REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, JUNE 10, 2024 - 7:00 PM

MINUTES

A. CALL TO ORDER

President Aliff called the meeting to order at 7:20 p.m.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Council Members Present: Mark Aliff, Dennis Flores, Roger Gomez, 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.

E. SPECIAL RECOGNITIONS

F. PUBLIC FORUM

Steve Villegas - Issues
Ted Freeman - No PEDCO
Alex Mugatu - Vacancy Appointment Process
Esther Valdez - Senior Safety
Elvis Martinez - Executive sessions sunshine law
Bill Genovese - Flooding, Needles

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 Maestri, seconded by Councilor Flores, moved to move item M5 to the regular agenda and to approve the agenda as amended.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

J. READING AND APPROVAL OF MINUTES

J1 CITY COUNCIL MEETING MINUTES MAY 28, 2024

Councilor Flores, seconded by Councilor Maestri, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **May 28, 2024** as distributed.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

K. COMMUNICATIONS

K1 AT LARGE CITY COUNCIL VACANCY
<u>REQUIRED COUNCIL ACTION:</u> MOTION TO ACCEPT COMMUNICATION; MOTION TO SELECT CANDIDATES FOR INTERVIEWS FOR AT LARGE CITY COUNCIL MEMBER VACANCY ON JUNE 17, 2024.

A review of the communication was given by City Clerk Marisa Stoller.

Councilor Maestri, seconded by Councilor Flores, moved to accept the communication and to select the top 5 candidates to interview.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

L. CONSENT AGENDA

City Clerk Marisa Stoller read the Consent Agenda into the record.

M. RESOLUTIONS

M1 A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND MULTISTUDIO, INC, IN THE AMOUNT OF $204,887 FOR PROJECT 23-081A, , AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as **15650**.

M2 A RESOLUTION AWARDING AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES IN THE AMOUNT OF $196,470.00 TO GROUND ENGINEERING CONSULTANTS, INC., A COLORADO CORPORATION, FOR PROJECT NO. 24-040 SPECIAL INSPECTION AND MATERIALS TESTING - FIRE STATIONS 6, 8, AND 11, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as **15651**.

M3 A RESOLUTION AWARDING AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES IN THE AMOUNT OF $155,000.00 TO STREET

SIMPLIFIED, LLC., A DELAWARE LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS IN COLORADO, FOR PROJECT NO. 24-015 CONSULTANT FOR STREET SAFETY STUDY AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as **15652**.

M4 A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF $91,389.36 TO RUSS GRADING & EXCAVATING LLC, FOR PROJECT NO. 23-040 (SWAN03) - FOR EMERGENCY STORM SEWER POINT REPAIR AT THE INTERSECTION OF NORTHERN AVENUE AND SPRUCE STREET, APPROVING A CHANGE ORDER IN THE AMOUNT OF $27,001.25 FOR ADDITIONAL WORK AND MATERIALS, AND AUTHORIZING AND APPROVING THE PURCHASING AGENT'S EXECUTION OF THE SAME

This Resolution was assigned as **15653**.

M6 A RESOLUTION APPROVING PAYMENT IN THE AMOUNT OF $50,000 FROM PROJECT CI2113 - AMERICAN RESCUE PLAN ACT FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE CITY PARK AND THE ARKANSAS RIVER TRAIL, AS AUTHORIZED BY SECTION 603(C)(1)(C) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR §35.6.

This Resolution was assigned as **15654**.

M7 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF $15,271.78 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 515 W. 4TH ST, PROJECT NO. 20-059 (WWAN03) AND APPROVING THE PURCHASING AGENT’S EXECUTION OF THE SAME

This Resolution was assigned as **15655**.

M8 A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT IN THE AMOUNT OF $15,066.42 WITH PARKER EXCAVATING, INC. FOR EMERGENCY SANITARY SEWER POINT REPAIR AT 2551 CAMELLIA ST, PROJECT NO. 24-033 (WWAN03) AND APPROVING THE PURCHASING AGENT’S EXECUTION OF THE SAME

This Resolution was assigned as **15656**.

M9 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-24-10) TO THE PUEBLO CHAMBER OF COMMERCE FOR THE USE OF GRAND AVENUE FROM CITY CENTER DRIVE TO UNION AVENUE, D STREET FROM VICTORIA AVENUE TO MAIN STREET, C STREET FROM VICTORIA AVENUE TO MAIN STREET, UNION AVENUE FROM CITY CENTER DRIVE TO B STREET, AND ALAN HAMEL AVENUE FROM UNION AVENUE TO MAIN STREET TO HOST THE 30TH ANNUAL CHILE AND FRIJOLES FESTIVAL

This Resolution was assigned as **15657**.

M10 A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT (REV-24-11) TO THE PUEBLO PERFORMING ARTS GUILD FOR THE USE OF THE PUBLIC RIGHT-OF-WAY ALONG CITY CENTER DRIVE BETWEEN ELIZABETH STREET AND GRAND AVENUE FOR THE PURPOSE OF

FACILITATING A PRIVATE CONCERT EVENT, JUNE 29, 2024, THROUGH JUNE 30, 2024.

This Resolution was assigned as **15658**.

M11 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF ALYSSA VARGAS-LOPEZ TO COMPLETE A FOUR-YEAR TERM EXPIRING AUGUST 31, 2024 ON THE EL CENTRO DEL QUINTO SOL RECREATION CENTER BOARD OF DIRECTORS

This Resolution was assigned as **15659**.

M12 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF ERIC DUNTON AND ROBERT VIGIL TO THE MECHANICAL BOARD OF APPEALS

This Resolution was assigned as **15660**.

M13 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF KEN GULLEY TO THE PLUMBING BOARD OF APPEALS

This Resolution was assigned as **15661**.

M14 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF CHARLES MONTERA TO THE ELECTRICAL BOARD OF APPEALS

This Resolution was assigned as **15662**.

M15 A RESOLUTION RATIFYING PACOG'S JOINT APPOINTMENT OF DAVID KNUTH AS A GENERAL CONTRACTOR AND ANDREW HAYES AS AN EXPERIENCED PERSON ON THE BUILDING BOARD OF APPEALS

This Resolution was assigned as **15663**.

N. ORDINANCES – FIRST PRESENTATION

N1 AN ORDINANCE ACCEPTING AN AMENDMENT TO AIRPORT IMPROVEMENT GRANT NO. 3-08-0046-047-2022 FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) ACTING FOR AND ON BEHALF OF THE UNITED STATES OF AMERICA ADDING $31,059 FOR ADDITIONAL ENGINEERING AND DESIGN FOR THE REHABILITATION FOR RUNWAY 8R/26L, REMOVAL OF TAXIWAY A2, AND AIRPORT LIGHTING CONTROL MONITORING SYSTEM (ALCMS) REPLACEMENT, AND BUDGETING AND APPROPRIATING FUNDS TO PROJECT ACCOUNT AP2205

N2 AN ORDINANCE APPROVING AND ACCEPTING COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) AERONAUTICS DIVISION GRANT NO. 24-PUB-01 FOR FUNDS IN THE AMOUNT OF $12,796 FOR THE EAST APRON (NORTH) REHAB PROJECT DESIGN PHASE AND THE TAXILANE REHAB AND NEW T-HANGAR PROJECT DESIGN PHASE, AUTHORIZING THE MAYOR TO EXECUTE SAME, BUDGETING AND APPROPRIATING $6,250 TO PROJECT NO. AP1804 – SOUTH T-HANGAR #1, AND ESTABLISHING PROJECT NO. AP2401 – EAST APRON (N) TAXILANE REHAB BUDGETING AND APPROPRIATING $13,094 TO SAID PROJECT

N3 AN ORDINANCE AMENDING THE TITLE OF CHAPTER 3 OF TITLE XV OF THE PUEBLO MUNICIPAL CODE FROM "SIGHT OBSTRUCTIONS AT INTERSECTIONS" TO "SIGHT OBSTRUCTIONS AND ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY"

N4 AN ORDINANCE CREATING AND RESERVING SECTIONS 7-3-52 THROUGH 7-3-61 FOR FUTURE ADDITIONS TO THE PUEBLO MUNICIPAL CODE AND CREATING A NEW ARTICLE V CONTAINING SECTIONS 7-3-62 THROUGH 7-3-72 OF CHAPTER 3 OF TITLE VII OF THE PUEBLO MUNICIPAL CODE REGULATING THE USE AND MANAGEMENT OF SHOPPING CARTS WITHIN THE CITY

N5 AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, AND CROWLEY COUNTY RELATING TO MUTUAL AID IN THE PROVISIONS OF FIRE PROTECTION AND OTHER EMERGENCY SERVICES, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

N6 AN ORDINANCE AMENDING TITLE XI, CHAPTER 4, OF THE PUEBLO MUNICIPAL CODE ABOLISHING THE REQUIREMENT THAT MINIATURE GOATS RESIDING IN THE CITY BE HORNLESS

N7 AN ORDINANCE APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE COUNTY OF PUEBLO RELATING TO THE PARTICIPATION IN AND CONDUCT OF THE FEDERAL HOME INVESTMENT PARTNERSHIPS PROGRAM AND PROVIDING FOR THE EXECUTION THEREOF

O. APPROVAL OF CONSENT AGENDA

Councilor Maestri, seconded by Councilor Gomez, moved to approve all Resolutions Set Forth in the Consent Agenda, Pass the Ordinances of the Consent Agenda, Setting the Public Hearings for June 24, 2024, and Order the Ordinances to be published BY TITLE.

Roll Call – **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

P. REGULAR AGENDA

M5 A RESOLUTION APPROVING PAYMENT IN THE AMOUNT OF $86,741.00 FROM PROJECT CI2421 - YOUR IDEA, YOUR NEIGHBORHOOD, FOR SIX OF THE YOUR IDEA, YOUR NEIGHBORHOOD (YIYN) STAKEHOLDER COMMITTEES RECOMMENDED YIYN PROJECTS.

This item was moved to the Regular Agenda.

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

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

Roll Call - **Ayes:** Councilor Flores, Councilor Martinez. **Nays:** President Aliff, Councilor Gomez, Councilor Latino, Councilor Maestri. Motion Failed 2-4.

Q. RESOLUTIONS

Q1 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO PUEBLO SCHOOL DISTRICT NO. 60 IN THE AMOUNT OF $1,000 TO SPONSOR THE PUEBLO CITY SCHOOLS SUMMER MUSICAL FROM JULY 13-18, 2024

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

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

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

This Resolution was assigned as **15664**.

R. ORDINANCES – FINAL PRESENTATION

R1 AN ORDINANCE TRANSFERRING $1,000,000.00 FROM WW9999 TO WW1402, AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $3,974,073.00 TO MILLER PIPELINE, LLC, AND SETTING FORTH $1,710,000.00 FOR CONTINGENCIES, FOR PROJECT NO. 24-049 (WW1402) SOUTHERN COLORADO CLINIC SANITARY SEWER OUTFALL PROJECT AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE THE SAME

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

PUBLIC HEARING:

Seeing no one wished 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 Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10722.**

R2 AN ORDINANCE ESTABLISHING PROJECT ACCOUNT CI2442, ASPHALT ART AND GATEWAYS PROJECT, ACCEPTING A SMALL DOLLAR GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF $248,300, BUDGETING AND APPROPRIATING FUNDS IN THE AMOUNT OF $248,300, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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 Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10723.**

R3 AN ORDINANCE AMENDING CHAPTER 6 OF TITLE XVI OF THE PUEBLO MUNICIPAL CODE RELATING TO AND INCREASING SEWER USER CHARGES

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

PUBLIC HEARING:

- Bill Genevese appeared to speak in person against this ordinance

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

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

Roll Call - **Ayes:** Councilor Flores, Councilor Martinez. **Nays:** President Aliff, Councilor Gomez, Councilor Latino, Councilor Maestri. Motion Failed 2-4.

R4 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

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

PUBLIC HEARING:

- Sabina Genesio, County Manager, appeared in person to speak in favor of this ordinance
- Gary Rosso, Assistant County Attorney, appeared in person to speak in favor of this ordinance
- Cheryl Spinuzzi appeared in person to speak against this ordinance
- Brian Cruso appeared in person to speak against this ordinance
- Larry Osburn appeared in person to speak against this ordinance

- Brent Cozzolino appeared in person to speak against this ordinance
- Zack Cozzolino appeared in person to speak against this ordinance
- Michelle Pewland appeared in person to speak in favor the ordinance
- Caleb Sphere appeared in person to speak against this ordinance
- Emily Sphere appeared in person to speak against this ordinance
- Bill Brown appeared in person to speak against this ordinance

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

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

Councilor Flores, seconded by Councilor Latino, moved to amend the motion to continue item R4 to Thursday, June 13, 2024.

Roll Call - **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Martinez. **Nays:** Councilor Maestri. Motion Passed 5-1.

S. QUASI-JUDICIAL PROCEEDINGS

S1 AN ORDINANCE AMENDING ZONING RESTRICTIONS OF .85-ACRES OF THE SOUTHERN PORTION OF PARCEL B, OF THE TRINITY SUBDIVISION FROM B-3, HIGHWAY AND ARTERIAL BUSINESS ZONE DISTRICT TO S-1, GOVERNMENT USE ZONE DISTRICT

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 #Z-24-02 dated May 8, 2024, be made part of the record for this hearing. So ordered by President Aliff.

PUBLIC HEARING:

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

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

Roll Call – **Ayes:** President Aliff, Councilor Flores, Councilor Gomez, Councilor Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10724.**

S2 AN ORDINANCE AMENDING ZONING RESTRICTIONS OF 26.3-ACRES AT THE RUNYON SPORTS COMPLEX FROM I-3, HEAVY INDUSTRIAL ZONE DISTRICT AND S-1, GOVERNMENT USE ZONE DISTRICT TO S-1, GOVERNMENT USE ZONE DISTRICT

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 #Z 24-03 dated May 8, 2024, be made part of the record for this hearing. So ordered by President Aliff.

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 Latino, Councilor Maestri, Councilor Martinez. **Nays:** None. Motion Passed 6-0.

This Ordinance was assigned as **10725.**

T. ADJOURN

Councilor Aliff adjourned the meeting at 9:58 p.m.

Respectfully submitted,

Marisa Stoller
City Clerk