES – FINAL PRESENTATION

R1 AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF OPERATING ARP GRANT MAY 19, 2023, RELATING TO AWARD NO. CO-2023-019-00 BETWEEN THE CITY OF PUEBLO AND THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION, IN THE AMOUNT OF \$297,737 BUDGETING AND APPROPRIATING \$297,737 INTO PROJECT PT2302

A staff report and detailed review of the Ordinance was given by Ben Valdez, Transit 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 10547.

R2 AN ORDINANCE CLOSING PROJECT PT2202 BONUS PAY AND MOVING REMAINING FUNDS \$25,506.80 INTO PROJECT PT2201 SHOP TRUCK REPLACEMENT TO PURCHASE A NEW MAINTENANCE VEHICLE

A staff report and detailed review of the Ordinance was given by Ben Valdez, Transit 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 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 10548.

R3 AN ORDINANCE APPROVING AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND ROCKY MOUNTAIN S.E.R./JOBS FOR PROGRESS INC., REGARDING THE PUEBLO FOOD PROJECT'S RENTAL SPACE AND COLLABORATION AGREEMENT, AND AUTHORIZING THE

MAYOR TO EXECUTE SAME

A staff report and detailed review of the Ordinance was given by Serena Sakkal, Pueblo Food Project.

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 **10549.**

R4 AN ORDINANCE APPROVING AND ACCEPTING A DEPARTMENT OF HOMELAND SECURITY (DHS) GRANT NO. EMW-2022-FG-05244 AND APPLICABLE CONDITIONS PERTAINING THERETO, ESTABLISHING PROJECT NO. PS2313 FOR THE PURCHASE OF FOUR SCBAS AND BUDGETING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$37,080 FOR THE PURPOSES AUTHORIZED BY THE GRANT AGREEMENT

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 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 **10550.**

R5 AN ORDINANCE APPROVING AND ACCEPTING A GRANT AGREEMENT AND APPLICABLE CONDITIONS PERTAINING THERETO WITH THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE "A STEP TOWARDS REDUCING TRAFFIC FATALITIES" GRANT, IN THE AMOUNT OF \$75,000, FROM OCTOBER 1ST, 2023 THROUGH SEPTEMBER 30TH, 2024, ESTABLISHING PROJECT NUMBER PS2312, BUDGETING AND APPROPRIATING FUNDS INTO PROJECT PS2312, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

A staff report and detailed review of the Ordinance was given by Deputy Police Chief Joe Garcia.

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 **10551**.

S. COUNCIL MEMBER CONFLICT OF INTEREST

S1 A RESOLUTION AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$87,650 TO BAHAMAS CONSTRUCTION INC., FOR PROJECT NO. 23-122, FIRE STATION #5 - TRUCK BAY CONCRETE REPLACEMENT, SETTING FORTH \$17,530 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

A staff report and detailed review of the Resolution was given by Charles Roy, Deputy Director of Public Works.

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

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

This Resolution was assigned as **15371**.

T. ADJOURN

President Graham adjourned the meeting at 8:15 p.m.

Respectfully submitted,



Marisa Stoller
City Clerk