

ALAMOSA CITY COUNCIL
Wednesday, November 3, 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 Gillespie, 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, Deputy Clerk Sharon DeHerrera and City Clerk Judy Egbert.

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

CITIZEN COMMENT

A. Audience Comments

Dan McCann spoke about the national election and economy.

Leon Moyer:

- Noted that he is now a city resident
- Read a quote on Thomas Jefferson
- Commended Chief Jackson for cleaning up the graffiti
- Expressed concern over his perception of misuse of police authority

B. Follow-Up

Chief John Jackson addressed issues that Mr. Moyer raised:

- The incident that took place on the dike was on city property. The officer was investigating suspicious activity and it was done in a professional manner.
- On Election Day a car was parked near the Alamosa Family Recreation Center that had signs containing political advertising. The location was outside the 100-foot limit, but still visible. The owner of the vehicle left voluntarily.

CONSENT CALENDAR A. It was moved by Councilor Gillaspie 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 October 20, 2010.

REGULAR BUSINESS

B. Board/Commission Business

1. Discuss applicant interview status and determine next action.

Council has received applications from citizens wishing to be appointed to various boards. This represents vacancies that have occurred outside the regular cycle. The majority of applicants were interviewed on October 27, with the remainder interviewed at the work session just prior to this meeting.

Judy Egbert asked Council if they were ready to proceed with appointments. Council directed her to place the appointments on the next agenda.

C. Business Brought Forward by City Staff

1. Public Works

a. Award of Bid – Wash Bay

Bids were solicited and received for the basic insulated building and door package to close in the wash bay at the fleet maintenance facility. The bay was included in the original design but not completed due to cost constraints. Two bids were received, with Alcon providing the low bid at a total cost of \$42,242.22. This represents the base building, beam, door upgrade, and liner panels.

It was moved by Councilor Romero and seconded by Councilor Gillaspie to award the wash bay bid to Alcon Construction in the amount of \$38,867.22 for the base bid, with the alternates added as staff recommended. On the roll call the vote was ayes six, nays none. The motion carried.

8. City Manager/Legal

a. Award of Bid, Materials Testing

Mr. Cherpeski described the geotechnical and materials testing services for the new City complex facility.

It was moved by Councilor Gillaspie and seconded by Councilor Johnson to award the bid for materials testing to Kleinfelder in the amount of \$34,692.00. On the roll call the vote was ayes six, nays none. The motion carried.

b. Resolution No. 22, 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 6th Budget Amendment.

Mr. Cherpeski presented the changes reflected in this resolution. This includes receipt and expenditure of the DOLA grant, purchase of used equipment from the Town of Dillon, Jet Vac purchase, golf course mower, and the special election.

It was moved by Councilor Lucero and seconded by Councilor Romero to adopt Resolution No. 22, 2010. On the roll call the vote was ayes six, nays none. The motion carried.

c. Solar Parking Proposal Power Purchase Agreement Concept

This action follows Council's decision at a prior meeting to work toward the solar parking area at the Recreation Center. The agreement is under legal review, and staff requested that Council act to approve this action in concept and allow the City Manager and City Attorney to finalize the agreement document. Mr. Cherpeski reviewed the proposal and action to date.

Counselor Schwiesow questioned the following:

- The contract should be clear that the City is not obligated to buy more power than it uses, and asked if Xcel would buy back the overage.
- What happens with a foreclosure action?
- What happens if the facility needs to be taken offline due to unforeseen circumstances caused by the City?

- The contract should include a guarantee that the City will never pay more than 95% of what it would be if paying to Xcel.

Council asked about the aesthetics of the facility and proposed location.

Mr. Buellen clarified as follows:

- The amount of power used and generated would be balanced throughout the year. If considered monthly, it may be less favorable to the City.
- The City would never be charged for more power than it used.
- The bill is balanced over a year's time. He offered to provide an analysis if the City would provide him with actual bills. The portion of Xcel's bill that does not represent power usage needs to be considered separately.
- These conditions could be written into the agreement.
- The City will always be paying less than what it would to Xcel.
- The structure will be attractive.
- The location is proposed to be in the southern third of the parking lot. Customers would be able to choose to park there or in the uncovered area.
- At the end of the six year agreement, the City could buy the facility or choose to continue operating under the same terms. The price would never increase more than 3.5%. The structure would belong to the City after the agreement ends, and could be removed if desired.
- At whatever point in time the City owns the facility, all the power usage would be free.
- After the agreement ends, the City could choose to remove the structure or use it for another purpose.

All parties felt that the contract document could be modified to reflect these terms.

It was moved by Councilor Romero and seconded by Councilor Gillaspie to authorize Mr. Cherpeski and Counselor Schwiesow to finalize the agreement Soltura Energy Capital for the solar parking facility. On the roll call the vote was ayes six, nays none. The motion carried.

E. Committee Reports

Councilor Gillaspie gave a report on the Golf Board and Library.

F. Staff Announcements

Mr. Cherpeski talked about the City facility complex and informed Council that he would keep them informed through Friday updates.

Chief John Jackson commented on the mobile data project, saying there are three computers in use.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

B. Liquor Licensing Items

1. Needs and Desires Public Hearing, Wapiti Walk, LLC d/b/a Bistro Rialto

Mayor Rogers opened the hearing at 8:04 p.m. and asked Counselor Schwiesow to conduct the hearing.

Kent Holtcamp, applicant, and owner of Bistro Rialto gave the following testimony:

- His application is for a Hotel/Restaurant Liquor License. Currently this business holds a Beer and Wine license.
- He did not apply for a Hotel/Restaurant license at the former location because he wasn't sure it was needed and also due to the lack of space.
- After having verbal communication with customers for the last nine months, the need and desire to be able to serve a full range of liquor became evident.
- He has no intention to put in traditional bar. All cocktails will be made in the back or the kitchen. It will be more like an airport lounge instead of a regular sit-down bar. Premium well drinks will be offered versus six or seven different kinds of alcohol. This includes margaritas and different drinks that customer have asked for.
- The location will include the restaurant and the ballroom on first floor, and also includes a small room on the second floor that has been used for a banquet room. It was the old original lodge when it was built as the American Legion Hall, and has a fireplace. It is conducive to private meetings and very upscale meetings.
- He is also requesting approval of the back outdoor area that is now used as a parking lot. This would be used for outdoor seating. This would extend just to the storm drain, not to the alley line.
- Because of the partnership with First Southwest Bank, customers may park in the bank lot, especially after 5:00 and weekends. There is also parking at Edison and Sixth.
- He also described a recess just in front of the building that is proposed for outdoor seating. This would accommodate two tables that seat two persons each.

In response to a question from Council, Counselor Schwiesow clarified that the license, if granted, would allow consumption on that portion of the outdoor area.

Judy Egbert clarified that The City has several other licenses that have outdoor patios that are similar to this. These areas are part of their licensed premises. She also clarified that the open container issue deals with an open container on an unlicensed public area. This would be licensed. Drinks would not be allowed outside the designated area.

Kent Holtcamp presented petitions containing approximately 110 signatures. In response to further questions from Council, Mr. Holtcamp added the following testimony:

- The Planning Commission heard the Permitted Use by Special Review request on October 27, 2010 and is recommending approval. This action is scheduled to be heard by Council on November 17, 2010.
- The back patio area will not be fenced, but is enclosed on three sides by the building.

Dan McCann, 1809 Sunset Drive, Alamosa, Colorado spoke in support, saying that Mr. Holtcamp has gone through all the requirements and supports free enterprise.

Leon Moyer previously identified himself as a City resident, and made the following statements:

- He questioned the fact that the property was possessed by lease rather than owned.
- Expressed concern that underage persons could potentially obtain drinks from other patrons in the back outdoor area.
- He suggested designating a non-drinking area.

John Eland, Alamosa Community Economic Development Director, offered the following comments:

- The Bistro is less than a year old and is already a shining star in the community.
- He would like to see the ability to hold different banquet events there.
- He is in support for Mr. Holtcamp to improve his business.

Shon Davis, 1443 County Road 25, Monte Vista, Colorado made the following statements:

- He works in the City Limits of Alamosa and is a member of the Alamosa Chamber of Commerce Advisory Board.
- Mr. Holtcamp is already giving to the community he thinks that says how he will run his business and he will operate with this liquor license.

Kent Holtcamp clarified the lease question from Mr. Moyer. The property is owned by First Rialto LLC, and it is leased to Wapiti Walk LLC that owns and operates the Bistro Rialto. Both entities are owned by Kent and Sandy Holtcamp.

Counselor Schwiesow pointed out two items proposed for exhibits. The first is the poster on display that was posted at the premises as required. He marked the poster Exhibit A. The second item is the petition submitted by Mr. Holtcamp, which he marked as Exhibit B.

There being no one further wishing to speak, Mayor Rogers closed the public hearing at 8:20 p.m. She offered a discussion opportunity to Council. There was no further discussion.

Mayor Rogers said that she has known Kent and Sandy Holtcamp for some time, and doesn't think there could be anyone that could provide a better and more ethical business in our community.

Counselor Schwiesow will draft proposed findings for Council's action at the next meeting.

COUNCIL COMMENT

Council Lucero questioned the site work being done by City employees. Mr. Cherpeski noted that much of the initial work is being done in-house.

Councilor Griego invited Council and city staff to the Veterans Day Parade.

ADJOURNMENT. The meeting adjourned at 8:23 p.m.

Sharon DeHerrera, Deputy Clerk

Kathleen J. Rogers, Mayor