



**REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – CITY HALL
#1 CITY HALL PLACE
MONDAY, JULY 8, 2024 - 7:00 PM
MINUTES**

A. CALL TO ORDER

President Aliff called the meeting to order at 7:00 p.m.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Council Members Present: Mark Aliff, Brett Boston, Dennis Flores, Roger Gomez, Joe Latino, Regina Maestri.

Council Members Present via Zoom: None.

Council Members Absent: Sarah Martinez.

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

- Dave DeCenzo - Economic Development vs taxes
- Matalyn Craighead - Change of Use permit for Lifeblood tattoo
- Elvis Martinez - City Charter update/transparency

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 postpone item R6 to the August 12,

2024 agenda and approve the agenda as amended.

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

J. READING AND APPROVAL OF MINUTES

J1 CITY COUNCIL MINUTES 062424

Councilor Flores, seconded by Councilor Maestri, moved to dispense with the reading and approve the Minutes of the Regular Meeting dated **June 24, 2024** as distributed.

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

K. CONSENT AGENDA

L. COMMUNICATIONS

M. RESOLUTIONS

M1 A RESOLUTION SETTING FORTH \$800,000 FOR CONTINGENCIES FOR THE CONSTRUCTION CONTRACT 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), AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as 15675.

M2 A RESOLUTION AUTHORIZING FUNDS IN AN AMOUNT UP TO BUT NOT TO EXCEED \$250,000.00 FROM THE BLACK HILLS ENERGY UNDERGROUND UTILITY FUND TO BE EXPENDED FOR THE PURPOSE OF RELOCATING OVERHEAD ELECTRIC FACILITIES UNDERGROUND WITH RESPECT TO THE FIRE STATION #6 PROJECT

This Resolution was assigned as 15676.

M3 A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TOTALING \$262,343.67 IN THE AMOUNTS OF \$2,267.12 FROM PROJECT NO. CD1710, \$716.00 FROM PROJECT NO. CD1713, \$5,039.97 FROM PROJECT NO. CD1809, \$6,308.97 FROM PROJECT NO. CD1910, \$6,316.24 FROM PROJECT NO. CD1914, \$15,000.00 FROM PROJECT NO. CD2008, \$8,500.00 FROM PROJECT NO. CD2108, \$2,591.60 FROM PROJECT NO. CD2112, \$30,490.86 FROM PROJECT NO. CD2113, \$34,571.56 FROM PROJECT NO. CD2114, \$14,954.22 FROM PROJECT NO. CD2210, \$3,460.83 FROM PROJECT NO. CD2217, \$87,107.18 FROM PROJECT NO. CD2308, \$45,019.12 FROM PROJECT NO. CD2309 TO PROJECT NO. CD2310 AND AUTHORIZING EXPENDITURE THEREOF FOR ADA INFRASTRUCTURE IMPROVEMENTS ALONG BONFORTE BOULEVARD

This Resolution was assigned as 15677.

M4 A RESOLUTION APPROVING CONTRACT AMENDMENT NO. 1 IN THE

AMOUNT OF \$4,592.88 TO CEDAR RIDGE LANDSCAPE, INC., FOR PROJECT NO. 24-022, CONCRETE IMPROVEMENTS - LYNDA LANE AND NORTHRIDGE DRIVE, AND AUTHORIZING THE PURCHASING AGENT TO EXECUTE SAME

This Resolution was assigned as 15678.

M5 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF JAMES SPITZER TO SERVE A THREE-YEAR TERM EXPIRING JULY 1, 2027 ON THE PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE IN THE COMMERCIAL SERVICE OPERATOR POSITION

This Resolution was assigned as 15679.

M6 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF CHRISTOPHER BRATNICK AND MATTHEW LARIMORE TO SERVE A FOUR-YEAR TERM EXPIRING AUGUST 1, 2028, ON THE HONOR FARM ENTERPRISE CITIZENS ADVISORY BOARD

This Resolution was assigned as 15680.

M7 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF MODESTO CARTAGENA TO SERVE A FOUR-YEAR TERM EXPIRING AUGUST 1, 2028 ON THE LIQUOR AND BEER LICENSING BOARD

This Resolution was assigned as 15681.

M8 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF BRETT BOSTON TO COMPLETE A ONE-YEAR TERM EXPIRING JANUARY 31, 2025, ON THE PUEBLO ENERGY ADVISORY COMMISSION, PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE, AND LATINO CHAMBER OF COMMERCE BOARD

This Resolution was assigned as 15682.

M9 A RESOLUTION AMENDING THE LEGISLATIVE PROCEDURES AND RULES OF THE PUEBLO CITY COUNCIL BY CREATING A POLICY REGARDING ELECTED OFFICIALS' ELECTRONIC PARTICIPATION AND DUTIES OF THE CITY CLERK.

This Resolution was assigned as 15683.

M10 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF ABEL CHAVEZ TO SERVE A FIVE-YEAR TERM EXPIRING JULY 1, 2029, ON THE BOARD OF HEALTH

This Resolution was assigned as 15684.

N. ORDINANCES – FIRST PRESENTATION

N1 AN ORDINANCE CHANGING THE STREET NAME OF VISION HILLS PARKWAY TO CARL SITTER PARKWAY

N2 AN ORDINANCE CHANGING THE STREET NAME OF TOBIAS T AVENUE TO WILLIAM CRAWFORD AVENUE

- N3 AN ORDINANCE CHANGING THE STREET NAME OF DOCKUM ROAD TO WARREN DOCKUM ROAD**
- N4 AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE 1.74-ACRES FROM PUD, PIKES PEAK PARK PLANNED UNIT DEVELOPMENT DISTRICT TO S-1, GOVERNMENT USE DISTRICT GENERALLY LOCATED EAST OF NORTH PUEBLO BOULEVARD AND NORTH OF WEST 24TH STREET**
- N5 AN ORDINANCE APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF PUEBLO AND CARING FOR COLORADO FOUNDATION FOR THE DOTS PROGRAM AND ACCEPTANCE OF \$7,500 FOR PROJECT PS2401 AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME**
- N6 AN ORDINANCE TO CLOSE OUT PROJECT PST2202 AND TRANSFER ALL REMAINING FUNDS INTO THE PUBLIC SAFETY SALES TAX (PSST) FUND OPERATING BUDGET SO THESE FUNDS CAN BE USED BY THE PUEBLO POLICE DEPARTMENT TO UPFIT OTHER VEHICLES AND FUND OTHER PUBLIC SAFETY PROJECTS**
- N7 AN ORDINANCE ESTABLISHING PROJECT ACCOUNT CI2443 - ADMIN OFFICES RELOCATION PROJECT; TRANSFERRING, BUDGETING AN APPROPRIATING FUNDS FROM PROJECT ACCOUNT CI2426 - CITY COUNCIL AND DEPARTMENT RELOCATION PROJECT IN THE AMOUNT OF \$2,000,000.00 INTO PROJECT ACCOUNT CI2443; APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT TO BUY AND SELL REAL ESTATE AND BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND CK INVESTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR THE PURCHASE OF PROPERTY LEGALLY DESCRIBED AS LOT 1, BLOCK 1, KESSLER SUBDIVISION WITHIN THE CITY OF PUEBLO**
- N8 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SUBDIVISION PARTICIPATION AND RELEASE FORM WITH RESPECT TO THE NATIONAL OPIOIDS SETTLEMENT REACHED WITH THE KROGER CO.**
- N9 AN ORDINANCE AMENDING SECTION 10, CHAPTER 4 OF TITLE VI OF THE PUEBLO MUNICIPAL CODE RELATING TO THE RESIDENCY REQUIREMENT FOR CERTAIN UNCLASSIFIED EMPLOYEES.**

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 July 22, 2024, and Order the Ordinances to be published BY TITLE.

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

P. REGULAR AGENDA

Q. RESOLUTIONS

Q1 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO AMERICAN CANCER SOCIETY IN THE AMOUNT OF \$1,500 TO SPONSOR THE RELAY FOR LIFE ON SATURDAY, SEPTEMBER 14, 2024, AT RUNYON FIELD SPORTS COMPLEX

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

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

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

This Resolution was assigned as 15685.

Q2 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO THE ASSISTANCE LEAGUE OF PUEBLO IN THE AMOUNT OF \$2,000 TO SPONSOR OPERATION SCHOOL BELL AND THE HOLIDAY FASHION PREVIEW ON SATURDAY, DECEMBER 7, 2024, AT THE PUEBLO CONVENTION CENTER

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

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

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

This Resolution was assigned as 15686.

Q3 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO MAD FRESH PRODUCTIONS IN THE AMOUNT OF \$2,000 TO SPONSOR THE 6TH ANNUAL MULTICULTURAL FESTIVAL AT MINERAL PALACE PARK ON SATURDAY, OCTOBER 5, 2024

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

- Elvis Martinez appeared in person to speak against this ordinance

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

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

Q4 A RESOLUTION AUTHORIZING PAYMENT FROM THE COUNCIL CONTINGENCIES ACCOUNT IN THE 2024 GENERAL FUND BUDGET TO PUEBLO CRISIS PREGNANCY CENTER, INC. DBA A CARING PREGNANCY CENTER IN THE AMOUNT OF \$1,500 TO SPONSOR THE ANNUAL FUNDRAISING BANQUET AT PUEBLO CONVENTION CENTER ON FRIDAY, SEPTEMBER 6, 2024

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

- Elvis Martinez appeared in person to speak regarding this ordinance

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

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

This Resolution was assigned as 15687.

R. ORDINANCES – FINAL PRESENTATION

R1 AN ORDINANCE APPROVING AND ACCEPTING A 2023 COLORADO DIVISION OF CRIMINAL JUSTICE, OFFICE OF ADULT AND JUVENILE ASSISTANCE, COMMUNITY INITIATIVE TO REDUCE VIOLENCE GRANT IN THE AMOUNT OF \$131,660, RATIFYING THE PRIOR SIGNATURE OF THE MAYOR TO EXECUTE THE GRANT AWARD LETTER AND RELATED DOCUMENTS, ESTABLISHING PROJECT NUMBER CI2219, AND BUDGETING AND APPROPRIATING THE GRANT FUNDS OF \$131,660 TO SAID PROJECT

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

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

This Ordinance was assigned as 10733.

R2 AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, AND THE STATE OF COLORADO BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION, RELATING TO THE OPERATION AND MAINTENANCE OF CERTAIN STATE-OWNED DRAINAGE, IRRIGATION, AND LANDSCAPING IMPROVEMENTS LOCATED ON THE EAST

SIDE OF I-25 GENERALLY BETWEEN E. 22ND STREET AND E. 26TH STREET, 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 Maestri, seconded by Councilor Gomez, moved to approve the Ordinance on final presentation.

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

This Ordinance was assigned as 10734.

R3 AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PUEBLO, THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO MONITOR FOR SARS-COV-2 AND OTHER PATHOGENS OF CONCERN AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

PUBLIC HEARING:

- Dave DeCenzo appeared in person to speak in favor of this ordinance
- Deedee Wright appeared in person to speak in favor of this ordinance

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

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

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

This Ordinance was assigned as 10735.

R4 AN ORDINANCE APPROVING AND ACCEPTING A 2024 HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM, SUB-RECIPIENT AWARD, AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF 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 Boston, seconded by Councilor Flores, moved to approve the Ordinance on final

presentation.

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

This Ordinance was assigned as 10736.

R5 AN ORDINANCE CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, DIRECTING THAT THE SPECIAL MUNICIPAL ELECTION BE CONDUCTED AS PART OF A COORDINATED ELECTION, ADOPTING FOR USE AT THE SPECIAL MUNICIPAL ELECTION THE REQUIREMENTS AND PROCEDURES OF THE UNIFORM ELECTION CODE OF 1992 EXCEPT TO THE EXTENT THE UNIFORM ELECTION CODE OF 1992 CONFLICTS WITH A SPECIFIC PROVISION OF THE CHARTER OF THE CITY OF PUEBLO, AND SUSPENDING FOR SUCH PURPOSES THE PUEBLO ELECTION CODE AND ALL ORDINANCES AND RESOLUTIONS OF THE CITY IN CONFLICT THEREWITH

A staff report and detailed review of the Ordinance was given by Marisa Stoller, City Clerk.

PUBLIC HEARING:

- Elvis Martinez appeared in person to speak in favor of this ordinance

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

This Ordinance was assigned as 10737.

R6 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

This item was postponed to the August 12, 2024 agenda.

S. COUNCIL MEMBER CONFLICT OF INTEREST

Councilor Maestri was recused due to a conflict of interest.

T. COMMUNICATIONS

T1 A CITIZEN FILED AN ETHICS COMPLAINT AGAINST COUNCILOR REGINA MAESTRI

A staff report was given by Carla Sikes, City Attorney.

Councilor Gomez, seconded by Councilor Latino, moved to accept the communication.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Flores, Councilor Gomez. **Nays:** Councilor Latino. Motion Passed 4-1.

Councilor Gomez, seconded by President Aliff, moved to investigate the complaint.

Roll Call - **Ayes:** President Aliff, Councilor Gomez, Councilor Latino. **Nays:** Councilor Boston, Councilor Flores. Motion Failed 3-2.

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

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Flores. **Nays:** Councilor Latino, Councilor Gomez. Motion Failed 3-2.

Councilor Boston, seconded by Councilor Flores, moved to waive attorney-client privilege for the May 20th, 2024 executive session.

Roll Call - **Ayes:** Councilor Boston, Councilor Flores, Councilor Gomez, Councilor Latino. **Nays:** President Aliff. Motion Passed 4-1.

President Aliff, seconded by Councilor Gomez, moved to postpone this item to the August 12, 2024 agenda.

Roll Call - **Ayes:** President Aliff, Councilor Boston, Councilor Flores, Councilor Gomez, Councilor Latino. **Nays:** None. Motion Passed 5-0.

U. ADJOURN

President Aliff adjourned the meeting at 8:55 p.m.

Respectfully submitted,



Marisa Stoller
City Clerk