

ALAMOSA CITY COUNCIL
Wednesday, December 15, 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 7:06 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Rogers, Councilors Greg Gillaspie, Charles Griego, Rusty Johnson, Josef Lucero, and Marcia Tuggle. Councilor Leland Romero previously asked to be excused. A quorum was declared. Also present: City Manager Nathan Cherpeski, City Attorney Erich Schwiesow, and Deputy City Clerk Sharon DeHerrera.

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

CITIZEN COMMENT

A. Audience Comments

Steve Goldstein had concerns regarding city hall complex project, and work for local contractors.

Leon Moyer:

- Read a quote on Barry Goldwater
- Spoke about his perception of a lack of Police enforcement and dogs running at large
- Said that the Police Department has a manual of "general operating practices" that states the Police Department is to report to City Council once a month to report all the pot holes and lights that are out.
- Said that plastic bottles are not good for the environment and suggested that Council stop using them.

Ruth Brown:

- Thanked the City for painting the crosswalks on 8th and State.
- Agreed with Leon Moyer regarding the lights and felt like it should not be the citizens' responsibility to inform the City.
- Thanked Robert Jackson for giving the south side extra police protection, and for the open communication between the Police Department and businesses.

John Eland updated Council on activities of the Economic Development Corporation and Chamber including:

- The Christmas Art Walk was a success
- The FAA Conference will be coming to Alamosa.
- ACED has provided support to the Rio Grand Scenic Railroad
- The Chamber Art gallery exhibit closed but, there are plans to open a new exhibit after the first of the year.
- ACED joined the board of the Southern Colorado film commission, and participated in the fundraiser for Indiana Jones and the last Crusade, which was tied to the 40th anniversary of the Cumbres and Toltec Railroad. He arranged a reception at the former Grove theater location, which holds promise for new development
- ACED sponsored a car in the Early Iron Festival, and arranged to have a display of pictures at the Grove.

- The Pink Elephant received a grant to accomplish the environmental assessment on phase I and phase II on the three buildings that are involved in process.
- The Chamber put together an application for the Reader's Digest contest and Alamosa was in the eighth place.
- ACED endorsed the Sarah Sellman film project that will be underway next summer.
- He has worked with retailer developers looking for locations in Alamosa, and placed ads and to attract new business.
- The Chamber has nominated the City for the 2011 arts award. More information should be available in March.

Dan McCann said that it has been a great year for the City and talked about the recession

B. Follow-Up

Mr. Cherpeski provided the following:

When the City went out to a bid on the city hall complex project, there was one local general contractor who bid. He was more than 30% above the low bidder. For clarification, he had few local subs. He had trouble getting locals to bid the project. There are some local subs in the project; however that decision is up to the general contractor. Alpine Electric is one local subcontractor, and the storm drain is being handled by Gardner Excavation, also local. Mr. Cherpeski asked Basset Construction to reach out to locals. There were no local subs that were low bid and rejected.

- Police officers are specifically looking for street lights that are out. This is done about once a quarter. The transition of the lights, in the Centennial Park parking lot, back to the City from Xcel is in progress, and that will enable the City to do all the maintenance once that transition is complete.
- He will ask the Chief follow up on the dog issue.

CEREMONIAL ITEMS

A. Early Iron Club presentation, Jeff Woodward

Mr. Woodward handed out mugs and caps in thanks for support of the Early Iron Club event. This year was the largest ever, with five hundred and eighteen cars.

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

- C. 2. a. November 2010 Expenditure Report
- C. 7. a. Minutes of Regular Meeting December 1, 2010
- C. 7. b. Extension of Municipal Court Contracts for 2011
 - 1. Judge
 - 2. Prosecutor
- C. 8. a. November 2010 Monthly Reports
- C. 8. b. Renew Workers Compensation Insurance With Pinnacol Assurance
- C. 8. c. Renew General Liability Insurance with One Beacon

REGULAR BUSINESS

C. Business Brought Forward by City Staff

8. City Manager/Legal

d. Public Hearing Ordinance No. 22, 2010, An Ordinance Amending the Established Pay Plan for Officers and Employees As Referred to in Section 15-2 of the Code of Ordinances, Concerning Personnel Rules and Regulations and Pay Plan for City Officers and Employees.

Mayor Rogers opened the public hearing at 7:43 p.m. and asked for those wishing to speak on this ordinance.

Leon Moyer:

- Noted that there are quite a few of the low end of the ranges starting out at a low rate of pay, and suggested that the wealth be distributed more equitably.
- He used the example of stopping today to visit with employees working on the sewer pump, saying that this is not a nice job.
- He believes that a living wage is the median income in the state of Colorado is around \$49,000.00 a year. A job that pays \$10.00 per hour means about \$20,000.00 a year, which is in a poverty class if supporting a family.
- The City manager has discretion to not start anybody at the bottom if are qualified.
- A Police sergeant making up to \$21.00 to \$25.00 an hour is quite a bit of money for a person working on an office, compared to those pulling infections materials off a pump or risking their lives by being hit by a motor vehicle .
- The Library Technician at \$9.00 an hour does have a hard job because of standing on their feet most of the day, and suggested giving them a stool to sit on
- The wages are not to high for the people doing the work.

Dan McCann talked about opportunity.

There being no one further wishing to speak, the hearing closed at 7:47 p.m.

Councilor Tuggle suggested that the Library Assistant be at least \$8.00 an hour which is the same as an Administrative Assistant. Mr. Cherpeski noted that the low end of the ranges did not change. Minimum wage is adjusted nearly every year, and this is reflected in the low end of the ranges. These positions are entry level or part time. There is an evaluation process where an employee has the opportunity to move up. Mr. Cherpeski can research the library position if Council desires. This job has a fairly high turnover.

Council recognized that the City is paying the least wages to those that interact with the public the most, and that this is a common practice.

Mr. Cherpeski explained that the Wastewater Technician I is an entry level position. An employee can move into the II and II category by receiving certifications.

It was moved by Councilor Griego and seconded by Councilor Johnson to approve Ordinance No. 22, 2010. On the roll call the vote was ayes six, nays none. The motion carried.

e. Public Hearing Ordinance No. 21, 2010, An Ordinance Prohibiting Medical Marijuana Centers, Infused Product Manufacturers' Facilities, and Optional Cultivation Operations Within the City of Alamosa, Colorado.

Counselor Schwiesow gave an overview of the medical marijuana issues and Council's actions to date.

Mayor Rogers opened the public hearing at 7:55 p.m. and asked for those wishing to speak on this ordinance.

Steve Goldstein identified himself as a County resident and provided the following testimony:

- Seventy years ago the United States enacted a provision on alcohol and that only lasted 10 years before they figured out the large amounts of money going to underground. In those days mobsters or mafia controlled the money. They repealed this provision after 10 years. Now we are going on this for about seventy years. The war on drugs has been lost a long time ago.
- He believes that a democracy meant that the majority rules. The people that live and voted in the County are also City people and have spoken at the election. You have put together many arguments, and your attorney has presented a portion of it. The Police Department has had their say. This is about what American really is. It's about freedom, and constitutional rights are out the window on every level. This is about more than the dispensing of marijuana

Dan McCann identified himself as a City resident, and made the following testimony:

- The legalization of marijuana is probably coming, but we're talking about medical marijuana right now. He is not opposed to that as long as it is done responsibly, although he recognizes that the police may disagree.
- He believes that the facility in the County is handling it and right now that fine.
- Revisit it later and make it available here if that facility cant handle it. Right now he doesn't believe it is needed.

Leon Moyer made the following testimony:

- The owner of the East Alamosa dispensary told him that he is collecting over \$3000 a month in sales tax. Opting out limits competition and throwing away the opportunity for tax revenue.
- Use of marijuana is not currently being prosecuted under federal law. So that is a non-issue. The only issue here is the fact that you can't do anything except outlaw it. You have no option in place. If you don't adopt this ordinance prohibiting it you have no mechanism place starting January 1st to regulate it and there will be a time period there that anything can happen.
- Be open minded and reconsider this in the future.
- He compared it to alcohol sales, saying that a license can be revoked if misused.

Ruth Brown provided the following testimony.

- Ms. Brown told of her sister and father who were helped by medical marijuana.
- She said that other marijuana patients that she knew were not happy with the sole dispensary in the County.
- She does not use marijuana herself.
- She encouraged Council to consider the results of the County election and allow dispensaries in the City.

Patricia Eland identified herself as a City resident and made the following statements:

- Ms. Eland spoke of concern regarding juvenile marijuana patients. Many have cards and also use the cards of other people. She asked how this could be regulated. She also questioned what other requirements would be imposed if it were allowed and regulated.
- She believes that the availability in the County is sufficient.

There being no one further wishing to speak, the hearing closed at 8:10 p.m.

Council discussed the following:

- Patients may or may not have the option of growing their own medical marijuana.
- The County vote showed interest in making this available. This interest was also shown during earlier public meetings. It was further clarified that the ballot question related to the unincorporated areas of the County only.
- The availability in the County may be sufficient to serve the needs of City residents as well.

It was moved by Councilor Lucero and seconded by Councilor Johnson to finally adopt Ordinance No. 21, 2010. On the roll call the vote was ayes four (Rogers, Gillespie, Johnson, Lucero, two nays (Griego, Tuggle). The motion carried.

f. Resolution No. 24, 2010, A Resolution Making Supplemental Appropriations and Authorizing Expenditures in Excess of Amounts Budgeted for the City of Alamosa in Ordinance 11, 2009 and Known as the 7th Budget Amendment .

This budget amendment accomplishes closing out Fund 7; higher than expected costs for water treatment and municipal court; receiving and appropriating the COPS grant and seizure money.

It was moved by Councilor Gillaspie and seconded by Councilor Griego to adopt Resolution No. 24, 2010. On the roll call the vote was ayes six, nays none. The motion carried.

g. Resolution No. 25, 2010, A Resolution Adopting the Attached Policy Changing the City of Alamosa Façade Improvement Grant Program.

Mr. Cherpeski explained the façade program. The City has offered a façade improvement incentive since mid 2007. During that time, the City has only had two takers on this program. One of the issues brought to City Staff was that the program was tied to only one source of loan money. After listening to several of these concerns, this resolution would allow the property owner to use other financing sources. In addition, the policy changes the structure on how we fund this program.

It was moved by Councilor Griego and seconded by Councilor Tuggle to adopt Resolution No. 25, 2010. On the roll call the vote was ayes six, nays none. The motion carried.

D. Request for Future Agenda Items Brought Forward by Council Members

Councilor Lucero presented his request to fill positions on the Ranch Board immediately. After preliminary interviews, Council tabled action until after the January work session.

Council discussed the possibility of combining the Ranch Board and Recreation Board. The Ranch Board is agreeable to this delay.

Council agreed by consensus to make appointments at the February 2, 2011 meeting.

E. Committee Reports

Councilor Johnson reported that the Ranch board had a very productive meeting.

Councilor Lucero spoke further about combining the Ranch and Recreation Boards.

Councilor Lucero expressed concern for pedestrians at the State Avenue bridge and the speed of traffic.

Councilor Tuggle suggested more signage on the Ranch trail system, and the possibility of a pier and fishing

Councilor Griego reported on attended the CML Policy Committee meeting, and shared material in Council's reading file.

Mayor Rogers reported attended the Airport Board meeting, saying that passenger count is up and everything is going well

F. Staff Announcements

Mr. Cherpeski gave an update on the city complex construction. The foundation for the Fire station will be underway next week.

COUNCIL COMMENT

Mayor Rogers expressed her congratulation to Matthew Hurst for his upcoming wedding.

Councilor Griego asked that the Neighborhood Watch program to be used, and asked that staff look into a concern with the lighting at JC Penney's.

Robert Jackson addressed questions regarding handicapped issues.

Councilor Gillaspie thanked Parks and Recreation for the mesh around the trees.

ADJOURNMENT. The meeting adjourned at 9:30 p.m.

Sharon DeHerrera, Deputy City Clerk

Kathleen J. Rogers, Mayor