



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, MAY 13, 2024 - 7:00 PM
MINUTES**

A. CALL TO ORDER

President Aliff called the meeting to order at 7:42 pm.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Council Members Present: Mark Aliff, Dennis Flores, Roger Gomez, Charles Hernandez, Joe Latino, Regina Maestri, Sarah Martinez.

Council Members Present via Zoom: None.

Council Members Absent: None.

Administrative Staff Members Present: Mayor Heather Graham, Chief of Staff Brian McCain, City Attorney Carla Sikes, City Clerk Marisa Stoller, Deputy City Clerk Vincent Petkosek, Deputy City Attorney Harley Gifford.

E. SPECIAL RECOGNITIONS

E1 PROCLAMATION PRESENTATION: "LAURA SCHWARTZENBERGER DAY - MAY 25, 2024" - "FOR LOVE OF LAURA" COMMITTEE

E2 RECOGNITION PRESENTATION: "PUEBLO'S 2024 PUBLIC HEALTH CHAMPION" - EVA COSYLEON, MPO MANAGER, CITY OF PUEBLO

F. PUBLIC FORUM

Elvis Martinez - Work session
Ted Freeman - Processes of the Future.

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 Martinez, seconded by Councilor Flores, moved to move item Q9 to the beginning of the regular meeting and approve the agenda as amended.

Roll Call - **Ayes:** Councilor Flores, Councilor Hernandez, Councilor Latino, Councilor Martinez. **Nays:** President Aliff, Councilor Gomez, Councilor Maestri. Motion Passed 4-3.

J. READING AND APPROVAL OF MINUTES

J1 CITY COUNCIL MEETING MINUTES APRIL 22, 2024

Councilor Martinez, seconded by Councilor Flores, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **April 22, 2024**, as distributed.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

K. CONSENT AGENDA

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

L. COMMUNICATIONS

M. RESOLUTIONS

M1 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$267,230.41 TO FINSTERWALD LANDSCAPING AND IRRIGATION FOR PROJECT NO. 24-052, CONCRETE IMPROVEMENTS - WEST 29TH STREET PHASE 1 (I-25 TO HIGH STREET), SETTING FORTH \$82,769.59 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution passed and assigned 15617

M2 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$108,193.49 TO FINSTERWALD LANDSCAPING AND IRRIGATION FOR PROJECT NO. 24-054, CONCRETE IMPROVEMENTS - BONFORTE BOULEVARD, SETTING FORTH \$32,806.51 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution passed and assigned 15618

M3 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$92,526.71 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 118 E ADAMS AVE, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME

This Resolution passed and assigned 15619

M4 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$88,354.25 TO A-1 CHIPSEAL CO., FOR PROJECT NO. 24-046,

ASPHALT PRESERVATION - ELMWOOD GOLF COURSE PARKING LOT, SETTING FORTH \$8,645.75 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution passed and assigned 15620

- M5 A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$39,967.07 TO RUSS GRADING & EXCAVATING LLC, FOR PROJECT NO. 23-040 (SWAN03) - EMERGENCY STORM SEWER POINT REPAIR AT THE INTERSECTION OF NORTHERN AVENUE AND LAKE AVENUE, APPROVING A CHANGE ORDER IN THE AMOUNT OF \$3,034.90 FOR ADDITIONAL WORK AND MATERIALS, AND AUTHORIZING AND APPROVING THE PURCHASING AGENT'S EXECUTION OF SAME**

This Resolution passed and assigned 15621

- M6 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$22,495.00 TO COREJO MATERIALS, FOR PROJECT NO. 24-063, ASPHALT CRACK REPAIRS - PUEBLO MOTORSPORTS PARK, SETTING FORTH \$2,505.00 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution passed and assigned 15622

- M7 A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND HURTIG, GARDNER, FROELICH, ARCHITECTS, INC., A COLORADO CORPORATION, IN THE AMOUNT OF \$20,680.00 FOR 22-095, ARCHITECTURAL CONSULTANT FOR DESIGN OF CITY PARK TENNIS COURT RESTROOMS, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME**

This Resolution passed and assigned 15623

- M8 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$13,534.90 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 109 STANFORD AVE, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution passed and assigned 15624

- M9 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$12,103.47 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 1016 N. ELIZABETH ST., PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution passed and assigned 15625

- M10 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$7,051.39 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 2104 WYOMING AVE, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME**

This Resolution passed and assigned 15626

M11 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-24-12) TO THE COLORADO STATE FAIR FOR THE USE OF THE PUBLIC RIGHT-OF-WAY ALONG SMALL AVENUE BETWEEN SCRANTON AVENUE AND EUCLID AVENUE FOR THE PURPOSE OF THE ANNUAL COLORADO STATE FAIR PARADE.

This Resolution passed and assigned 15627

M12 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF MARK KLEVEN TO THE BUILDING BOARD OF APPEALS - GENERAL CONTRACTOR POSITION

This Resolution passed and assigned 15628

M13 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF LARRY MOORE TO THE ELECTRICAL BOARD OF APPEALS - JOURNEYMAN POSITION AND SETH BOUTILIER TO THE ELECTRICAL BOARD OF APPEALS - ELECTRIC UTILITY EMPLOYEE POSITION

This Resolution passed and assigned 15629

M14 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF STEVE GIRODO TO THE MECHANICAL BOARD OF APPEALS - JOURNEYMAN POSITION

This Resolution passed and assigned 15630

M15 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF KEN GULLEY TO THE PLUMBING BOARD OF APPEALS - JOURNEYMAN POSITION AND LANCE HARVEY TO THE PLUMBING BOARD OF APPEALS - CONTRACTOR POSITION

This Resolution passed and assigned 15631

M16 A RESOLUTION APPROVING AN ENVIRONMENTAL COVENANT DEED RESTRICTION ON CERTAIN PORTION OF THE LAKE MINNEQUA EXPANSION PROJECT

This Resolution passed and assigned 15632

N. ORDINANCES – FIRST PRESENTATION

N1 AN ORDINANCE APPROVING AND ACCEPTING A GRANT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO DEPARTMENT OF NATURAL RESOURCES, COLORADO PARKS AND WILDLIFE, FOR A LWCF GRANT PLAY FAIR PARK, AUTHORIZING THE MAYOR TO EXECUTE THE SAME, ESTABLISHING PROJECT NO. CI2441 - MINNEQUA LAKE TRAIL, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$875,000 TO PROJECT NO. CI2441 - MINNEQUA LAKE TRAIL, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$875,000 FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT AS AUTHORIZED BY SECTION 603(C)(1) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6

- N2 AN ORDINANCE ACCEPTING A GRANT FROM THE ROBERT HOAG RAWLINGS FOUNDATION IN THE AMOUNT OF \$182,000 TO SUPPORT THE CONSTRUCTION OF THE CITY PARK TENNIS COMPLEX CLUBHOUSE AND RESTROOMS, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME, ESTABLISHING PROJECT NO. CI2439, AND BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$182,000 TO PROJECT NO. CI2439**
- N3 AN ORDINANCE APPROVING AND ACCEPTING AN OEDIT GRANT FROM THE STATE OF COLORADO OUTDOOR RECREATION INDUSTRY OFFICE FOR THE FUNDING OF THE CITY OF PUEBLO OUTDOOR RECREATION ADMINISTRATOR, ESTABLISHING PROJECT NO. CI2438, AND BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$100,000 TO PROJECT NO. CI2438**
- N4 AN ORDINANCE ESTABLISHING PROJECT NO. LT2409 - ELIZABETH STREET PARKWAY OUTDOOR BASKETBALL COURTS MURAL PROJECT, AND BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000 TO PROJECT NO. LT2409**
- N5 AN ORDINANCE AMENDING SECTION 6-5-16 OF CHAPTER 5, OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE FY 2024 CLASSIFICATION AND PAY PLAN BY AMENDING THE PAY SCALE FOR TAX COMPLIANCE TECHNICIAN**
- N6 AN ORDINANCE AMENDING CHAPTER 12 OF TITLE XVI BY INTRODUCING "ARTICLE III - GRADING PERMIT"**
- N7 AN ORDINANCE APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND PUEBLO COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, RELATING TO THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A LIMITED ACCESS ROADWAY, FENCING, TRAIL, TRAILHEAD, DRAINAGE, AND OTHER ASSOCIATED IMPROVEMENTS WITHIN THE HONOR FARM PARK AND OPEN SPACE, AND APPROVING THE MAYOR TO EXECUTE THE EASEMENT AGREEMENT ON BEHALF OF THE CITY**
- N8 AN ORDINANCE RESCINDING RESOLUTION 15594, ACCEPTING FUNDS IN THE AMOUNT OF \$200,000.00 FROM PUEBLO URBAN RENEWAL AUTHORITY, FOR THE HARP CHANNEL EXTENSION AND BOATHOUSE CONSTRUCTION PROJECT, AND BUDGETING AND APPROPRIATING SAID FUNDS TO PROJECT ACCOUNT CI2432 - CONST. HARP EXTENSION AND**

BOATHOUSE.

N9 AN ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND GOODRICH CORPORATION, A NEW YORK CORPORATION, AUTHORIZED TO DO BUSINESS IN THE STATE OF COLORADO, FOR THE PREMISES KNOWN AS LOT 8, LOT 11, AND PARCEL G, WILLIAM WHITE BOULEVARD, PUEBLO, COLORADO

N10 AN ORDINANCE AMENDING PUEBLO MUNICIPAL CODE TITLE XI, CHAPTER 1 TO ADD A NEW SECTION 612 REGULATING SCHEDULED COMMERCIAL PASSENGER TRANSPORTATION WITHIN THE CITY OF PUEBLO, AND PROVIDING PENALTIES THEREFOR

N11 AN ORDINANCE CREATING SECTION 408 OF CHAPTER 1 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE ADDING THE OFFENSE OF POSSESSION OF THEFT TOOLS AND PROVIDING PENALTIES THEREFOR

N12 AN ORDINANCE EXTENDING THE TERM OF THE CURRENT COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PUEBLO AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 3 FOR A ONE-YEAR PERIOD COMMENCING JANUARY 1, 2025, THROUGH DECEMBER 31, 2025, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

N13 AN ORDINANCE APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND MUSCO SPORTS LIGHTING LLC, A COLORADO CORPORATION IN THE AMOUNT OF \$649,894 FOR NEW LIGHTING EQUIPMENT FOR THE CITY PARK BALLFIELDS 3 AND 4 AND THE MINERAL PALACE PARK PICKLEBALL COURTS, AUTHORIZING THE CITY OF PUEBLO'S PURCHASING AGENT TO EXECUTE THE PURCHASING AGREEMENT, CREATING PROJECT NO. CI2440, AND BUDGETING AND APPROPRIATING \$649,894 TO PROJECT NO. CI2440

O. APPROVAL OF CONSENT AGENDA

Councilor Maestri, 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 May 28, 2024, and Order the Ordinances to be published BY TITLE.

Roll Call – **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion 7-0.

P. REGULAR AGENDA

Q. RESOLUTIONS

Q9 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO AMERICAN LEGION POST 2, AS THE FISCAL SPONSOR OF BOY SCOUT TROOP 19, IN THE AMOUNT OF \$1,000 TO SPONSOR BOY SCOUT TROOP 19

A staff report and detailed review of the Resolution was given by Brian McCain - Chief of Staff.

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15633.

Q1 A RESOLUTION CONFIRMING THE APPOINTMENT OF NELSON DUNFORD TO THE POSITION OF MUNICIPAL COURT JUDGE

A staff report and detailed review of the Resolution was given by Heather Graham - Mayor

Councilor Gomez, seconded by Councilor Latino, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion 7-0.

This Resolution was assigned as 15634.

Judge Dunford was sworn in by City Clerk Marias Stoller.

Q2 A RESOLUTION AMENDING THE LEGISLATIVE PROCEDURES AND RULES OF THE PUEBLO CITY COUNCIL BY CREATING A POLICY REGARDING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT

A staff report and detailed review of the Resolution was given by Harley Gifford - Deputy City Attorney.

Elvis Martinez appeared in person to speak against this Resolution.

Councilor Maestri, seconded by Councilor Gomez, moved to approve the Resolution.

Roll Call - **Ayes:** Councilor Gomez, Councilor Hernandez, Councilor Maestri. **Nays:** President Aliff, Councilor Flores, Councilor Latino, Councilor Martinez. Motion Failed 3-4.

Q3 A RESOLUTION AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$14,244,873.00 TO H.W. HOUSTON CONSTRUCTION, FOR PROJECT NO. 23-048A, CONSTRUCTION OF BOATHOUSE AND CHANNEL EXTENSION FOR HISTORIC ARKANSAS RIVERWALK OF PUEBLO PHASE IV (HARP PHASE IV), SETTING FORTH \$452,225.00 FOR CONTINGENCIES, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

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

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** Councilor Gomez. Motion Passed 6-1.

This Resolution was assigned as 15635.

Q4 A RESOLUTION AWARDDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,115,764.00 TO MILLER PIPELINE, LLC, AND SETTING FORTH \$223,153.00 FOR CONTINGENCIES, FOR PROJECT NO. 24-057 (WWAN01) 2024 COURT STREET SANITARY SEWER REHABILITATION PROJECT AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE THE SAME

A staff report and detailed review of the Resolution was given by Andra Ahrens - Director of Wastewater.

Councilor Gomez, seconded by Councilor Flores, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15636.

Q5 A RESOLUTION ESTABLISHING TWO PROJECTS IN FUND 456- FIRE STATIONS. PROJECT CI2434 - PUMPER FIRE APPARATUS FOR \$900,000, AND PROJECT CI2435 - FIRE STATION NO. 6, 8, AND 11, FOR \$33,550,000 PLUS ANY FUTURE FUNDS ALREADY BUDGETED AND APPROPRIATED.

A staff report and detailed review of the Resolution was given by Alexanderia Romero - Director of Finance.

Elvis Martinez appeared in person to speak in favor of this Resolution.

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15637.

Q6 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 PROJECT FUND

A staff report and detailed review of the Resolution was given by Alexandria Romero - Director of Finance.

Ted Freeman appeared in person to speak against this Resolution.

Councilor Flores, seconded by Councilor Maestri, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15638.

Q7 A RESOLUTION AUTHORIZING PAYMENT OF EIGHT HUNDRED THIRTY-

FOUR THOUSAND ONE HUNDRED AND FORTY-FOUR DOLLARS (\$834,144) FROM PROJECT NO. CI-2113 – AMERICAN RESCUE PLAN ACT, FOR THE PURPOSES OF ALIGNING ALL HARDWARE AND SOFTWARE LICENSING, WARRANTY AND TECHNICAL SUPPORT SERVICES, AND CERTIFICATION TRAINING, AND ADDING SITUATIONAL AWARENESS CAMERAS TO THE REAL-TIME CRIME CENTER, AS AUTHORIZED BY SECTION 603 (A) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35

A staff report and detailed review of the Resolution was given by Lori Pinz - Director of Information Technology & Chris Noeller - Chief of Police.

Councilor Hernandez, seconded by Councilor Flores, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Resolution was assigned as 15639.

Q8 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO GLOBAL MEDICAL RESPONSE, DBA: AMERICAN MEDICAL RESPONSE IN THE AMOUNT OF \$2,000 TO SPONSOR THE SAFETY JAM ON SATURDAY, JUNE 1, 2024, AT 12:00 PM

A staff report and detailed review of the Resolution was given by Brian McCain - Chief of Staff.

Elvis Martinez appeared in person to speak in favor of this Resolution.

Councilor Flores, seconded by Councilor Gomez, moved to approve the Resolution.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion 7-0.

This Resolution was assigned as 15640.

R. ORDINANCES – FINAL PRESENTATION

R1 AN ORDINANCE OF THE CITY OF PUEBLO AMENDING TITLE XI, CHAPTER 1, SECTION 405 OF THE PUEBLO MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT, OPERATION, USE, OR PARTICIPATION IN SYRINGE EXCHANGE OR DISTRIBUTION PROGRAMS WITHIN THE CITY OF PUEBLO AND PROVIDING PENALTIES THEREFOR

A staff report and detailed review of the Ordinance was given by Harley Gifford, Deputy City Attorney.

PUBLIC HEARING:

Deputy Clerk Vincent Petkosek requested council to take administrative notice of written testimony the City Clerk's office received in favor from Chris & Louis Lucero.

Jill Wodiuk appeared in person to speak in favor of this ordinance.

Joseph Wodiuk appeared in person to speak in favor of this ordinance.

Luke Wodiuk appeared in person to speak in favor of this ordinance.
Sam Hernandez appeared in person to speak in favor of this ordinance.
Augustine Garcia appeared in person to speak in favor of this ordinance.
Jeff Dobson appeared in person to speak in favor of this ordinance.

Deputy Clerk Clerk Vincent Petkosek requested council to take administrative notice for written testimony the city clerk's office received against:
Ned Calonge MD MPH, David A. Martin, Danielle Harwell, Jummy Duffner, Former Deputy Sheriff Carrie Roberts, a concerned citizen, access Ppoint User Testimonials, Flynn Cervi, Patricia O'Brian, Laurel Holmstrom-Keys, Harm Reduction Advocates (32 individuals and 14 organizations), Candy Halliburton, Audra Hazel, Alicia Wiggins, Dr Stephanie Stewart, Hannan Braun, Judalon Smyth, Lisa Raville, El Movimiento Sigue, Colorado Criminal Justice Reform Coalition, Colorado Youth Justice Collaborative, Harm Reduction Action Center.

Brenna Rodriguez appeared in person to speak against this ordinance.
Elivs Martinez appeared in person to speak against this ordinance.
Brandi Adicans appeared in person to speak against this ordinance.
Dr. Michelle Swenie appeared in person to speak against this ordinance.
Dr Halico Jennings appeared in person to speak against this ordinance.
Rachel Douahoe-Burns appeared in person to speak against this ordinance.
Dennis Lariea appeared in person to speak against this ordinance.
Danielle Carwell appeared in person to speak against this ordinance.
Thomas Solano appeared in person to speak against this ordinance.
Ericia Lucero appeared in person to speak against this ordinance.
Audrinia Rodriguez appeared in person to speak against this ordinance.
Annette Sabo-Shrion appeared in person to speak against this ordinance.
Tori appeared in person to speak against this ordinance.
Noa Bowl appeared in person to speak against this ordinance.
Abbigal appeared in person to speak against this ordinance.
Reyle appeared in person to speak against this ordinance.
Suria appeared in person to speak against this ordinance.
Kyle Meltcher appeared in person to speak against this ordinance.
James Wyatt appeared in person to speak against this ordinance.
Dr. Lesia Demsie appeared in person to speak against this ordinance.
Dr. Jamie Romer appeared in person to speak against this ordinance.
Rebica Raseta appeared in person to speak against this ordinance.
Crystal Archaletta appeared in person to speak against this ordinance.
Rebecca Rick appeared in person to speak against this ordinance.
Renna Gonzales appeared in person to speak against this ordinance.
Dr. Anita Bowman appeared in person to speak against this ordinance.
Diane Crashol appeared in person to speak against this ordinance.
Matt Pusho appeared in person to speak against this ordinance.
Laura Sandoval-Adams appeared in person to speak against this ordinance.
Thomas Elloit appeared in person to speak against this ordinance.
An unknown male appeared in person to speak against this ordinance.
Taylor Lujan appeared in person to speak against this ordinance.
Velma Campbell appeared in person to speak against this ordinance.
Kelly McClain appeared in person to speak against this ordinance.
Ashley Trujillo appeared in person to speak against this ordinance.
Dr. Emily Gradisar appeared in person to speak against this ordinance.
An unknown male appeared in person to speak against this ordinance.
Jimmy Duffner appeared in person to speak against this ordinance.
Barb Burch appeared in person to speak against this ordinance.
David Lemon appeared in person to speak against this ordinance.
Tranier McCain appeared in person to speak against this ordinance.

Cora Colt appeared in person to speak against this ordinance.
Louis Burg appeared in person to speak against this ordinance.
Gary Weaver appeared in person to speak against this ordinance.
Skip Ladd - appeared by zoom to speak against this ordinance.

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Gomez, seconded by Councilor Latino, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri. **Nays:** Councilor Flores, Councilor Martinez. Motion Passed 5-2.

This Ordinance was assigned as 10698.

R2 AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO, ACTING BY AND THROUGH THE COMMUNITY ASSET ENTERPRISE/COLORADO ENERGY OFFICE RELATING TO A GRANT TO INSTALL FOUR DIRECT CURRENT FAST CHARGING (DCFC) ELECTRIC VEHICLE CHARGING STATIONS AT THE MAIN STREET PARKING GARAGE; ACCEPTING A GRANT IN THE AMOUNT OF \$445,000; ESTABLISHING PROJECT ACCOUNT CI2433 - DESIGN AND INSTALL MAIN STREET GARAGE DCFC EV CHARGERS; TRANSFERRING FUNDS IN THE AMOUNT OF \$400,000 FROM PROJECT ACCOUNT CI2408 - EV CHARGING STATIONS (FLEET) TO PROJECT ACCOUNT CI2433 - DESIGN AND INSTALL MAIN STREET GARAGE DCFC EV CHARGERS; BUDGETING AND APPROPRIATING A TOTAL OF \$845,000.00 INTO PROJECT ACCOUNT CI2433 - DESIGN AND INSTALL MAIN STREET GARAGE DCFC EV CHARGERS; AND APPROVING THE MAYOR TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY

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 Aliff declared the Hearing closed.

Councilor Gomez, seconded by Councilor Latino, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 10699.

R3 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND CATHOLIC CHARITIES OF THE DIOCESE OF PUEBLO, INC. DBA CATHOLIC CHARITIES OF SOUTHERN COLORADO, A COLORADO NONPROFIT CORPORATION AS AUTHORIZED BY SECTION 603 (C)(1)(A) OF THE AMERICAN RESCUE PLAN ACT AND U.S.

TREASURY FINAL RULE 31 CFR 35.6 AND AUTHORIZING THE PAYMENT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF

A staff report and detailed review of the Ordinance was given by Carla Sikes - City Attorney, and Steve Meier - Director of Parks and Recreation.

PUBLIC HEARING:

Anua Kieley appeared in person to speak in favor of this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Hernandez, Councilor Latino, Councilor Martinez. **Nays:** Councilor Gomez, Councilor Maestri. Motion Passed 5-2.

This Ordinance was assigned as 10700.

R4 AN ORDINANCE APPROVING AND ACCEPTING A 2024 COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE OPIOID GRANT IN THE AMOUNT OF \$9,580 FOR SYNTHETIC OPIATE POISONING INVESTIGATION AND DISTRIBUTION INTERDICTION, ESTABLISHING PROJECT NUMBER PS2403, BUDGETING AND APPROPRIATING GRANT FUNDS OF \$9,580 TO SAID PROJECT, AND AUTHORIZING MAYOR GRAHAM TO EXECUTE THE GRANT AWARD LETTER AND RELATED DOCUMENTS

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

PUBLIC HEARING:

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

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 10701.

R5 AN ORDINANCE CREATING PART 21 OF SECTION 15-1-8 OF THE PUEBLO MUNICIPAL CODE REGULATING THE PARKING IN ELECTRIC MOTOR VEHICLE CHARGING STATIONS.

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

PUBLIC HEARING:

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

Councilor Martinez, seconded by Councilor Gomez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10702.**

R6 AN ORDINANCE CREATING ARTICLE IX OF CHAPTER 1 OF TITLE XI WITHIN THE PUEBLO MUNICIPAL CODE, ADDING SECTIONS 11-1-901 THROUGH 11-1-904 THERETO, ENACTING PROVISIONS AND PROHIBITIONS WITH RESPECT TO CERTAIN GAMING AND GAMBLING DEVICES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

A staff report and detailed review of the Ordinance was given by Chris Noeller, Chief of Police, and Carla Sikes, City Attorney.

PUBLIC HEARING:

Mary Lou Barovich appeared in person to speak against this Ordinance.

Fred Trujillo appeared in person to speak against this Ordinance.

Stray Fransly appeared in person to speak against this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Gomez, seconded by Councilor Latino, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Hernandez, Councilor Maestri, Councilor Martinez. **Nays:** Councilor Flores, Councilor Gomez, Councilor Latino. Motion Passed 4-3.

This Ordinance was assigned as **10703.**

R7 AN ORDINANCE AMENDING ARTICLE 1 THROUGH 6 OF CHAPTER 6 OF TITLE IX WITHIN THE PUEBLO MUNICIPAL CODE, MODIFYING LICENSING AND FEES FOR COIN-OPERATED AMUSEMENT DEVICES AND COIN-OPERATED MUSIC MACHINES.

A staff report and detailed review of the Ordinance was given by Carla Sikes - City Attorney.

PUBLIC HEARING:

Tommy Chavez appeared in person to speak in favor of this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Gomez, seconded by Councilor Maestri, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as **10704.**

R8 AN ORDINANCE AMENDING THE FISCAL YEAR 2024 STAFFING ORDINANCE BY CONVERTING ONE (1) VACANT FULL-TIME INTERNAL AUDITOR POSITION TO A NEW CLASSIFICATION ENTITLED NON-PROFIT COMPLIANCE COORDINATOR WITHIN THE AUTHORIZED STAFFING LEVELS OF THE MAYOR'S OFFICE

A staff report and detailed review of the Ordinance was given by Mayor Heather Graham.

PUBLIC HEARING:

Anita Confer appeared in person to speak in favor of this Ordinance.
Nicholas Sheppard appeared in person to speak in favor of this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Martinez, seconded by Councilor Gomez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Martinez. **Nays:** Councilor Maestri. Motion Passed 6-1.

This Ordinance was assigned as 10705.

R9 AN ORDINANCE AMENDING SECTION 6-5-16 OF CHAPTER 5, OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE FY 2024 CLASSIFICATION AND PAY PLAN BY ESTABLISHING THE PAY SCALE FOR NON-PROFIT COMPLIANCE COORDINATOR

A staff report and detailed review of the Ordinance was given by Marisa Pacheco - Director of Human Resources.

PUBLIC HEARING:

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Martinez, seconded by Councilor Gomez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Martinez. **Nays:** Councilor Maestri. Motion Passed 6-1.

This Ordinance was assigned as 10706.

R10 AN ORDINANCE AMENDING THE FISCAL YEAR 2024 STAFFING ORDINANCE BY CONVERTING ONE (1) FULL-TIME VACANT POSITION ENTITLED FOOD PROJECT COORDINATOR TO A POSITION ENTITLED MARKETING AND SOCIAL MEDIA SPECIALIST WITHIN THE AUTHORIZED STAFFING LEVELS AT THE MAYOR'S OFFICE

A staff report and detailed review of the Ordinance was given by Mayor Heather Graham.

PUBLIC HEARING:

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Gomez, seconded by Councilor Latino, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Martinez. **Nays:** Councilor Maestri. Motion Passed 6-1.

This Ordinance was assigned as 10707.

R11 AN ORDINANCE AMENDING SECTION 6-5-16 OF CHAPTER 5, OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE FY 2024 CLASSIFICATIONS AND PAY PLAN BY ESTABLISHING THE PAY SCALE FOR MARKETING AND SOCIAL MEDIA SPECIALIST.

A staff report and detailed review of the Ordinance was given by Marisa Pacheco - Director of Human Resources.

PUBLIC HEARING:

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Martinez. **Nays:** Councilor Maestri. Motion Passed 6-1.

This Ordinance was assigned as 10708.

S. QUASI-JUDICIAL PROCEEDINGS

S1 AN ORDINANCE VACATING A UTILITY EASEMENT WITHIN LOT 1, NORTH PUEBLO COMMERCIAL PARK FILING 5

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 #V-23-12 dated March 13, 2024, be made part of the record for this hearing. So ordered by President Aliff.

PUBLIC HEARING:

Geoff Solomonson appeared via zoom to speak in favor of this Ordinance.

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 7-0.

This Ordinance was assigned as 10709.

S2 AN ORDINANCE VACATING A PORTION OF THE ALLEY WITHIN BLOCK 11, MATTICE'S 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 #V-23-07 dated January 10, 2024, be made part of the record for this hearing. So ordered by President Aliff.

PUBLIC HEARING:

Seeing no one else wishing to speak, President Aliff declared the Hearing closed.

Councilor Maestri, seconded by Councilor Gomez, moved to approve the Ordinance on final presentation.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Hernandez, Councilor Maestri, Councilor Martinez. **Nays:** Councilor Latino. Motion Passed 6-1.

This Ordinance was assigned as **10710**.

T. ADJOURN

President Aliff adjourned the meeting at 2:11 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "V. Petkosek", written over a horizontal line.

Vincent Petkosek
Deputy City Clerk