

ALAMOSA CITY COUNCIL  
Wednesday May 5, 2010  
Minutes of the Meeting

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Kathy Rogers at 7:00 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Rogers, Councilors Greg Gillaspie, Charles Griego, Rusty Johnson, Josef Lucero, and Leland Romero. Councilor Marcia Tuggle previously requested to be excused. A quorum was declared. Also present: City Manager Nathan Cherpeski, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

AGENDA APPROVAL. It was moved by Councilor Griego and seconded by Councilor Gillaspie to approve the agenda as presented and to excuse Councilor Tuggle. On the roll call the vote was ayes six, nays none. The motion carried.

CITIZEN COMMENT

A. Audience Comments

Don Thompson thanked the City for pedestrian-friendly street work.

Leon Moyer:

- Objected to the lack of public restrooms.
- Asked Council to cancel the upcoming retreat, objecting to use of public money in this manner.
- Objected to spending public money for meals, such as the recent breakfast meetings with the school district and Adams State College; and pizza served at board meetings.
- Objected to the internet crimes grant, saying that this is a misuse of public funds and believes that the Police Department will be enticing participants.

B. Follow-Up

Mayor Rogers responded to the retreat issue, saying that Council is very frugal in planning its retreats. One retreat each year is held here in City Hall. The longer retreat involves working full days until late in the evening.

CEREMONIAL ITEMS

A. Proclamation – Historic Preservation Month May 2010

Mayor Rogers read the proclamation and presented it to Tawney Becker and Rhonda Borders, who described upcoming events.

CONSENT CALENDAR A. It was moved by Councilor Griego and seconded by Councilor Johnson to approve Consent Calendar A as presented. On the roll call the vote was ayes six, nays none. The motion carried. Items: Minutes of Regular Meeting April 21, 2010.

REGULAR BUSINESS

A. Presentations from Outside Agencies

1. USDA Rural Development Home Ownership Program. Ty Coleman presented the Direct Home Loan program to assist buyers who currently do not own a home.
2. SLV Museum Request for Funding

Dorothy Brandt presented a request for immediate funding to complete Phase II of the construction. At the last meeting, she had indicated that her request would be \$20,000. Since that time, Temple Buell provided \$5,000, so the request is now for \$15,000.

Council requested a more complete accounting of what the funds would be used for, and expressed concern regarding limited funds available for many needs.

It was moved by Councilor Gillaspie and seconded by Councilor Griego to table action on this item until the next meeting to allow Ms. Brandt to provide a more complete accounting for use of the proposed funding. On the roll call the vote was ayes six, nays none. The motion carried.

B. Board/Commission Business

1. Ranch Board Update

John Brownell reviewed the written update provided by the Ranch Board.

2. Creation of Levee Task Force

At the recent levee forum, it was suggested that the City create a citizens task force to examine the issues related to compliance with the Army Corps of Engineer's levee regulations and its impacts to the community.

Council agreed by consensus to pursue a task force and to continue discussions to develop direction for the group and the appointment process. Pete Magee offered to provide Council with an outline of ideas.

C. Business Brought Forward by City Staff

3. Police

a. Accept Internet Crimes Against Children Grant

Chief John Jackson described this grant that would allow the Police Department to partner with host agency Colorado Springs Police Department toward internet crime investigations. This is a \$9,000 grant and requires no matching funds. It would purchase hardware and software to be used for investigation and preparation for prosecution; and for training of one officer.

It was moved by Councilor Romero and seconded by Councilor Gillaspie to accept the grant and participate in the Internet Crimes Against Children task force. On discussion, Chief Jackson responded to a question from Council and further described the specialized laptop needed. On the roll call the vote was ayes six, nays none. The motion carried.

E. Committee Reports

Councilor Johnson reported on Arbor Day activities.

Councilor Griego reported that the Economic Development committee meeting, saying that the downtown project is moving forward.

Councilor Gillaspie reported that the Library Board met last week. The need for a larger library is very apparent.

Councilor Romero reported on the ASC breakfast meeting.

F. Staff Announcements

Mr. Cherpeski updated Council on construction projects, including streets waterline, and water tower work.

Counselor Schwiesow told Council of the need for a special meeting in order to have a medical marijuana ordinance in place prior to expiration of the current moratorium. Council agreed by consensus to hold a special meeting on May 12, 2010 at 5:30 p.m. to conduct the first reading of the ordinance, with a public hearing planned for May 19.

Counselor Schwiesow reminded Council that he will not be at the June 2 meeting. This meeting's agenda will include all the actions needed for the next step in the referendum process regarding the city complex financing ordinance, including all the election items if appropriate. Council agreed that Helen Sigmund could serve as counsel for this meeting.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Consent Calendar B

It was moved by Councilor Gillaspie and seconded by Councilor Romero to approve Consent Calendar B as presented. On the roll call the vote was ayes five, nays none. Councilor Griego abstained as the spouse of a liquor license holder. The motion carried. Items:

- B. 1. Club License Renewal – Knights of Columbus
- B. 2. Special Events Permit – Kiwanis, Ride the Rockies 6/18/10
- B. 3. Special Events Permits – Knights of Columbus 6/26/10 7/17/10 8/7/10

B. Liquor Licensing Items

4. Public Hearing – Ordinance No. 6, 2010, An Ordinance Amending Chapter 10 Article II of the City of Alamosa Municipal Code Authorizing Tastings at Retail Liquor Stores and Liquor-Licensed Drugstores.

Mayor Rogers opened the hearing at 9:17 p.m. and asked for those wishing to speak.

Leon Moyer spoke in opposition, citing concern about drunk driving and encouraging more drinking. He believes that customers already know what alcohol tastes like.

Dennis and Cheryl O'Dowd, owners of Beer Keg Depot, demonstrated portion sizes. They said that one goal of offering tastings is to capture business that is currently going out of the Valley. The intent is not to give away product.

They asked that Council consider the full allowable number of days per year, and assured that tastings would be operated completely in compliance, including TIPS training.

Councilor Romero asked how offering alcohol tastings might impact a marijuana dispensary wanting to offer tastings of marijuana to customers. Mr. and Mrs. O'Dowd did not offer a response, but Counselor Schwiesow clarified that these are separate issues and one would not impact the other.

There being no one further wishing to speak, the hearing closed at 9:28 p.m.

Council debated reducing the number of days allowed annually. Ms. Egbert clarified that state-approved server training is mandatory under state law.

It was moved by Councilor Gillaspie and seconded by Councilor Johnson to finally adopt Ordinance No. 6, 2010. On discussion, Councilor Romero clarified that the motion was to include the number of days as presented. On the roll call the vote was ayes three (Gillaspie, Johnson, Rogers), nays two (Lucero, Romero). Councilor Griego abstained as the spouse of a liquor license holder.

Ms. Egbert asked for legal clarification on the result of this vote. After consulting the Charter, Counselor Schwiesow gave the opinion that the Charter requires four affirmative votes to adopt an ordinance. The motion failed.

It was moved by Councilor Johnson to finally adopt Ordinance No. 6, 2010 with an amendment to restrict the number of days per year to 85. The motion died for lack of a second.

It was moved by Councilor Lucero and seconded by Councilor Gillaspie to finally adopt Ordinance No. 6, 2010 with an amendment to restrict the number of days per year to 24. On the roll call the vote was ayes two (Lucero, Gillaspie), nays three (Johnson, Romero, Rogers). Councilor Griego abstained as the spouse of a liquor license holder. The motion failed.

It was moved by Councilor Gillaspie and seconded by Councilor Lucero to finally adopt Ordinance No. 6, 2010 with an amendment to restrict the number of days per year to 50. On the roll call the vote was ayes four (Johnson, Lucero, Gillaspie, Rogers), nays one (Romero). Councilor Griego abstained as the spouse of a liquor license holder. The motion carried.

#### 5. Request for Show Cause Hearing – Othello's.

Chief Jackson gave an overview of the continuing and escalating disturbances at Othello's. The letter provided to Council was written on April 20. On April 18, there was a typically large fight, resulting in assault of police officers and an arrest for inciting a riot. This has been a continuing pattern, requiring all police resources on Friday and Saturday nights, including reinforcements from the Sheriff and State Patrol.

Other bars that have had issues have responded to conversations and have been corrected. Most problems can be categorized into criminal activity or quality of life issues. Criminal activity includes assaults and theft; quality of life includes underage consumption, public urination, etc.

Last weekend's fight resulted in very serious injuries, requiring flight for life services for the victim.

Chief Jackson presented data regarding the number of reports at all four bars since June. The Purple Pig has had zero incidents. The Office has had two criminal incidents, neither one fights. Weekends has had eight criminal incidents, five of which are thefts from vehicles, and the remaining ones resisting arrest or assaults. Othello's has had eighteen incidents that include twelve assaults and one attempted homicide. He described working with the owner, who has responded positively for short periods of time.

Chief Jackson asked that Council move quickly to call for a hearing to show cause why the license should not be suspended or revoked.

It was moved by Councilor Gillaspie and seconded by Councilor Johnson that evidence exists to set a Hearing to Show Cause for the license issued to Othello's LLC, and that the hearing be

set for May 26, 2010 at 7:30 p.m. On the roll call the vote was ayes five, nays none. The motion carried.

#### COUNCIL COMMENT

Councilor Lucero commented that the signs on the Ranch trail entrances need rejuvenated.

In response to a question from Council, Mr. Cherpeski said that he would check the status of the Special Improvement District on Ross.

#### EXECUTIVE SESSION Pursuant to C.R.S. §24-6-402(4)(a) to Discuss Real Property Acquisition

It was moved by Councilor Romero and seconded by Councilor Gillaspie to enter into Executive Session (9:58 p.m.) pursuant to C.R.S. §24-6-402(4)(a) to discuss real property acquisition. On the roll call the vote was ayes six, nays none. The motion carried.

When back in Regular Session, Mayor Rogers confirmed that the Executive Session was held solely for the stated purpose.

ADJOURNMENT. The meeting adjourned immediately following the Executive Session.

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Judy A. Egbert, City Clerk

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Kathleen J. Rogers, Mayor