



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
TUESDAY, OCTOBER 10, 2023 - 7:00 PM
MINUTES**

A. CALL TO ORDER

President Graham called the meeting to order at 7:04 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: “PUEBLO LATINO VETERANS
PROFILES IN COURAGE DAY: OCTOBER 14, 2023” - GLORIA GUTIÉRREZ,
PUEBLO LATINO VETERANS PROFILES IN COURAGE COMMITTEE**

F. PUBLIC FORUM

- Sandra Sherrer - Council Salary Increases
- Steve Villegas - Pueblo
- Ted Freeman - Repurpose 1/2 cent sales and use tax fund

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 approve the agenda 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.

J. READING AND APPROVAL OF MINUTES

J1 CITY COUNCIL MINUTES 092523

Councilor Martinez Ortega, seconded by Councilor Flores, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **September 25, 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. COMMUNICATIONS

K1 MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING FOR 8/9/2023

Councilor Martinez Ortega, seconded by Councilor Martinez, moved to approve the Minutes of the Planning & Zoning Commission dated **August 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.

K2 SUBMISSION OF THE MAYOR'S RECOMMENDED BUDGET FOR THE FISCAL YEAR 2024

Councilor Martinez, seconded by Councilor Martinez Ortega, moved to receive the 2024 Proposed Budget, set the Budget Public Hearing for Monday, October 23, 2023, and Order the Notice of Budget Public Hearing to be Published.

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

L. CONSENT AGENDA

M. RESOLUTIONS

M1 A RESOLUTION AUTHORIZING THE TRANSFER OF \$750,000 TO PROJECT ED0801, LEASE PROCEEDS ESCROW/RMS, PREVIOUSLY ESTABLISHED IN THE 1992 - 2026 SALES AND USE TAX CAPITAL IMPROVEMENTS PROJECTS FUND

This Resolution was assigned as 15384.

- M2 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$296,381.97 TO REBUILD-IT, A SENTRY EQUIPMENT COMPANY., FOR PROJECT NO. 23-102 (WW2002) & (WWAN04) FY2023 GRAVITY THICKENER REHABILITATION PROJECT AT THE JAMES R. DIORIO WATER RECLAMATION FACILITY, SETTING FORTH \$29,638.20 FOR CONTINGENCIES AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME.**

This Resolution was assigned as 15385.

- M3 A RESOLUTION AWARDED AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$415,230 TO BROWN AND CALDWELL, INC., FOR PROJECT NO. 23A-038 DESIGN WEST SIDE INTERCEPTOR UPSIZE, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15386.

- M4 A RESOLUTION AWARDED AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$295,035 TO BROWN AND CALDWELL, INC., FOR PROJECT NO. 23A-039 DESIGN OF SANITARY SEWER EXTENSION AT NORTHERN AVENUE, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15387.

- M5 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$264,435.90 TO TONY J BELTRAMO & SONS, INC. AND SETTING FORTH \$26,443.59 FOR CONTINGENCIES AND ADDITIONAL WORK FOR PROJECT NO. 23-115 ILLINOIS AVENUE STORM SEWER IMPROVEMENTS AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15388.

- M6 A RESOLUTION RATIFYING THE AWARD OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$82,551 TO K.R. SWERDFEGER CONSTRUCTION, INC., FOR AN EMERGENCY STORM SEWER POINT REPAIR AT DREW DIX PARK AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15389.

- M7 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$64,638.45 TO A5 CONSTRUCTION FOR PROJECT NO. 23-124, CONCRETE IMPROVEMENTS - 1100TH BLOCK OF ACERO AVENUE (CDBG), SETTING FORTH \$20,000 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15390.

- M8 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$55,268.30 TO A5 CONSTRUCTION FOR PROJECT NO. 23-123, CONCRETE IMPROVEMENTS - 200TH BLOCK OF VAN BUREN STREET (CDBG), SETTING FORTH \$20,000 FOR CONTINGENCIES, AND**

AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as 15391.

- M9 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$34,807.80 TO POTTER COMMERCIAL WALLS AND CEILINGS, INC., FOR PROJECT NO. 23-129, PUEBLO MEMORIAL AIRPORT TERMINAL HANGAR PARTITION REPAIR, SETTING FORTH \$15,192.20 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15392.

- M10 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$33,449.94 TO TONY J BELTRAMO & SONS, INC., FOR PROJECT NO. 23-132, ASPHALT IMPROVEMENTS - WEST 20TH STREET, AND APPROVING THE PURCHASING AGENT'S EXECUTION OF SAME**

This Resolution was assigned as 15393.

- M11 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF PATRICK HURLEY AND OREN OLSON TO COMPLETE A THREE-YEAR TERM EXPIRING DECEMBER 30, 2025 ON THE COMMUNITY COMMISSION ON HOUSING AND HOMELESSNESS**

This Resolution was assigned as 15394.

- M12 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-35) TO PUEBLO COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, FOR THE USE OF WEST 11TH STREET FROM SANTA FE AVENUE TO GRAND AVENUE; WEST 10TH STREET FROM SANTA FE AVENUE TO GRAND AVENUE; WEST 9TH STREET FROM SANTA FE AVENUE TO MAIN STREET; MAIN STREET FROM WEST 9TH STREET TO WEST 12TH STREET; AND COURT STREET FROM WEST 12TH STREET TO WEST 8TH STREET FOR THE PURPOSE OF FACILITATING THE COURTHOUSE LIGHTING CEREMONY**

This Resolution was assigned as 15395.

- M13 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-40) TO THE PUEBLO DIVERSIFIED INDUSTRIES FOR THE USE OF ALAN HAMEL DRIVE FROM SANTA FE AVENUE TO MAIN STREET FOR THE PURPOSE OF FACILITATING THEIR 5K WALK/RUN EVENT**

This Resolution was assigned as 15396.

- M14 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-23-44) TO THE HARP AUTHORITY FOR THE USE OF VICTORIA STREET FROM THE HARP PARKING LOT AT 101 SOUTH VICTORIA AVENUE TO GREENWOOD FOR THE PURPOSE OF FACILITATING A "FRIGHT NIGHT" EVENT**

This Resolution was assigned as 15397.

- M15 A RESOLUTION AUTHORIZING PAYMENT OF FUNDS IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF PUEBLO, A COLORADO**

MUNICIPAL CORPORATION, FOR THE MITCHELL PARK MURAL PROJECT, TO BE PAID FROM PROJECT NO. CI-2113 - AMERICAN RESCUE PLAN ACT, AS AUTHORIZED BY SECTION 603 (A) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6

This Resolution was assigned as 15398.

N. ORDINANCES – FIRST PRESENTATION

- N1 AN ORDINANCE AUTHORIZING A SITE LEASE AND LEASE PURCHASE AGREEMENT BETWEEN THE CITY, AND BOKF, N.A. (SOLELY IN ITS CAPACITY AS TRUSTEE) FOR THE PURPOSE OF FINANCING THE CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF THREE FIRE STATIONS; APPROVING NOT TO EXCEED \$37,000,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2023 IN CONNECTION THEREWITH; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY; AND RELATED MATTERS**
- N2 AN ORDINANCE TRANSFERRING FUNDS IN THE AMOUNT OF \$9,942.85 FROM PUEBLO TRANSIT ARPA AWARD NO. CO-2023-019-00, INTO PROJECT NUMBER PT2201 SHOP TRUCK REPLACEMENT PROJECT TO PURCHASE A NEW MAINTENANCE VEHICLE**
- N3 AN ORDINANCE APPROVING A LICENSE FOR COMMUNICATION LINE, TELEVISION CABLE, AND/OR FIBER OPTIC LINE ACROSS OR ALONG RAILWAY PROPERTY BETWEEN THE CITY OF PUEBLO AND BNSF RAILWAY COMPANY, A DELAWARE CORPORATION, AND AUTHORIZING THE MAYOR TO EXECUTE SAME**
- N4 AN ORDINANCE APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE PUEBLO ASSOCIATION OF GOVERNMENT EMPLOYEES RELATING TO SALARY CLASSIFICATION AND PAY RANGE ADJUSTMENTS AND INCREASES FOR EIGHT SPECIFIED AND ENUMERATED CLASSIFICATIONS**
- N5 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A HARDWARE RENTAL, SOFTWARE LICENSE AND SERVICES AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND DOMINION VOTING SYSTEMS, INC., AS REQUIRED FOR ANY POTENTIAL MAYORAL RUNOFF ELECTION**
- N6 AN ORDINANCE ELECTING TO CERTIFY ABATEMENT ASSESSMENT ROLL NO. 2023-1 TO THE COUNTY TREASURER AND TO HAVE THE COUNTY TREASURER COLLECT IN THE SAME MANNER AS OTHER TAXES**

N7 AN ORDINANCE APPROVING AMENDMENT OF TWO SOLAR PRODUCTION AGREEMENTS BETWEEN THE CITY OF PUEBLO AND CEC SOLAR #1117, LLC. AND CEC SOLAR #1118, LLC RELATING TO AND UPDATING THE POWER PURCHASE AGREEMENT RATE SCHEDULES FOR EACH AGREEMENT, AND AUTHORIZING EXECUTION THEREOF BY THE MAYOR

N8 AN ORDINANCE APPROVING AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY KNOWN AS LOTS 8 & 9 BLK 70 MATTICE & GIBSON AD, AND LOT 19 BLK 71 MATTICE & GIBSON AD BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND MR. FRED F. JONES AND MRS. MELVA JEAN JONES AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

N9 AN ORDINANCE APPROVING AND ACCEPTING A U. S. DEPARTMENT OF JUSTICE 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (2023 JAG) GRANT, AWARD NO. 15PBJA-23-GG-03201-JAGX, AND APPLICABLE CONDITIONS PERTAINING THERETO, ESTABLISHING PROJECT NUMBER PS2314, BUDGETING AND APPROPRIATING FUNDS NOT TO EXCEED \$111,507, AUTHORIZING THE MAYOR TO EXECUTE SAME AND RELATED CERTIFICATIONS, ASSURANCES AND OTHER DOCUMENTS, APPROVING AND RATIFYING THE JULY 17, 2023 MEMORANDUM OF UNDERSTANDING CONCERNING RECEIPT AND DISBURSEMENT OF FUNDS, AND AUTHORIZING THE MAYOR TO EXECUTE SAME AND RATIFYING HIS SIGNATURE THERETO

N10 AN ORDINANCE APPROVING AN AMENDMENT TO THE RENTAL AGREEMENT FOR THE USE OF AN OFFICE SPACE AND THE FIRE FIGHTING RELOAD BASE AT THE PUEBLO MEMORIAL AIRPORT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF FIRE PREVENTION AND CONTROL, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

N11 AN ORDINANCE ACCEPTING A BARGAIN AND SALE DEED FROM PUEBLO HISTORICAL AIRCRAFT SOCIETY, A COLORADO NONPROFIT, FOR A HANGAR LOCATED AT 508 SKYWAY STREET AT THE PUEBLO MEMORIAL AIRPORT, AND AUTHORIZING THE MAYOR TO EXECUTE SAME.

N12 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE APPROXIMATELY 70.89-ACRES LOCATED IN THE WESTERN PORTION OF THE VENTANA MASTER PLAN, 2002, AND WITHIN THE PROPOSED VENTANA ESTATES OVERALL DEVELOPMENT PLAN FROM A-4, AGRICULTURAL FOUR ZONE DISTRICT TO R-2, SINGLE FAMILY

RESIDENTIAL ZONE DISTRICT

O. APPROVAL OF CONSENT AGENDA

Councilor Martinez Ortega, 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 October 23, 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. RESOLUTIONS

Q1 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO PUEBLO DOWNTOWN ASSOCIATION IN THE AMOUNT OF \$1,250 TO SPONSOR THE PARADE OF LIGHTS ON SATURDAY, NOVEMBER 25, 2023 IN DOWNTOWN PUEBLO

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 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 15399.

Q2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO PUEBLO AREA AGENCY ON AGING IN THE AMOUNT OF \$2,000 TO SPONSOR THE SENIOR OF THE YEAR EVENT

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 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 15400.

Q3 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2023 GENERAL FUND BUDGET TO LATINO CHAMBER DEVELOPMENT CORP IN THE AMOUNT OF \$1,000 TO

SUPPORT THE 16TH ANNUAL LIFETIME ACHIEVEMENT AWARD CEREMONY

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

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, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15401.

R. ORDINANCES – FINAL PRESENTATION

R1 AN ORDINANCE ACCEPTING A SMALL DOLLAR GRANT FROM THE COLORADO ENERGY OFFICE IN THE AMOUNT OF \$40,000 AND ESTABLISHING A FINANCE ACCOUNT PROJECT CI2325 ELECTRIC VEHICLE READINESS PLAN, TRANSFERRING \$10,000 FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND INTO ACCOUNT PROJECT CI2325, BUDGETING AND APPROPRIATING \$50,000 INTO SAID PROJECT ACCOUNT, AND AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE ORDER AGREEMENT ON BEHALF OF THE CITY OF PUEBLO

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 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 10563.

R2 AN ORDINANCE APPROVING AND ACCEPTING A COLORADO DEPARTMENT OF LAW PEACE OFFICER STANDARDS AND TRAINING (POST) GRANT, JULY 1, 2023 THROUGH MARCH 31, 2024, ESTABLISHING PROJECT NUMBER PS2310, TRANSFERRING FUNDS NOT TO EXCEED THE AMOUNT OF \$5,347.20; TRANSFERRING \$4,947.20 FROM PROJECTS-TO-BE-DETERMINED IN THE PUBLIC SAFETY GRANTS FUND, AND TRANSFERRING \$400.00 FROM THE POLICE DEPARTMENT'S GRANT MATCH BUDGET IN THE PUBLIC SAFETY FUND

A staff report and detailed review of the Ordinance was given by Police Chief Chris Noeller.

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 **10564.**

R3 AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PUEBLO AND HEALTH SOLUTIONS OF PUEBLO, A NON-PROFIT ORGANIZATION, RELATING TO THE DELIVERY OF SERVICES VIA THE SOLUTIONS OUTREACH SERVICES TEAM (S.O.S. TEAM), AND AUTHORIZING THE MAYOR'S SIGNATURE THERETO

A staff report and detailed review of the Ordinance was given by Chief of Police Chris Noeller.

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 **10565.**

R4 AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL INSURANCE CRIME BUREAU (NICB) AND THE CITY OF PUEBLO RELATING TO AUTHORIZED ACCESS TO NICB RESOURCES TO ASSIST IN THE INVESTIGATION OF THEFT AND FRAUD-RELATED CRIMES, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

A staff report and detailed review of the Ordinance was given by Chief of Police Chris Noeller.

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 **10566.**

R5 AN ORDINANCE APPROVING AND ADOPTING A SUBSTANTIAL

AMENDMENT TO THE CITY OF PUEBLO'S FY2020 ACTION PLAN TO ADD AN ADDITIONAL PROJECT TO THE FY2020 ANNUAL ACTION PLAN TO ACQUIRE AND REHABILITATE 710 W. 4TH STREET, PUEBLO, CO TO PROVIDE A WARMING SHELTER UTILIZING CASE MANAGEMENT AND NAVIGATION SERVICES FOR THE HOMELESS 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 & Human Services.

PUBLIC HEARING:

- Augustine Garcia appeared in person to speak against this ordinance
- Sabrina Areanello appeared in person to speak against this ordinance
- Charles William Rayes, III appeared in person to speak against this ordinance
- Dave DeCenzo appeared in person to speak against this ordinance
- Melissa Sealie appeared in person to speak against the ordinance
- Joseph A. Latino 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 Maestri, Councilor Martinez, Councilor Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 10567.

R6 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 2024 SPECIAL ELECTION – MAYORAL RUNOFF

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 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 10568.

R7 AN ORDINANCE FIXING THE MONTHLY SALARIES OF THE MEMBERS AND

PRESIDENT OF THE CITY COUNCIL AT \$2,100 AND \$2,700 RESPECTIVELY

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

PUBLIC HEARING:

- Elvis Martinez appeared in person to speak against this ordinance
- Samuel Hernandez Jr appeared in person to speak against this ordinance
- Dave DeCenzo appeared in person to speak against this ordinance
- Michelle Gray 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 Flores, Councilor Martinez Ortega, Councilor Winner. **Nays:** Councilor Atencio, President Graham, Councilor Maestri, Councilor Martinez. Motion Failed 3-4.

R8 AN ORDINANCE APPROVING A SUBRECIPIENT AGREEMENT AUTHORIZING PAYMENT IN AN AMOUNT OF UP TO \$900,000 FROM PROJECT C12113 - AMERICAN RESCUE PLAN ACT TO NEIGHBORWORKS SOUTHERN COLORADO, INC. TO CONSTRUCT NECESSARY INFRASTRUCTURE IMPROVEMENTS FOR AFFORDABLE HOUSING UNITS AS AUTHORIZED BY SECTION 603(C)(1)(A) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 C.F.R. § 35.6 (B) (3) (II) (A) (5) AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

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 Martinez Ortega, Councilor Winner. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 10569.

R9 AN ORDINANCE APPROVING A SUBRECIPIENT AGREEMENT AUTHORIZING PAYMENT IN AN AMOUNT OF UP TO \$400,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT – COVID-19 FUNDS TO THE PUEBLO RESCUE MISSION THROUGH A SUBRECIPIENT AGREEMENT TO PURCHASE REAL PROPERTY LOCATED AT 710 WEST 4TH STREET, PUEBLO, CO AND MAKE CERTAIN IMPROVEMENTS TO THE PROPERTY TO PROVIDE A WARMING SHELTER FOR THE PUEBLO COMMUNITY DURING WEATHER EMERGENCIES DECLARED BY THE CITY AND AUTHORIZING

THE MAYOR TO EXECUTE THE SAME

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

PUBLIC HEARING:

- Richard Pena appeared in person to speak against this ordinance
- Augustine Garcia appeared in person to speak against this ordinance
- Drayla Lara appeared in person to speak against this ordinance
- Samuel Hernandez Jr appeared in person to speak against this ordinance
- Elvis Martinez appeared in person to speak against this ordinance

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.

Councilor Flores, seconded by Councilor Martinez Ortega, amended the motion to postpone the Ordinance to the Regular City Council meeting on October 23, 2023.

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

S. COUNCIL MEMBER CONFLICT OF INTEREST

Councilor Martinez Ortega recused himself from the meeting due to a conflict of interest.

T. COMMUNICATIONS

T1 A CITIZEN FILED AN ETHICS COMPLAINT AGAINST COUNCILOR VICENTE MARTINEZ ORTEGA

Councilor Atencio, seconded by Councilor Maestri, moved to accept the communication.

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

Councilor Flores, seconded by Councilor Winner, moved to dismiss the complaint.

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

T2 A CITIZEN FILED AN ETHICS COMPLAINT AGAINST COUNCILOR VICENTE MARTINEZ ORTEGA

Councilor Flores, seconded by Councilor Martinez, moved to accept the communication.

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

Councilor Winner, seconded by Councilor Flores, moved to dismiss the complaint.

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

President Graham, seconded by Councilor Atencio, moved to investigate the complaint.

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

City Attorney George Hypolite reviewed his legal opinion at the request of Council.

Councilor Flores, seconded by Councilor Martinez, moved to dismiss the complaint.

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

U. ADJOURN

President Graham adjourned the meeting at 9:39 p.m.

Respectfully submitted,

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

Marisa Stoller
City Clerk