



**REGULAR CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS – CITY HALL  
#1 CITY HALL PLACE  
TUESDAY, DECEMBER 26, 2023 - 7:00 PM  
MINUTES**

**A. CALL TO ORDER**

City Council President Heather Graham called the meeting to order at 7:00 pm.

**B. INVOCATION**

Councilor Dennis Flores conducted the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**Council Members Present:** Dennis Flores, Heather Graham, Regina Maestri, Vicente Martinez Ortega, Sarah Martinez.

**Council Members Present via Zoom:** Larry Atencio.

**Council Members Absent:** Lori Winner.

**Administrative Staff Members Present:** Mayor Nicholas Gradisar, Chief of Staff Laura Solano, City Attorney George Hypolite, Deputy City Clerk Vincent Petkosek.

**E. SPECIAL RECOGNITIONS**

No Special Recognitions.

**F. PUBLIC FORUM**

Sandra Sherrer - Conduct of City Council.  
Christina Fransua - Gun Violence with Teens.  
Elvis Martinez - End of year advice.

**G. COUNCIL MEMBER AND MAYOR COMMENTARY**

Council members expressed comments regarding community-related issues and events/functions they attended.

**H. REVIEW OF AGENDA**

**I. APPROVAL OF AGENDA**

Councilor Flores, seconded by Councilor Martinez Ortega, moved to continue N9 to January 8, 2024.

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

Councilor Martinez, seconded by Councilor Martinez Ortega, moved to continue N8 to January 8, 2024.

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

Councilor Martinez, seconded by Councilor Martinez Ortega, moved to approve the modified agenda.

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

## **J. READING AND APPROVAL OF MINUTES**

### **J1 CITY COUNCIL MINUTES DECEMBER 11, 2023**

Councilor Martinez, seconded by Councilor Martinez Ortega, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **December 11, 2023** as distributed.

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

## **K. CONSENT AGENDA**

Deputy City Clerk Vincent Petkosek read the Consent Agenda for the record.

## **L. COMMUNICATIONS**

### **L1 MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING FOR 11/08/2023**

## **M. RESOLUTIONS**

### **M1 A RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$32,777.67 FROM CI2204, STREET REHABILITATION PROJECT TO CI2121, 18TH STREET EXTENSION PROJECT, AWARDED CONTRACT AMENDMENT NO. 1 IN THE AMOUNT OF \$32,777.67 TO K.R. SWERDFEGER CONSTRUCTION, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR PROJECT NO. 22-082, WEST 18TH STREET EXTENSION, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15450.

### **M2 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$23,867 TO A 5 CONSTRUCTION FOR PROJECT NO. 23-159, CONCRETE IMPROVEMENTS - UNIVERSITY PARK NEIGHBORHOOD, SETTING FORTH \$8,000 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution was assigned as 15451.

- M3 A RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$7,097.89 FROM THE "2023" PUBLIC WORKS OPERATING BUDGET FOR CONTRACT SERVICES, FOR PROJECT NO. 21-041 PUEBLO STREET ASSESSMENT PROJECT CONTRACT AMENDMENT NO. 3, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME.**

This Resolution was assigned as 15452.

- M4 A RESOLUTION APPROVING AND ACCEPTING THE CANVASS AND ABSTRACT OF VOTES CAST AT THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2023 AS PART OF A COORDINATED ELECTION WITH PUEBLO COUNTY**

This Resolution was assigned as 15453.

- M5 A RESOLUTION ADOPTING A FEE SCHEDULE FOR APPLICATIONS FOR MATTERS BROUGHT BEFORE THE LAND USE ADMINISTRATIVE OFFICIAL, HISTORIC PRESERVATION COMMISSION, PLANNING AND ZONING COMMISSION, SUBDIVISION REVIEW COMMITTEE, TECHNICAL ADVISORY COMMITTEE, AND ZONING BOARD OF APPEALS AND REPEALING RESOLUTION NUMBER 14808**

This Resolution was assigned as 15454.

- M6 A RESOLUTION RATIFYING THE REAPPOINTMENT OF STEPHANIE GARCIA TO THE PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES**

This Resolution was assigned as 15455.

- M7 A RESOLUTION ESTABLISHING ACCOUNT PROJECT NO. CI2334, PORTABLE EV CHARGERS, TRANSFERRING A TOTAL OF \$338,625.14 FROM VARIOUS ACCOUNTS TO PROJECT NO. CI2334, PORTABLE EV CHARGERS**

This Resolution was assigned as 15456.

**N. ORDINANCES – FIRST PRESENTATION**

- N1 AN ORDINANCE ESTABLISHING PROJECT ED2305, THE POPE BLOCK BUILDING GENERATOR ROOF MEMBRANE REPLACEMENT PROJECT, TRANSFERRING \$30,000 FROM 41300000-56901, PROJECTS TO BE DETERMINED TO ED2305, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$30,000, AND AUTHORIZING THE MAYOR TO EXECUTE SAME**

- N2 AN ORDINANCE ESTABLISHING PROJECT ED2307, THE POPE BLOCK BUILDING GENERATOR FENCING PROJECT, TRANSFERRING \$25,000 FROM 41300000-56901, PROJECTS TO BE DETERMINED TO ED2307, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$25,000, AND AUTHORIZING THE MAYOR TO EXECUTE SAME**

- N3 AN ORDINANCE ESTABLISHING PROJECT ED2306, THE POPE BLOCK BUILDING ELEVATOR SHAFT REPAIR PROJECT, TRANSFERRING \$10,000 FROM 41300000-56901, PROJECTS TO BE DETERMINED TO ED2306, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000, AND AUTHORIZING THE MAYOR TO EXECUTE SAME**
- N4 AN ORDINANCE APPROVING AND ACCEPTING A SUBGRANT IN THE AMOUNT OF \$20,000.00 FROM THE PUEBLO COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON BEHALF OF THE PUEBLO FOOD PROJECT, BUDGETING AND APPROPRIATING \$20,000.00 TO PROJECT NO. 2333, AND AUTHORIZING THE MAYOR'S SIGNATURE OF THE GRANT AGREEMENT**
- N5 AN ORDINANCE APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF PUEBLO AND CARING FOR COLORADO FOUNDATION FOR THE DOTS PROGRAM AND ACCEPTANCE OF \$15,000 FOR PROJECT PS2401 AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME**
- N6 AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, AND OTERO COUNTY RELATING TO MUTUAL AID IN THE PROVISION OF FIRE PROTECTION AND OTHER EMERGENCY SERVICES**
- N7 AN ORDINANCE APPROVING AND ACCEPTING A SUBGRANT IN THE AMOUNT OF \$12,000 FROM THE COLORADO BLUEPRINT TO END HUNGER FOR THE PUEBLO FOOD PROJECT, AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT, AND BUDGETING AND APPROPRIATING \$12,000 TO PROJECT NO. CI2332**
- N8 AN ORDINANCE AMENDING CHAPTER 10 TO TITLE XI AND CHAPTER 1 OF TITLE XV OF THE PUEBLO MUNICIPAL CODE REGULATING COMMERCIAL VEHICLE OPERATIONS WITHIN THE CITY**
- N9 AN ORDINANCE FOR SAFE USE OF PUBLIC PROPERTY TO LIMIT PUBLIC CAMPING AND PROHIBIT TEMPORARY STRUCTURES ON PUBLIC PROPERTY WITHIN THE CITY OF PUEBLO, COLORADO**
- N10 AN ORDINANCE CHANGING THE STREET NAME OF US HIGHWAY 50 BYPASS TO DR. MARTIN LUTHER KING JR. BYPASS**
- N11 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF**

**PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE HOUSING AUTHORITY OF THE CITY OF PUEBLO, A COLORADO NON-PROFIT CORPORATION ALLOWING FOR THE DELAY OF THE INSTALLATION OF LANDSCAPE IMPROVEMENTS FOR THE CRAWFORD TOWNHOMES PHASE 3 OF PHASE 2B AS REQUIRED BY SECTION 17-4-7 LANDSCAPE PERFORMANCE STANDARDS OF THE PUEBLO MUNICIPAL CODE AND AUTHORIZING THE MAYOR TO EXECUTE SAME**

**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 January 8, 2024, 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. **Nays:** None. Motion Passed 6-0.

**P. REGULAR AGENDA**

**Q. RESOLUTIONS**

**R. ORDINANCES – FINAL PRESENTATION**

**R1 AN ORDINANCE APPROPRIATING \$175,000 FROM THE GENERAL FUND RESERVE TO PROJECT CI2406 - JAN'24 MAYORAL RUNOFF ELECTION FOR MAYORAL RUNOFF ELECTION EXPENSES THAT OCCUR IN 2023.**

A staff report and detailed review of the Ordinance was given by Alexandria Romero, Director of Finance

**PUBLIC HEARING:**

Elvis Martinez spoke in Favor

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

This Ordinance was assigned as **10623.**

**R2 AN ORDINANCE ESTABLISHING FUND NO. 236 - PLASTIC POLLUTION REDUCTION AND BUDGETING AND APPROPRIATING ALL FUNDS RECEIVED BY THE CITY OF PUEBLO UNDER THE PLASTIC POLLUTION REDUCTION ACT AND ALL FUTURE PAYMENTS RECEIVED FROM THE PLASTIC POLLUTION REDUCTION ACT IN FUND NO. 236.**

A staff report and detailed review of the Ordinance was given by Alexandria Romero, Director of Finance

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

This Ordinance was assigned as **10624.**

**R3 AN ORDINANCE APPROVING AND AUTHORIZING THE FINANCE DEPARTMENT FOR TRANSFER OF FUNDS TO BE BUDGETED, APPROPRIATED FROM 3020-53003 IN THE AMOUNT OF \$10,000; 3020-56012 IN THE AMOUNT OF \$25,000; AND 3020-56920 IN THE AMOUNT OF \$15,000 TO BE MOVED INTO PROJECT CI2331 FOR THE PURCHASE OF EQUIPMENT**

A staff report and detailed review of the Ordinance was given by Deputy Fire Chief Keith Novak.

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

This Ordinance was assigned as **10625.**

**R4 AN ORDINANCE AMENDING SECTION 14-12-8 OF THE PUEBLO MUNICIPAL CODE RELATING TO RETAIL MARIJUANA EXCISE TAX RATE AND EFFECTIVE JANUARY 1, 2024 DECREASING SAID RATE OF TAX TO ZERO FOR A PERIOD OF THREE YEARS**

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

**PUBLIC HEARING:**

Sal Pace - Spoke in Favor.  
David Lemon - Spoke in Favor.

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, Councilor Martinez, Councilor Martinez Ortega. **Nays:** President Graham, Councilor Maestri. Motion Passed 4-2.

This Ordinance was assigned as 10622.

**R5 AN ORDINANCE SUSPENDING THE PAYMENT OF THE MONTHLY STREET UTILITY REPAIR UTILITY SERVICE CHARGES FOR TWELVE CONSECUTIVE MONTHS BEGINNING WITH EACH UTILITY CUSTOMER'S JANUARY 2024 UTILITY BILL**

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

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

This Ordinance was assigned as 10626.

**R6 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND SOUNDTHINKING, INC. (FORMERLY SHOTSPOTTER), A CALIFORNIA CORPORATION, TO PROVIDE SERVICES TO EMERGENCY RESPONDERS, MOST SPECIFICALLY PUEBLO POLICE DEPARTMENT, FOR GUNSHOT DETECTION, CRIME ANALYSIS AND DATA, AND RESOURCES REGARDING SAID DETECTION, AND AUTHORIZING MAYOR GRADISAR TO EXECUTE THE 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 Flores, seconded by Councilor Martinez, moved to approve the Ordinance on final presentation.

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

This Ordinance was assigned as 10627.

**S. QUASI-JUDICIAL PROCEEDINGS**

**S1 AN ORDINANCE VACATING TWO SECTIONS OF TWO PUBLIC ACCESS, SIDEWALK, AND UTILITY EASEMENTS IN LOTS 1-3, BLOCK 3, PINION RIDGE COMMERCIAL 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 # V2301

dated April 12, 2023, be made part of the record for this hearing. So ordered by President Graham.

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

This Ordinance was assigned as **10628**.

**S2 AN ORDINANCE VACATING THE DRAINAGE AND DETENTION EASEMENT IN LOT 1, BLOCK 2, SKYVIEW 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 # V2307 dated October 11, 2023, be made part of the record for this hearing. So ordered by President Graham.

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

This Ordinance was assigned as **10629**.

**T. ADJOURN**

City Council President Heather Graham adjourned the meeting at 8:25 pm.

Respectfully submitted,



Vincent Petkosek  
Deputy City Clerk