

ALAMOSA CITY COUNCIL  
Wednesday, June 2, 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 7:02 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Rogers, Councilors Greg Gillaspie, Charles Griego, Rusty Johnson, Josef Lucero, Leland Romero, and Marcia Tuggle. A quorum was declared. Also present: City Manager Nathan Cherpeski, Acting City Attorney Helen Sigmund, and City Clerk Judy Egbert.

AGENDA APPROVAL. Ms. Egbert corrected Item 8.b. to reflect an address of 509.5 Third Street. It was moved by Councilor Griego and seconded by Councilor Romero to approve the agenda as amended. On the roll call the vote was ayes seven, nays none. The motion carried.

CITIZEN COMMENT

A. Audience Comments

Leon Moyer:

- Questioned the purchases proposed under the Fire Department Grant
- Believes that the ADA plan is a waste of money
- Submitted documents showing former appraised value of the property acquisition item, and objected to the golf course donation.

Ruth Brown:

- Said that she resented being referred to as the “angry trio” in the context of her, Mike Gibson, and April Gonzales.
- A police officer referred to the petition signers as a “few disgruntled people” on KENY.
- She agreed with Mr. Moyer in concern about the retreat being held out of town, and suggested recording the retreat.
- She also questioned lunches, asking if an employee were to attend a civic organization whether or not the City would pay for their lunch.

Marci Lierly invited Council to the Habitat Builds Colorado Day June 12; and the Bike to Build fundraiser on July 24.

Kris Steinberg encouraged Council to continue to move forward with City complex facility.

B. Follow-Up

In response to the trail accessibility brought up at a prior meeting, Mr. Cherpeski reported that the opening had been moved and a ramp is being planned.

CEREMONIAL ITEMS

A. Introduction of New Police Officers, Jenna Bowman and Brendan Pichon. Council welcomed these two new officers.

CONSENT CALENDAR A

The compressor included in the Fire Department grant is a large piece of equipment used to fill the breathing apparatus. The grant was initially intended to be used for the ladder truck.

However, this change is needed due to a miscommunication in Washington DC. The requirement is that the money be used to support equipment operations center.

The ADA plan was required to be in place by 1995 and renewed every 5 to 7 years. This is to be conducted by a third party.

It was moved by Councilor Griego and seconded by Councilor Tuggle to approve Consent Calendar A as presented. On the roll call the vote was ayes seven, nays none. The motion carried. Items:

- C. 6. a. Approve Change to Fire Grant
- C. 7. a. Minutes of Regular Meeting May 19, 2010
- C. 8. e. Authorize Staff to Enter into Contract for ADA Plan Completion

## REGULAR BUSINESS

### B. Board/Commission Business

#### 1. Appoint Members

Ballots were cast, with the following results:

HPAC. Two seats available, Don Thompson is the sole applicant. Mr. Thompson received the most votes.

Personnel. One Alternate seat available, Del Gay is the sole applicant. Mr. Gay received the most votes.

Planning Commission, Alternate position. Don Martinez is the sole applicant. Mr. Martinez received the most votes.

Ranch Board, two seats available. Applicants are Ted McNeilsmith, Tom Bobicki, William Joslin, and Ericha Loosbrock. Ted McNeilsmith and Tom Bobicki received the most votes.

Recreation Board, three seats available. Applicants are Valerie Hagedorn, Diamond Mobbley, Peter De la Cerda, and Mandi Peirce. Diamond Mobbley, Mandi Peirce, and Peter de la Cerda received the most votes.

It was moved by Councilor Lucero and seconded by Councilor Johnson to make board appointments based on the ballots cast. On the roll call the vote was ayes seven, nays none. The motion carried.

### C. Business Brought Forward by City Staff

#### 1. Public Works

- a. Public Hearing – Ordinance No. 11, 2010, An Ordinance Renaming Park Court

Mayor Rogers opened the public hearing at 7:33 p.m. and asked for those wishing to speak on this ordinance. There being none, the hearing closed at 7:34 p.m.

Councilor Griego reiterated his desire expressed at the previous meeting to name the street after a local person.

It was moved by Councilor Gillaspie and seconded by Councilor Romero that Ordinance No. 11, 2010 be finally adopted. On the roll call the vote was ayes six (Lucero, Romero, Tuggle, Gillaspie, Johnson, Rogers), nays one (Griego). The motion carried.

### 3. Police

a. Public Hearing – Ordinance No. 5, 2010, An Ordinance for the Regulation of Traffic by the City of Alamosa, Colorado; Adopting by Reference to 2010 Edition of the “Model Traffic Code”, Repealing all Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof.

Mayor Rogers opened the public hearing at 7:38 and asked for those wishing to speak on this ordinance.

Leon Moyer objected to noise limits as specified in CRs § 25 -12-106; the changes in the moped laws and electric powered bicycle laws. He said that we do not have enforcement, and these laws are unnecessary. He also questioned the difference in parking distance from the curb, with angle parking required at 6 inches and parallel at 12.

Dan McCann stated that he had received a parking ticket for parking more than 12 inches from the curb. He called the police when one of his cars had been hit, and received a ticket for another car.

There being no one further wishing to speak, the hearing closed at 7:42 p.m.

Council discussed the prohibition of bicycles on sidewalks in the downtown area, and also the need for some of the less mainstream portions of the code.

Staff reminded Council that the 2009 edition that the City has currently has numerous errors and it is important to adopt the corrected edition. Some of the concerns mentioned are not contained in the Model Traffic Code, but rather in other state law titles or in other city ordinance sections.

It was moved by Councilor Griego and seconded by Councilor Gillaspie that Ordinance No. 5, 2010 be finally adopted. On the roll call the vote was ayes seven, nays none. The motion carried.

### 7. City Clerk/Municipal Court

a. Reconsideration of Ordinance No. 4, 2010 and Consideration of Setting a Referendum Election on Ordinance No. 4, 2010

On March 17, 2010, the City enacted Ordinance No. 4, 2010, which approves use of a lease purchase method of financing utilizing a site lease and lease back for a new municipal complex for housing the library, police, fire department, and city hall facilities. On April 16, 2010, a referendum petition to repeal Ordinance No. 4, 2010 was filed and later deemed sufficient. State law provides a 40-day protest period, which ended on May 26, 2010, with no protests filed. The next action required of Council is to consider repealing the Ordinance, or choose to schedule an election.

Ordinance No. 12, 2010 repeals Ordinance No. 4, 2010; Resolution No. 7, 2010 calls the election, including setting the ballot title and entering into the IGA with Alamosa for conduct of the coordinated election.

Council discussed the financial implications if the ordinance were to be upheld at election. The interest rate will be higher than the 4.36% initially available. The low bidder is willing to negotiate a price, but is expected to be higher than the initial bid. If the City is not financially able to move forward, other options would be considered. And if the election results in repeal of the ordinance, these same options would be considered. One option is the use of modular buildings on the same site as the proposed new construction. This would house City Hall, allowing Police to move into the existing building currently occupied by City Hall. A modular is not capable of structurally housing the library, so it would remain where it is.

It was moved by Councilor Romero and seconded by Councilor Johnson to adopt Resolution No. 7, 2010. On discussion, Councilor Romero stated that he hoped the people who signed the petition understand the financial burden placed on the City, and that they would be willing to donate to share the increased cost. On the roll call the vote was ayes seven, nays none. The motion carried.

#### 8. City Manager/Legal

##### a. Public Hearing Ordinance No. 10, 2010, An Ordinance Amending Article VIII of Chapter 10 of the Code of Ordinances of the City of Alamosa, Colorado, to Allow for the Renewal of Transient Dealer's Licenses for Food and Beverage Vendors and to Allow More than One Individual to Operate Under a License So Long As Operating in the Same Location

Mayor Rogers opened the public hearing at 8:06 p.m. and asked for those wishing to speak on this ordinance.

Leon Moyer favored a longer term than 180 days. Staff clarified that this ordinance is intended for transient use; a mobile vendor conducting year-round operations would be licensed under a different license. This ordinance simply adds the allowance for renewal of the current 14-day license.

Linda Pardue, owner of Tastees, described her mobile hot dog cart. She is set up at the northwest corner of Fourth and State and doesn't plan to move a lot. She is also interested in parking on City property during special events. She was in favor of extending the current 14 days, but would like to operate longer than 180. She clarified that hers is not a transient business.

Friend Darr, Tastees partner, said that there are contradictions within the definitions section of the ordinance. There are three definitions but only means for one. This needs to be cleaned up. There is no permit specifically for a peddler, and his business does not fit the definition of a transient business. Many cities have specific spots where vendors are allowed, and limit vendors by either assigned times or first-come-first-served. Having too many vendors in one area creates problems.

Alfred Petros asked if the ordinance allows adjustment to the product sold by season, or of it required a separate license.

There being no on further wishing to speak, the hearing closed at 8:16 p.m.

Staff clarified that food vendors do require a state health inspection, and must have a commercial kitchen or cart that meets commercial standards.

Mr. Cherpeski noted that the only thing this ordinance changes is adding the ability to renew the 14-day license. This was an attempt to create a quick fix for that portion, and there may be other areas that need additional amendments. This ordinance does not address locating on City property, which is currently not allowed except as part of an organized event.

Council asked Mr. Cherpeski to research options for allowing vendors on public property, and expressed concern with mobile vendors competition with traditional businesses.

It was moved by Councilor Lucero and seconded by Councilor Tuggle to finally adopt Ordinance No. 10, 2010. On the roll call the vote was ayes five (Gillaspie, Johnson, Lucero, Tuggle, Rogers), nays two (Griego, Romero). The motion carried.

b. Property Purchase, 509.5 Third Street, Parcel #541310102010

Mr. Cherpeski displayed the location of this property next to the Police training center. Two appraisals were conducted. The City would pay the higher appraisal of \$60,000, with the seller agreeing to donate back \$10,000 to the City for planned improvements at the Golf Course, specifically updating the front nine water system with a variable speed controller for the pumps. The City will pay for the survey and half the closing costs. The net impact to the City is the same as paying the original offer of \$50,000.

This property is attractive because it allows expansion and enhancement of Cole Park, and can be used for a proposed skate park. Council Johnson added that the skateboard participants favored this location during an earlier public forum.

Mayor Rogers disclosed that her daughter dates Preston Porter, the real estate agent brokering this deal. She asked Counselor Sigmund if this created a conflict of interest. Counselor Sigmund advised that it did not.

It was moved by Councilor Romero and seconded by Councilor Gillaspie to approve the purchase agreement for 509.5 Third Street in an amount of \$60,000. On the roll call the vote was ayes seven, nays none. The motion carried.

c. Resolution No. 9, 2010, A Resolution Adopting the Attached Policy Amending Policy 301 Public Funding Guidelines.

The proposed change to this policy arose as a result of discussion at the recent retreat. The amendment limits the timing when Council would consider requests and amends the maximum from \$25,000 to \$20,000. The request period is that already structured during the budget cycle.

Council discussed various options, including budgeting additional funds in anticipation of out-of-cycle requests; taking out-of-cycle requests from contingency funds; and not accepting out-of-cycle requests. As drafted, the policy does not allow out-of-cycle requests.

It was moved by Councilor Gillaspie and seconded by Councilor Romero to adopt Resolution No. 9, 2010. On the roll call the vote was ayes seven, nays none. The motion carried.

d. Resolution No. 8, 2010, A Resolution Making Supplemental Appropriations and Authorizing Expenditures in Excess of Amounts Budgeted for the City of Alamosa in Ordinance No. 11, 2009 and Known as the 4<sup>th</sup> Budget Amendment.

This amendment accommodates funding for the SLV Museum, the pass-through grant for La Puente, property acquisition, and fiber optic upgrade.

It was moved by Councilor Griego and seconded by Councilor Lucero to adopt Resolution No. 8, 2010. On the roll call the vote was ayes seven, nays none. The motion carried.

E. Committee Reports

Councilor Griego reported that the Economic Development Committee is taking a hiatus for an undermined amount of time. The intent when this group was formed was to support the ACED, which is now up and running.

Councilor Gillaspie reported that the Library Board adopted a service animal policy

F. Staff Announcements

Mr. Cherpeski asked Councilors to sign up for time slots for the booth at the Summerfest on the Rio. The City booth will consist of water department staff promotion water conservation, and a general opportunity for citizens to meet Councilors.

Mr. Cherpeski provided a street construction update, and an update on the status of the depot building move. The contractor is currently looking at the building and expects to have the move completed in about two weeks.

Ms. Egbert reminded Council of the need to schedule evaluations for the City Clerk and City Manager. July 14 was chosen for this special meeting.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Consent Calendar B

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

- B. 1. Hotel/Restaurant License Renewal – Chili's
- B. 2. Hotel/Restaurant License Renewal – Blue Foxx
- B. 3. Special Events Permit – ALMA, Bicycle Tour of Colorado 6/21/10.

COUNCIL COMMENT

Councilor Romero asked the process for notifying non-profits of the funding cycle. Mr. Cherpeski replied that the information is on the City's website, but no specific outreach is done to individual agencies.

Councilor Lucero reported that there is graffiti on the stop sign at Wolf and Oliver; the Bell Court and Oliver street sign is falling over; and the San Juan and First street sign is twisted.

Councilor Griego asked to consider a family discount for recreation programs. Mr. Cherpeski noted that there is already a discount program for those with a membership. The adult prices need to be increased to move it closer to the actual costs.

Councilor Tuggle pointed out a citizen letter regarding the need for additional bike lanes. She told Ruth Brown that she does not feel that Council has been derogatory or demeaning in its comments, and that the group had the right to take the action they did.

Councilor Romero told staff that the light fixture in the parking lot west of Oscar's is loose.

Councilor Lucero said that there is a need for designated crosswalks on the street in front of Ortega Middle School. Mr. Cherpeski has been working with the school, and the Planning Commission has also been involved with this.

ADJOURNMENT. The meeting adjourned at 9:08 p.m.

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Judy A. Egbert, City Clerk

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Kathleen J. Rogers, Mayor