

The board met in regular session on Wednesday June 21, 2017 at 9:07 A.M.

Present were:

Sal Pace, Chair Pro-Tem  
Garrison Ortiz, County Commissioner  
Greg Styduhar, County Commissioner  
Peggy Pleasant, Clerk to the Board

Excused:

Terry Hart, Chair

*Commissioner Pace: Led the Pledge of Allegiance.*

*The minutes for June 12, 2017 were approved.*

*Commissioner Ortiz: Moved to approve the minutes for June 12, 2017.*

*Commissioner Pace: Confirmed motion and seconded. Seeing no objection, that passed unanimously.*

*The Agenda for June 21, 2017 was approved.*

*Commissioner Ortiz: Moved to approve the Agenda for June 21, 2017.*

*Commissioner Pace: Confirmed motion and seconded. Seeing no objection, that passed unanimously.*

### **PUBLIC COMMENTS**

*Harkin Lucero Jr., President, Native American Creative Services: Requested to know who is in charge of the Sangre de Cristo Arts Center because of an incident involving the Director and Mr. Catinella, owner of Franco's Bistro.*

*Commissioner Ortiz: Stated his name is Jim Richerson. Commissioner Ortiz said he spoke with Franco this morning regarding this incident. Mr. Lucero introduced Ms. Jessica Catinella who was in the chambers. Mr. Lucero voiced his concern over the treatment of a piece of his art by Mr. Richerson that had been placed in Franco's Bistro.*

*Ms. Catinella: Spoke on the incident that had taken place and hope the Commissioners look into it as well as Mr. Richerson's behavior.*

*Commissioner Ortiz: Thanked her for coming and spoke of his conversation with them this morning. He informed Mr. Lucero he represents the BOCC on the Arts Center Board and he was not aware that Franco's was closing, he had never heard that at any of the board meetings. He will certainly follow up with Mr. Richerson and apologized to Ms. Catinella for that experience. Ms. Catinella said they will lose thousands of dollars over the next couple of weeks because the parties they had scheduled were cancelled. She asked that Commissioner Ortiz get back to her. Commissioner Pace asked her to wait around after the meeting so they can talk with her about this.*

*Mr. Lucero: Commented that Fort Pueblo was not built by the Mexican people as they have posted but by Spaniards and Native Americans.*

### **COMMISSIONERS COMMENTS**

*Commissioner Ortiz: Commented on the article last Saturday regarding Shoplifters being moved to Douglas County due to overcrowding. The projected cost is \$110,000 to transport and house 10 inmates annually. The City and small businesses are stakeholders in the efforts of the Jail Task Force to resolve the overcrowding issues.*

*Commissioner Pace: Commented on the City's payment to Douglas County. He also commented on the PHEF Scholarship Ceremony held on Tuesday that had over 143 Students present to receive certificates for these scholarships along with their parents. He thanked Paris for putting it all together it was really well done.*

### **NO SPECIAL ISSUES OF PUBLIC INTEREST**

### **NO PROCLAMATIONS**

### **REPORTS**

*1. Pueblo County Clerk and Recorder Statement of Fees Collected – May 2017*

*Commissioner Ortiz: Moved to receive and file the Clerk and Recorder Report.*

*Commissioner Pace: Confirmed motion and seconded. Seeing no objection, that passed unanimously.*

### **CONSENT AGENDA ITEMS**

#### **CONTRACTS/RESOLUTIONS**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE CHANGE ORDER NO. 1 TO THE AGREEMENT BETWEEN H.W. HOUSTON  
CONSTRUCTION, LLC, AND PUEBLO COUNTY, COLORADO, FOR BUILDING RENOVATIONS AT 405 W.  
9<sup>th</sup> STREET, PUEBLO, COLORADO**

**WHEREAS**, Pueblo County, acting by and through the Pueblo County Purchasing Department, sought, received, opened, and reviewed original bid proposals for building renovation at 405 West 9<sup>th</sup> Street, Pueblo, Colorado; and

**WHEREAS**, by Resolution No. 17-060, dated February 22, 2017, this Board accepted the bid and approved the Agreement between H.W. Houston Construction, LLC, and Pueblo County for building renovation at the newly purchased building located at 405 West 9<sup>th</sup> Street in the amount of \$1,393,600.00; and

**WHEREAS**, due to unforeseen circumstances in the demolition process, the Pueblo County Facilities Department recommends a Change Order be entered into with H.W. Houston Construction for the building renovations in the amount of \$64,355.00; and

**WHEREAS**, this Board concurs with said recommendation and desires to enter into a Change Order to the Agreement with said firm H.W. Houston Construction, LLC, subject to the appropriation of funds for this expenditure by Pueblo County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that the Change Order No. 1 to the Agreement between H.W. Houston Construction, LLC, and Pueblo County, for building renovations at 405 West 9th Street, the terms and conditions of which are incorporated herein by this reference, is hereby approved and that the Chair of the Board of County Commissioners is authorized to execute said Change Order on behalf of Pueblo County. The officers, employees and agents of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution in accordance with Colorado law.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of June 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

BY: \_\_\_\_\_  
Terry A. Hart, Chair

**ATTEST:**

BY: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

**RESOLUTION NO. 17- 155**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING A SETTLEMENT AGREEMENT WITH  
MARTIN MARRIETTA MATERIALS, INC.**

**WHEREAS**; by Resolution No. 12-295, dated December 4, 2012, the Board of County Commissioners accepted the bid and approved the Agreement between Martin Marietta Materials, Inc., and Pueblo County for overlay with hot mix asphalt the DOT Road beginning at the end of the concrete roadway, paving east to the Pueblo Chemical Depot Access as part of the Federal Aid Project No. DAR C020-26 known as the Defense Access Road Project Phase 4 (the “DAR Project”); and

**WHEREAS**, the completed DAR Project did not meet the technical specifications of the Colorado Department of Transportation (“CDOT”) and CDOT called for imposition of disincentives which caused an overpayment by Pueblo County to Martin Marietta Materials, Inc.; and

**WHEREAS**, by Resolution No. 14-168, dated June 11, 2014, the Board of County Commissioners accepted the bid and approved the Agreement between Martin Marietta Materials, Inc., and Pueblo County for the Roundabout Project at N. Purcell Blvd. and E. Plateville Blvd. in Pueblo West, Colorado; and

**WHEREAS**, the Roundabout Project did not meet contract specifications and needed repair; and

**WHEREAS**, Pueblo County has negotiated a Settlement Agreement and Mutual Release with Martin Marietta Materials, Inc., that fully resolves the DAR Project and the Roundabout Project; and

**WHEREAS**, the Settlement Agreement and Mutual Release in this matter has been approved by the County Attorney’s Office and is recommended by the Engineering and Public Works Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that:

1. The Settlement Agreement and Mutual Release between Pueblo County and Martin Marietta Materials, Inc., the terms and conditions of which are incorporated herein by this reference, is hereby approved and the Chair of the Board of County Commissioners is authorized to execute said Agreement on behalf of Pueblo County.
2. The officers, employees and agents of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution in accordance with Colorado law.

**RESOLUTION NO. 17-155 (CONTINUED)**

**PASSED AND ADOPTED** this 21<sup>st</sup> day of June 2017, in Pueblo Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COLORADO**

By: \_\_\_\_\_  
Terry A. Hart, Chairman

**ATTEST:**

By: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

**NO ABATEMENTS**

**NO WARRANT CANCELLATIONS**

*Commissioner Ortiz: Moved to approve the Consent Agenda.*

*Commissioner Pace: Confirmed motion and seconded. Seeing no objection, that passed unanimously.*

**REGULAR AGENDA ITEMS**

**CONTRACTS/RESOLUTIONS**

**RESOLUTION NO. 17-156**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE SUBMISSION OF A 2017 GRANT APPLICATION TO THE  
COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND  
SECURITY AND EMERGENCY MANAGEMENT, FOR FUNDING THROUGH  
THE STATE HOMELAND SECURITY PROGRAM (SHSP)**

**WHEREAS**, the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management, announced the availability of funding for the 2017 State Homeland Security Program (SHSP) that provides funds to build emergency response preparedness capabilities at the State and local levels through planning, equipment, training, and exercise activities; and

**WHEREAS**, the Pueblo County Sheriff's Office, Emergency Services Bureau, on behalf of the Colorado South Region, desires to submit a regional grant application to the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management for FY 2017 State Homeland Security Program funding in the amount of \$210,492.00, to support ongoing initiatives to enhance the South Region's all-hazards emergency preparedness for homeland security and emergency operations planning; and

**WHEREAS**, this grant application requests program funding be dedicated to the following Baseline Projects:

Project 1: \$49,020.00 for the salary of a Homeland Security Coordinator. Said position is totally reliant upon grant funding for its continuance, and no funds have been appropriated by Pueblo County or required to be paid by Pueblo County for said position should grant funding be denied.

Project 2: \$6,250.00 to develop and enhance Interoperable Radio Communication systems.

Project 3: \$88,831.00 to increase the available rescue equipment to be used by first responders.

Project 4: \$8,659.00 to provide the City of Florence with an access control fence designed top channel or halt pedestrian or vehicle-borne traffic in order to protect the water intake plant for the City and the Federal Bureau of Prisons.

Project 5: \$38,000.00 for Emergency Operations Planning and Equipment.

Project 6: \$15,350.00 for Citizen Corp. Programs to aid in securing volunteer equipment and promote efforts to educate citizens to better understand the response capabilities of the community.

The South Region also intends to request funding for Maintenance and Administration in the amount of \$4,382.00; however, this is not a Baseline Project.

**RESOLUTION NO. 17-156 (CONTINUED)**

**WHEREAS**, this Board concurs with the recommendation of the Pueblo County Sheriff’s Office, Emergency Services Bureau, and desires to approve the submission of the regional grant application to the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management for FY 2017 State Homeland Security Program funding for the aforementioned purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that the submission of the regional grant application to the Department of Public Safety, Division of Homeland Security and Emergency Management, for FY 2017 State Homeland Security Program (SHSP) funding to Pueblo County for the South Region, the terms and conditions of which are incorporated herein by this reference, is hereby approved.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of June 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

By: \_\_\_\_\_  
Terry A. Hart, Chair

**ATTEST:**

By: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Greg Styduhar: Presented a brief background on this Resolution.*  
*Larisa Oringdulph, Sheriff’s Office: Introduced herself to the BOCC.*  
*Commissioner Ortiz: Requested an explanation of the job responsibilities and who would they report to.*  
*Ms. Oringdulph: Explained the job in detail.*  
*A question/answer session took place between the BOCC and Ms. Oringdulph regarding how they work with the other counties and what counties are involved.*

*Commissioner Ortiz: Moved to approve this Resolution.*  
*Commissioner Pace: Confirmed motion and seconded. Seeing no objection, that passed unanimously.*

**RESOLUTION NO. 17-157**

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE SUBMISSION OF AN ENERGY STAR APPLICATION CERTIFICATION FOR THE  
HISTORIC PUEBLO COUNTY COURTHOUSE**

**WHEREAS**, ENERGY STAR is a program of the United States Environmental Protection Agency (EPA), which is a trusted source of unbiased information and is the single most trusted environmental label in the United States. It’s the nation’s symbol for superior energy performance. In fact, more than 88 percent of Americans recognize the ENERGY STAR® logo when they see it. As the only environmental certification program that crosses platforms, the little blue label now appears on more than 70 types of products, over one million homes, and more than 28,500 buildings and plants; and

**WHEREAS**, the Pueblo County Facilities Department wishes to make application to certify the Historic Pueblo County Courthouse as an ENERGY STAR Certified Building and has completed the ENERGY STAR® Application, at no cost to the County, for submission to the EPA; and

**WHEREAS**, this Board desires that the Facilities Department submit the ENERGY STAR Application for certification of the Historic Pueblo County Courthouse, subject to the appropriation of funds for this expenditure by Pueblo County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that the submission of the ENERGY STAR Application for certification of the Historic Pueblo County Courthouse, the terms and conditions of which are incorporated herein by this reference, is hereby approved and that the Facilities Department is authorized to electronically submit said application on behalf of Pueblo County, Colorado.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of June 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

BY: \_\_\_\_\_  
Terry A. Hart, Chair

**ATTEST:**

BY: \_\_\_\_\_  
Gilbert Ortiz, County Clerk

*Weston Burrer, Project Manager, Facilities Department: Presented information regarding this Resolution.*

*A brief discussion took place between the BOCC and Mr. Burrer. Mr. Burrer explained the program stating the county building scored 85% out of 100. The solar panels and the new chiller has lifted us from 68% (2010) to 85%(2017).*

*A question/answer session took place between Commissioner Ortiz and Mr. Burrer regarding what county buildings are participating in this program. They discussed the award given for our accomplishments which was a very nice plaque.*

*Mr. Burrer noted because of the innovation of that chiller system they put in, they were given an Innovation & Energy Efficient award; only one other entity has received this award from TRANE.*

*Commissioner Pace: Moved to approve this Resolution.*  
*Commissioner Ortiz: Confirmed motion and seconded. Seeing no objection, that passed unanimously.*

*The next meeting will be Monday June 26, 2017.*

*Commissioner Pace: Moved to adjourn.*  
*Commissioner Ortiz: Seconded the motion.*  
*Commissioner Pace: Confirmed motion and second. Seeing no objection, that passed unanimously.*

Attest: \_\_\_\_\_  
Pueblo County Clerk and Recorder

By: \_\_\_\_\_