

ALAMOSA CITY COUNCIL
Wednesday, July 7, 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, 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. C. 1. b. and C. 1. c. were removed from Consent Calendar A to Regular Business. It was moved by Councilor Griego and seconded by Councilor Gillaspie to approve the agenda as amended. On the roll call the vote was ayes six, nays none. The motion carried.

CITIZEN COMMENT

A. Audience Comments

Jim Woodke offered the following:

- Streets are in need of repair
- There will be traffic congestion at the new city facility.

Ruth Brown offered the following:

- The Air Force Band concert was good.
- Loss of the former Chamber building was a tragedy.
- The City's decision not to buy Splashland was a tragedy.
- Other municipalities are experiencing budget cuts. If Alamosa has money, it should be spent on streets.
- She fell at her store and is wearing an ankle brace; she did not like that she would have to call ahead of time to say that she doesn't want to climb the stairs.
- She then stepped off a curb at Alta Fuels and fell into a three-inch gap.
- Why are there 19 lights out in downtown if the City has money?
- Why isn't the City meeting at the Recreation Center to be ADA accessible?

Judith Gritz offered the following:

- She is amazed that the Recreation Center was built after being voted down twice.
- She is amazed at how the Alamosa Capital Leasing Corporation operates.
- She suggested that the City consider other properties that are already owned or soon to be vacated.
- When she looked to see what other options had been discussed, all she could find was K-Mart
- She doesn't object to the project, but asks that it be broken down into smaller projects so that local bidders could bid.
- She objects to infringement on Cole Park.
- The recycling center could be moved and the police and fire facilities be placed on that property.
- She suggested using the Recreation Center or County building for meetings. These facilities are available in the evenings and all the City would have to do to use them is to pay the janitor.
- She suggested meeting with opponents to discuss other possible options, do a traffic study, then take the issue to the voters.

Hobart Dixon offered the following:

- He objects to the plans to develop the wilderness area. He learned that this development does not require notice to the residents or approval by Council, or discussion with County who owns half of the property interest. There is a meeting on the 13th with the Recreation Board on this issue

Joel Fleming asked the following:

- Questioned the informational flyer statement that says there will be no new taxes.
- What is the cost of the lease? (Mr. Cherpeski noted that the maximum allowed under the ordinance is \$700,000 per year).
- Are these funds available?
- What if the levee needs rebuilt?
- What if the City needs to buy more water?
- What if there is more street work needed?
- What is the contingency plan?
- Will any of these require new taxes?

April Gonzales offered the following:

- The City needs to be sure its priorities match those of citizens.
- One quarter of the access to Cole Park will be blocked off.
- Boyd or Evans school would be an asset.
- The City had the chance to put this on the ballot a year ago, but was more interested in a raise for themselves than a city hall.
- She works with people with disabilities, and questioned the need for a new building instead of just using the Recreation Center.
- Why has this not already been done if it is important?
- If the police use the existing building, an elevator will still be required.
- This is a tough economic time. Taxpayers should not pay for a new building.
- Services are more important.

Jay Robinson offered the following:

- He is concerned with fire protection south of the railroad tracks. He understands that 67% of the fires happen on north side, but still thinks it is a matter of when not if.
- He knows that there is a fire truck at the airport, and that the volunteers mainly come from the north side and need access.
- He has lived here long enough to remember that there were gravel streets when the City got nine new holes at the golf course. The reason given was that Alamosa wouldn't attract quality persons here without the golf course.
- He questioned how much focus had been placed on economic development.
- He is disappointed to see the depot building leave.
- Alamosa needs to focus on our historical past.
- The theme for the ice sculpture was the railroad.
- He showed Council a news article from the Denver Post.

Susan Robinson offered the following:

- There is an old saying "when your outgo exceeds your income then your upkeep becomes your downfall".
- This is all about the economy right now. People are cautious about spending money.

Terry Smith offered the following:

- Chief Jackson and at least one other officer discouraged citizens from signing the petition. He has three affidavits saying this. (he did not present the affidavits)
- The flyer was out of line. Objectors should be able to use the same resources to send a mailing.
- We need to work together better.
- Voters will get to decide the outcome.

Robert Frederick offered the following:

- He questioned signs at the parade.
- He also is concerned about the levee, which may cost millions.
- The City has the insurance payout to deal with from the water issue.
- How can you put a new building next to the river with the levee degrading?
- Are you willing to saddle all of us with flood insurance costs?
- The economy is a concern. Are taxpayers expected to pay the cost of the new complex plus flood insurance?
- Another issue is terrorism. If everything in one complex, it only takes one time.
- Another example is the Los Angeles earthquakes.

Leon Moyer offered the following:

- San Luis just abolished the entire police department. We should learn from them.
- He objected to the permitted use request for 723 Main Street.
- The COPLINK grant is not needed. This is just a toy and will not help citizens live safer.
- He objected to the lack of public restrooms, saying government is required to provide this, as well as be ADA compliant. He has not gotten a response as to why another building is not used.

Dan McCann offered the following:

- He pointed out the solicitation of mortgages as one of the reasons for the housing meltdown.
- He said that we learned nothing from S&L bailout, and the last fiasco will cost trillions. There must be regulations. Local banks keep mortgages, so we don't experience the same problem locally.
- He has only owned one home, and that is the one here.
- Now is the time to move forward with building.

B. Follow-Up

Mr. Cherpeski and Mayor Rogers offered the following in response to the above:

- There is a five-year capital plan for street maintenance and repair, and the City is currently investing more money in streets than ever before.
- Part of the State Avenue project includes replacing cast iron water pipe.
- Major roads are planned first, then residential will be done over the next couple of years.
- The depot building was owned by the Chamber of Commerce. The Chamber chose to sell the building to the railroad. The City did not have an ownership in the building.
- The purchase of Splashland was discussed, but the decision was made not to purchase it.
- Some street lights are maintained by Xcel, and some by the City. There is a transition to a new style of bulb, and some have been backordered. There is a means to report a street light that is out through the website or by calling.

- On July 13 the Recreation Board will be discussing the proposed disc golf park. Citizens may attend if interested.
- General fund money does not shift to Enterprise Funds. Water and waterlines are all an Enterprise. The obligation of an Enterprise is to the rate-payers of those who use the services, not to the taxpayers. Under TABOR, the General Fund may not transfer more than 10% to an Enterprise Fund. One exception is that by voter approval the water treatment plant is funded through tax dollars.
- The rules that may govern the levee are still in flux, and may be determined by September.
- The response to the location of the proposed new fire station has been given many times.
- The City was instrumental in creating the ACED, which has been in place for not quite a year.
- Restrooms are restricted because of the proximity to private offices. There have been two known thefts from offices, necessitating closing of the restrooms to the public. Public restrooms are available in the library or Cole Park.
- The funding stream for the new complex is not all City funds. The Fire District will pay 50% of the fire station cost; the library is funded in part by Recreation Funds. The \$700,000 figure in the ordinance was rounded up from \$689,000. If the project had been done when initially proposed, the annual payment would have been \$530,000.

Councilor Lucero added that the information he got back from the County is that their building is not available for ongoing City use. Additionally, the Commissioners dias is permanently fixed for five persons and would not accommodate seven Councilors.

Chief Jackson clarified that at no time did a uniformed officer told anyone to sign or not to sign a petition, nor told anyone how to vote. He has responded to many inquiries, and offered his opinion when asked.

CEREMONIAL ITEMS

A. Introduction of Cyndi Oringdulph, Administrative Assistant

Mr. Cherpeski introduced Ms. Oringdulph, who was welcomed by Council.

CONSENT CALENDAR A. It was moved by Councilor Griego and seconded by Councilor Lucero to approve Consent Calendar A as amended. On the roll call the vote was ayes six, nays none. The motion carried. Items:

C.7. a. Minutes of Regular Meeting June 16, 2010

REGULAR BUSINESS

A. Presentations from Outside Agencies

1. Community Resources and Housing Development Corporation (CRHDC) Update

No one was present for this item.

C. Business Brought Forward by City Staff

1. Public Works

a. Public Hearing, Ordinance No. 13, 2010, An Ordinance Amending Chapter 21, Article V, of the Code of Ordinances of the City of Alamosa, Colorado, Modifying the Boundary Between the Commercial Business and Residential Medium Districts from Denver Avenue to Alamosa Avenue South of 7th Street

Planning Commission has recommended these changes following recommendation from the consultant. Notices were sent to affected property owners.

Mayor Rogers opened the public hearing at 7:52 p.m. and asked for those wishing to speak on this ordinance.

Ross Lovato, owner of an auto repair shop at 9th & Edison, stated that he wanted to ensure that his business will be able to continue to operate. He has received a variance to construct a new building but has not yet been financially able to build. He wants to be able to build his building and continue business on a small scale.

Sandy Ortega, 825 9th Street, and owner of A & J Solar along with her husband Antonio Garcia, asked for assurance that their business would be grandfathered in. She added that she appreciates the City's efforts to maintain the integrity of the city.

Ruth Brown, owner of the Green Spot, said that she spoke with Don Koskelin about how her property would be affected. Jr. Atencio, owner of Atencio's market, is also concerned. He was not present but Ms. Brown said that he had asked her to speak on his behalf. If he were to sell the business, he wanted assurance that the property could be used commercially.

Leon Moyer asked Council to work toward a walkable community. There may be a need for more businesses in the area, and this can be handled as it comes up.

Holly Felmlee, KRZA General Manager at 9th & State asked how this would affect property taxes. Mr. Cherpeski replied that taxes are determined by actual use, not by zoning. Ms. Felmlee asked for clarification with regard to an expansion or upgrade. Counselor Schwiesow replied that it would be affected if the footprint were changed. Mr. Koskelin added that as long as the use does not change and footprint is not expanded, it will qualify as a nonconforming preexisting use. If the use ceases for six months, the right is lost.

There being no one further wishing to speak, the hearing closed at 8:01 p.m.

Mr. Koskelin told Council that a zoning change could be requested by Atencio's if the need arose. It is eligible for consideration because it borders the requested zoning. The Ortega property is not used as intensively as a few years ago, and they will be able to continue business. This, That, and The Other may continue to operate as is. Expansion is not likely for this facility. The right of Permitted Use follows the property, not the person. So if a business is sold and the new owner continues the same use, the nonconforming preexisting use may continue.

If the zoning is changed as proposed, Mr. Lobato would not be able to construct a building with a different footprint than what is already there. Mr. Koskelin pointed out that such an expansion would have a significant problem with lot coverage and setback requirements. The only way to outright allow the expansion would be to carve out his property from the zoning change.

It was moved by Councilor Lucero and seconded by Councilor Gillaspie that Ordinance No. 13, 2010 be finally adopted. On the roll call the vote was ayes five (Lucero, Romero, Gillaspie, Griego, Rogers), nays one (Johnson). The motion carried.

b. Accept Planning Commission Recommendation to Adopt Resolution No. 10, 2010, A Resolution Designating El Rio Drive from Sierra Avenue to Monterey Avenue One Way Westbound

Councilor Lucero felt that the ASC traffic study was biased, and asked Council to delay action on this item. Mr. Koskelin reported that the main reason for the proposed change is that of safety. This was the reason Planning Commission recommended it. There have been a number of accidents at the bend in El Rio. In order to safely accommodate through traffic, the road would need reconstruction.

Neighbors are in support of the change, and the church has not yet fully developed plans for drop-offs.

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

c. Accept Planning Commission Recommendation to Approve Permitted Use by Special Review for a Single Family Dwelling in a CB Zone, 723 Main Street

Council discussed concern, saying that this approval would be contrary to the efforts made to encourage effective planning, particularly in light of the zoning action just taken to focus commercial business into the core downtown area.

Applicant Pat Ewing explained that this building would be difficult to bring up to code for commercial use and would result in a vacant building if not used for residential. She went on to say that she would not object if Council chose not to allow it.

It was moved by Councilor Gillaspie and seconded by Councilor Romero to deny the request for Permitted Use by Special Review to allow a single family dwelling at 723 Main Street. On the roll call the vote was ayes five (Romero, Gillaspie, Johnson, Lucero, Rogers), nays one (Griego). The motion carried.

3. Police

a. Resolution No. 11, 2010 – A Resolution Adopting the Attached Policy Establishing A Pay Differential For Field Training Officers

Chief Jackson explained the proposed Resolution that would compensate officers who act as Field Training Officer with a 5% increase over the base pay. A typical training cycle consists of 14 work weeks and involves three separate FTOs in a progression.

It was moved by Councilor Griego and seconded by Councilor Romero to adopt Resolution No. 11, 2010. On the roll call the vote was ayes six, nays none. The motion carried.

b. Accept Homeland Security Grant Funds for COPLINK Data Sharing

COPLINK is a system that allows law enforcement records to be shared among participating entities. The funds from this grant would enable police records to be moved into the common format to enable participation. No local match is required.

The Memorandum of Understanding provides for termination without further obligation unless otherwise specified in the grant document. The grant document was not available for review.

It was moved by Councilor Griego to table action on this item until the next meeting. The motion died for lack of a second.

It was moved by Councilor Romero and seconded by Councilor Lucero to enter into the Memorandum of Understanding to participate in the Homeland Security grant to integrate COPLINK data sharing, contingent on the City Attorney's review and approval of the underlying grant document. On the roll call the vote was ayes six, nays none. The motion carried.

7. City Clerk/Municipal Court

a. November 2010 Election Discussion

When Council extended the medical marijuana moratorium to December 31, 2010, it discussed the option of calling a special election in November on the issue. If this is pursued, the City would need to notify the County Clerk of its participation by July 23, 2010.

After discussion, Council agreed by consensus that the medical marijuana issue would be decided by Council rather than calling for a special election.

E. Committee Reports

Councilor Gillaspie reported that the Golf Board's "raise the roof" event is scheduled July 31.

F. Staff Announcements

Ms. Egbert:

- Asked Council if there was interest in participating in the SLV Relay to be held August 7. Council will see if it is possible to recruit a team, and clarified that the registration fee would be paid by individual team members. Councilor Lucero and Johnson will follow up.
- The date of August 6 at 5:00 p.m. was proposed for the social gathering with the Monte Vista City Council. Ms. Egbert will confirm with the other parties and report back to Council.
- The Special Meeting packet will be available by Friday.

Mr. Cherpeski reminded Council that he will not be available for the July 21 meeting. Councilors Gillaspie and Johnson asked to be excused also.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Consent Calendar B

It was moved by Councilor Romero and seconded by Councilor Johnson 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. Knights of Columbus Special Events Permits 8/16/10, 12/31/10
- B. 2. Renew 3.2% Beer License, City Market

COUNCIL COMMENT

Councilor Romero asked if a purely social gather of Council would require public notice. Counselor Schwiesow replied that it did not, as long as no public business was discussed. Councilor Romero offered to host such an event.

Councilor Lucero:

- Spoke of concern at the Weber and First Street greenwaste site. This subject will be discussed at the August 4 work session.
- Asked about the lack of coordination of the traffic lights. Mr. Cherpeski pointed out that this was intentional in response to a request from Council to use the lights as a means to slow traffic down. If this is no longer desired, CDOT could be requested to change them to a traditional synchronized system.
- Told Council that he appreciated the signage in Breckenridge and asked that our sign code be reviewed.

Councilor Griego presented the "Alamosa is Bronco's Country" banner that the Bronco's presented at a recent event.

EXECUTIVE SESSION C.R.S. §24-6-402(4)(b) to receive legal advice regarding litigation

It was moved by Councilor Romero and seconded by Councilor Lucero to enter into Executive Session (9:44 p.m.) pursuant to C.R.S. §24-6-402(4)(b) to receive legal advice regarding litigation. On the roll call the vote was ayes six, nays none. The motion carried.

Mayor Rogers announced that no action would be taken following the Executive Session.

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.