

## MINUTES

### PUEBLO AREA COUNCIL OF GOVERNMENTS

FEBRUARY 28, 2013

A meeting of the Pueblo Area Council of Governments was held on Thursday, February 28, 2013, in the Pueblo Regional Building Department's Conference Room at 830 North Main Street. The meeting was called to order by Mr. Michael Colucci, Chairman, at 12:16 p.m.

#### ROLL CALL

Those members present were:

Ed Brown  
Michael Colucci  
Michael Connolly  
Sandy Daff  
Nick Gradisar  
Ted Lopez  
Roger Lowe

Buffie McFadyen  
Eva Montoya  
Ami Nawrocki  
Steve Nawrocki  
Sal Pace  
Lewis Quigley

Those members absent were:

Terry Hart  
Chris Kaufman

Chris Nicoll

Also present were:

Joan Armstrong  
Sam Azad  
Peter Blood  
Michael Cuppy

Scott Hobson  
Dan Kogovsek  
Gilbert Ortiz  
Louella Salazar

#### AGENDA AMENDMENT

Chairman Colucci asked that Item Nos. 10 and 11 be switched in order to accommodate PACOG's guests.

#### CONSENT ITEMS:

Ms. Joan Armstrong, PACOG Manager, reported there were four items listed on the agenda under the Consent Items. She summarized the four Consent Items for PACOG.

Chairman Colucci asked if there were any other additions or amendments to the Consent Items or if any of the members or audience would like any of the items removed from the Consent agenda.

It was moved by Sandy Daff, seconded by Eva Montoya, and passed unanimously to approve the four Consent Items listed below:

- Minutes of January 24, 2013 Meeting;
- Treasurer's Report (Receive and file December 2012 and January 2013 Financial Reports);
- A Resolution Approving the FY 2013 Pueblo Area Council of Governments' Delegation Agreement for Regional Land Use Planning and Administration, and Authorizing the Chairperson of PACOG to Execute Same; and
- A Resolution Amending the Pueblo Area Council of Governments (PACOG) FY 2012-2017 Transportation Improvement Program (TIP) to Allocate 2013 Transportation Alternative Funds in the Amount of \$100,000 for the 4<sup>th</sup> Street Streetscape Transportation Enhancement Project and \$180,000 for the Multimodal Improvements Transportation Enhancement Project and to Allocate 2013 Transportation Enhancement Funds in the Amount of \$350,000 for the SH 96 (4<sup>th</sup> Street) Streetscaping Project and Directing the Urban Transportation Planning Division to Execute Said Amendment.

### **REGULAR ITEMS:**

#### **CHAIRPERSON'S REPORT:**

##### (A) Introduction of New PACOG Members

Chairman Colucci welcomed the new PACOG members: Ed Brown, City Councilman and Michael Cuppy, 2020 Commission Chairman.

##### (B) Lunch Appreciation

Chairman Colucci thanked the Salt Creek Sanitation District for providing lunch for today's meeting.

##### (C) March Meeting Date

Chairman Colucci stated the March meeting date will fall during spring break and he will not be in attendance. He stated Mr. Kaufman is Vice-Chairman and he wasn't sure if Mr. Kaufman would be able to attend the March meeting. He stated he did not know if there would be any items for this agenda.

Mr. Scott Hobson, MPO Administrator, reported there are two administrative notifications from CDOT, but those do not require approval of a resolution and they could be deferred to the April PACOG meeting.

Chairman Colucci asked PACOG if they would like to keep the March meeting on their calendar or just defer to the April meeting. Ms. Salazar stated if there are no items for the March meeting, she would send a cancellation notice.

### **MANAGER'S REPORT**

There was no Manager's Report.

PUEBLO BOARD OF WATER WORKS--SECTION 208 NOTIFICATION OF  
PROPOSED CHANGE OF PUEBLO RESERVOIR WATER QUALITY STANDARD

Ms. Joan Armstrong, PACOG Manager, stated the Pueblo Board of Water Works and Pueblo West Metropolitan District made presentations to the Environmental Policy Advisory Committee (EPAC) at its February 7, 2013 meeting. EPAC continued this item to its April 4, 2013 meeting in order to be able to read the documents and have a better understanding. At its April meeting, EPAC will give a recommendation to PACOG. The EPAC continuance led to continuance of the item to the April 25<sup>th</sup> PACOG meeting. The information was sent to the PACOG members early in order to allow adequate time to review the documents as well as the minutes from EPAC. In the meantime, the Pueblo Board of Water Works and Pueblo West Metropolitan District will be filing their statements to the Water Quality Control Commission in March. Both of their representatives continue to meet to work out solutions. These items will be on the April 25<sup>th</sup> meeting with presentations by both the Pueblo West Metropolitan District and Pueblo Board of Water Works. The April meeting may last a little longer than one hour, possibly from 1½ to 2 hours. It is requested that PACOG provide recommendations on these requests from the Pueblo Board of Water Works and Pueblo West Metropolitan District to the Water Quality Control Commission at its April meeting.

Chairman Colucci asked if EPAC would have a recommendation for PACOG prior to its meeting. Ms. Armstrong replied yes, noting EPAC would be meeting on April 4<sup>th</sup>.

Ms. Daff asked if EPAC has troubles making quorums at its meetings. Ms. Armstrong replied yes, noting there wasn't a quorum at its February 7<sup>th</sup> meeting. This is one reason why it was continued. Hopefully, in April, EPAC will have a quorum present. Chairman Colucci asked what happens if EPAC doesn't have a quorum in April. Ms. Armstrong responded she didn't believe for this type of item that PACOG needs a recommendation from EPAC. Mr. Greg Styduhar, City Attorney, responded that historically there have been problems with EPAC and its quorum. In fact, PACOG amended the EPAC bylaws last year to address the quorum issue. Unfortunately, despite addressing this issue, it wasn't effectuated at their last meeting. It is not mandated that EPAC consider the specific proposals that will be considered by PACOG in the April meeting. However, staff had provided the proponents of the water quality changes an opportunity to address those changes in front of EPAC. Even if there is no EPAC quorum, PACOG can proceed in April.

Mr. Gradisar questioned if there is no quorum of EPAC in April, if they would be able to send a letter. He stated he is interested in what EPAC has to say after they have looked at the documents. Mr. Styduhar answered the interpretation of the bylaws for EPAC would be that they cannot take official action without a quorum. A letter from the EPAC chairwoman indicating they did not get a quorum and could not take official action would suffice. He stated the different parties on the proposals will be at the April meeting presenting evidence and testimony.

Mr. Nawrocki wondered if PACOG appoints the members to EPAC and if there is any way to fix the quorum issue. Mr. Kogovsek replied the EPAC appointments are made by PACOG. He suggested making this a discussion item for the next PACOG meeting to ask them to come and make recommendations on resignations, terminations, or new appointments. PACOG could pass a resolution making those appointments. Mr. Nawrocki asked that this be placed on the next agenda. Chairman Colucci asked the size of the group. Mr. Styduhar

replied there are spaces for 12 individuals, but currently there are seven appointed members and five members constitute a quorum. Mr. Nawrocki stated may be PACOG needs to appoint more people. Ms. Salazar replied part of the problem is every time appointments are advertised no one applies and the same individuals remain on EPAC. Staff has tried different methods to obtain new members, but have been unsuccessful. She asked for suggestions on how to obtain members. Mr. Quigley recalled recruiting new EPAC members has always been a problem. Mr. Nawrocki replied if PACOG is required to have an EPAC group. Mr. Kogovsek replied it is in the bylaws. Mr. Connolly questioned if there is anything in the bylaws regarding attendance requirements. Ms. Salazar responded the bylaws were changed to allow members to have excused absences, which was done in order to retain members. Ms. Daff stated on the Pueblo Human Relations Commission there is no such thing as excused absences. If you miss two meetings you are asked to evaluate your appointment and after the third miss you are gone. She suggested placing the advertising and application on the City's website.

Mr. Lowe asked what EPAC does. Mr. Styduhar responded that the Environmental Policy Advisory Committee is mandated by Federal law, specifically Environmental Protection Agency regulations. Whenever PACOG engages in any activity which involves Federal funds, the Federal regulations mandate that PACOG get public input; EPAC is that public input. The regulations govern the composition of EPAC, as well as its duties. Mr. Lowe asked if they are involved in the environmental impact of this particular issue. Mr. Styduhar replied it is usually issues which involve any type of environmental issue, which further involves Federal funding. For example, EPAC involvement with the Section 208 Water Quality Management Plan was mandated.

Chairman Colucci asked about the composition of EPAC. Mr. Styduhar replied the composition is broken down into four representative groups. He stated, historically, this has been the problem with finding four individuals from each representative group to cover the correct composition. He stated one could probably find 12 citizens throughout the community that are willing to be on EPAC, but there are four specific groups which have to be represented. Ms. Daff asked what the four groups are. Mr. Styduhar responded that one group is those individuals who are interested in the project because of economic reasons. The second group is the private citizens group. The third group is categorized as public officials. The last group is representatives from public interest groups. There are few members who are ex-officio based upon their government affiliation.

Mr. Nawrocki suggested staff look into EPAC and come back at the next meeting with recommendations.

PUEBLO WEST METROPOLITAN DISTRICT'S DRAFT EVALUATION OF DEFAULT INTERIM STANDARD OF 5 µG/L "CHLOROPHYLL A" FOR PUEBLO RESERVOIR

See discussion under Pueblo Board of Water Works--Section 208 Notification of Proposed Change of Pueblo Reservoir Water Quality Standard.

PUEBLO WEST METROPOLITAN DISTRICT'S NOTIFICATION OF PROPOSED  
CHANGES TO MIDDLE ARKANSAS SEGMENTS

See discussion under Pueblo Board of Water Works--Section 208 Notification of Proposed Change of Pueblo Reservoir Water Quality Standard.

TRANSPORTATION COMMISSIONER'S REPORT

Ms. Deborah Perkins-Smith, Director of Transportation Development for the Colorado Department of Transportation, made a presentation on the Responsible Acceleration of Maintenance and Partnerships (RAMP) Program. A handout was distributed to the members. Recently, the State Transportation Commission announced that it is changing its methods on how to budget and expend funds. Based on this, CDOT is going to a system which is being used by other states. With the new computer system and software, CDOT is allowed to keep track of its expenditures through this expenditure based program. This program has \$300 million per year in it for the next five years. In the past, if you had a project that was \$10 million in year one, you may have had to set aside \$5 million in year two, etc. to construct the project. You had to wait until all the money was in the bank before you could construct it. Now, based on what the Transportation Commission has approved, you can spend \$2 million the first year and \$8 million the second year. You would not have to wait until the third year until you have all the money. Based on this, CDOT has money where it can advance projects now and start these projects using some of the money which they have been saving over time for the projects. There are two programs within the RAMP Program. Program 1 is Asset Management and Operational Improvements (i.e., maintenance). Most of the programs within Program 1 include surface treatment, bridge, culverts, tunnel, rockfall mitigation, buildings, roadway equipment, etc. CDOT has different programs which identify the projects Statewide which need to be done next. Through those programs, CDOT is going to start advancing some of the projects. Within the operational improvements category, CDOT will be taking applications in terms of projects that can be operational improvements. There is an opportunity for PACOG to work with CDOT-Region 2 (Tom Wrona) to forward some operational improvements projects. Program 2 is the Transportation Partnership Fund, noting the categories include public-private partnerships and public-public partnerships. With both of these, CDOT is seeking to leverage funds to address critical needs throughout the State and its highway system. For the public-public partnerships, CDOT is asking for a target of 20% match on those projects. The idea is to leverage funds throughout the State. This match could be other State dollars or local dollars. To be submitted for consideration as a potential project, the following eligibility criteria must be met: (a) the project can be constructed/implemented within five years (December 2017); (b) the project is consistent with Long-Range Statewide Transportation Plan and CDOT policies; (c) on-system improvements projects only (i.e., on a State highway system) or integrated with State highway system (not applicable to Asset Categories: Facilities and Roadway Equipment); and (d) must be able to provide sufficient information on the additional eligibility and evaluation criteria. Mr. Pace asked what is meant by integrated with the State highway system. Ms. Perkins-Smith replied the community may have something where there might be a local road in a State highway and they are coming together, and it could be where that improvement on that road helps that piece of the on-system highway. Mr. Pace asked what if it is taking a load off a State highway. Ms.

Perkins-Smith replied they might consider that, but the idea was that it would be more interfacing with it, so it would probably depend on the specific application.

Ms. Perkins-Smith stated there is \$300 million a year for this program and it is a Statewide program. There is a project selection process. It is two-step application process. The first one is pre-application and the idea is you provide some basic information on the pre-application that identifies what the project is and if it needs a match how you can do that. This is submitted to the region or Region 2 in Pueblo. A review of the pre-applications will be completed to determine if the project meets the eligibility criteria. CDOT will determine the projects that will be selected to submit a more detailed application. CDOT decided to go through the two-step process so you have an idea of whether or not the project would be eligible before you put a lot of work into it. There would then be a Statewide selection based on the detailed evaluation criteria. CDOT anticipates having the pre-application available on Monday, March 4th on the CDOT website. CDOT is asking that they be submitted to them by May 1<sup>st</sup>. There will be a process where those will be evaluated. By mid-summer, the projects that make it through the pre-application screening will need to submit a detailed application.

Mr. Azad asked if the 20% is cash or could it be in-kind. Ms. Perkins-Smith replied they are limiting in-kind to right-of-way and design. If PACOG would like more information, there are some links in the document pertaining to CDOT web pages.

Ms. McFadyen asked if she meant the actual property right-of-way. Ms. Perkins-Smith replied yes. Ms. McFadyen asked if this meant utilities right-of-way. Ms. Perkins-Smith stated if you have moved utilities and it is possibly in-kind, then they would look at it and see if it is eligible.

Ms. Daff asked who is on the selection committee. Ms. Perkins-Smith replied the committee is CDOT and staff. With the pre-applications, the different transportation regions will be evaluating them and then send them to headquarters. They will then be reviewed by the chief engineer, as well as the chief financial officer, to make sure that the funding source (i.e., the local match) is possible. Once you get to the detailed application, there is a technical review committee at CDOT. Ms. Daff asked if the City and County want to go together on a pre-application if that would be more favorable. Ms. Perkins-Smith replied on some places in the criteria they ask for support from local agencies and felt that would be helpful. The regional transportation districts will help with any inquiries. Mr. Wrona stated it is their intention to hold a workshop. He stated PACOG can decide which staff should attend this workshop and talk about the projects. Mr. Nawrocki asked if these are only State highways. Mr. Wrona responded for the most part, noting it could be an intersection where a local and State highway meet.

Ms. McFadyen felt we are in a fortunate situation to utilize the State Chief Engineer who used to be Pueblo's Region 2 Director. We need to remind the State that there has been a 12-year hiatus in getting stuff done in Pueblo. Mr. Wrona stated at the risk of fielding some negative comments, he would like to "plug in" for the resolution of support from the City Council and PACOG on the new Pueblo freeway. He stated the environmental impact statement needs to be finalized so that we can move forward with funding construction projects. There is an opportunity here which doesn't come very often. Ms. Perkins-Smith added one of the criteria is it is supposed to be constructed within five years. If you are

into a NEPA process, you are in a good position. Other places may have projects they are thinking of, but if they haven't started the NEPA process there is no way they are going to meet that five-year timeframe. Pueblo is in a good position because it is already there. Ms. Daff asked if a formal request had been made to the City Council. Mr. Wrona replied he believed it was done after the CDOT presentation, which was made to PACOG several months ago.

Chairman Colucci asked if there needs to be a letter from PACOG or just the City. Ms. Karen Rowe from CDOT responded they wrote a resolution in support and submitted it to the City in December. It has gone to the City Planning and Zoning Commission, who approved it by a majority vote. The resolution of support for the new Pueblo freeway project will be going to City Council on March 11<sup>th</sup>. Once the City Council approves it, CDOT plans to bring it before PACOG. Ms. Salazar asked if support is also required from the County Commissioners. Ms. Rowe replied CDOT felt only the City, since the project will be going through the City. It will then be brought to PACOG, who has representation from the various entities. Mr. Azad asked if it is a generic letter supporting the project and not specifically funding. Ms. Rowe replied yes. Ms. Daff asked if CDOT has a different intent than the resolution of support or do you want a letter of support which specifically states we support the project. Ms. Perkins-Smith stated there are two different issues. If you are asking about the RAMP Program, what Mr. Wrona was referring to was a letter specifically for the new Pueblo freeway project, then for the RAMP project you can provide letters of support for any applications submitted.

Mr. Nawrocki stated you have jumped from RAMP to the interstate since that has nothing to do with the RAMP program. Mr. Wrona answered the RAMP program can be a source of funding for different projects within the I-25 corridor project. He stated the RAMP program provides the funding to allow these projects to move forward much sooner than they would have normally. Mr. Nawrocki stated when he specifically asked before is it State highways, noting wherever a State highway intersects with an interstate that is where it could be put. Mr. Wrona responded it can be on any State highway or the interstate. He stated he was sorry for the confusion, but interstate and State highways are the same to CDOT.

Ms. Daff stated she understood this will be coming before City Council on March 11<sup>th</sup>. She stated three of the seven Council members will be gone. She stated she would like to provide input, and asked if it could be moved until March 25<sup>th</sup>. Mr. Nawrocki, who is the City Council President, replied yes. Mr. Azad asked if CDOT could wait two more weeks. Mr. Wrona replied that is no problem.

Ms. McFadyen stated getting the blessing of the City Council doesn't have to be done in two weeks, but it certainly helps us get a record of decision and helps complete the environmental impact statement so that we can be in the running for the RAMP money. Mr. Wrona replied yes. Ms. McFadyen stated it is \$300,000 million a year for five years and she is hoping Pueblo gets at least \$10 million per year or possibly more. She stated if getting the blessing from the City Council and PACOG is critical for CDOT to be able to fund the program. Mr. Wrona responded yes, noting it is better for us to be ready for any funding coming our way in order to take advantage of the opportunity.

MPO STAFF REPORT

(A) Administrative Notification

Mr. Scott Hobson, MPO Administrator, reported there is one administrative notification. It is funding in the amount of \$690,542 from the State FASTER Bridge Fund to continue design of the replacement of the Ilex Bridge on I-25. This is continuing funding to be able to design and implement the replacement of the Ilex section of I-25.

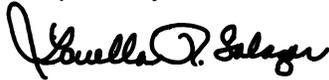
(B) STAC and State MPO Update

Mr. Hobson reported the Transportation Advisory Committee will be meeting and reviewing the RAMP program. There will be a discussion of potential projects that each of the entities might see what could fit the criteria for submission to CDOT. Any of those potential projects will be reviewed with the entity responsible for it. For example, if it is a City project, it would go before City Council. For the County, it would go to the Board of County Commissioners. There might be some potential projects out in Pueblo West as well.

ADJOURNMENT

There being no further business before PACOG, the meeting was adjourned at 12:57 p.m.

Respectfully submitted,



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Louella R. Salazar  
PACOG Recording Secretary

LRS