

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
October 2, 2024

Zoom Webinar Link: <https://us02web.zoom.us/j/85753492744>

Dial-In Number: +1 719 359 4580 US | Webinar ID: 857 5349 2744

6:00 PM - Work Session: Regulation of Natural Medicine Facilities

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Ty Coleman at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Ty Coleman, Councilors Michael Carson, Liz Hensley, Jackie Vigil, Dawn Krebs, Jan Vigil, and Jamie Dominguez. A quorum was declared. Also present: City Manager Heather Sanchez, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Jan Vigil moved, seconded by Councilor Jackie Vigil, to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

Shanna McRae commented in regards to the natural medicine (mushrooms) facilities and the regulations that Council was discussing at the work session prior to the start of the regular meeting.

Ruthie Brown commented in regards to the work session for October 23rd and asked if there was going to be a place for the public to comment at that work session. She also commented in regards to the legalization of natural medicines (mushrooms).

B. Follow-Up

Ms. Brooks informed Council and the public that there will be a portion for public comment on at the October 23rd work session at the end of the discussion. There were just time constraints for that to have occurred at the work session prior to this meeting tonight.

V. CEREMONIAL ITEMS

A. Proclamation: Domestic Violence Awareness Month

Councilor Jackie Vigil read the proclamation and Council presented it to Tu Casa representatives, Megan Lang and Janine Jiron.

B. Proclamation: Fire Prevention Week

Mayor Coleman read the proclamation and Council presented it Fire Chief Bill Stone.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Jan Vigil moved, seconded by Councilor Jackie Vigil, to approve Consent Calendar A. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting September 18, 2024

C.8.a. First Reading, Ordinance No. 26-2024, an ordinance establishing a temporary moratorium on the establishment of medical and retail marijuana stores through June 30, 2025

VII. REGULAR BUSINESS

C. Board/Commission Business

1. Annual Update from Historic Preservation Advisory Committee

Historic Preservation Advisory Committee Chair Don Thompson presented the annual update of this board to Council.

D. Business Brought Forward by City Staff

1. Development Services

- a. Second Reading and Public Hearing, Ordinance No. 21-2024, an Ordinance amending the Unified Development Code to change the definitions of temporary signs; to modify the classification of real estate offices; and to add a table note requiring first floor businesses facing Main Street in the Central Business District to be open a minimum number of hours per month

Development Services Director Rachel James reviewed this ordinance with

Council.

Mayor Coleman opened the public hearing on this ordinance at 7:36 p.m. and asked for those wishing to speak on this ordinance.

Ruthie Brown spoke in opposition of this ordinance, specifically in regards to the portion of the ordinance stating the hours that businesses would be required to be open.

There being no one else wishing to speak, the hearing closed at 7:40 p.m.

Council further discussed this ordinance.

Councilor Hensley moved, seconded by Councilor Jan Vigil, to finally adopt an amended version of Ordinance No. 21-2024, removing Section 1 of the presented ordinance. The motion carried unanimously.

- b. Second Reading and Public Hearing, Ordinance No. 22-2024, an Ordinance Establishing a Vacant Building Registration Requirement in The Central Business District, Setting Forth Maintenance Requirements and Penalties Therewith

Ms. James reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 7:57 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 7:57 p.m.

Councilor Jan Vigil moved, seconded by Councilor Hensley to finally adopt Ordinance No. 22-2024. The motion carried unanimously.

- c. Second Reading and Public Hearing, Ordinance No. 23-2024 an Ordinance Amending Mobile Food Vending Regulations

Ms. James reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:02 p.m. and asked for those wishing to speak on this ordinance.

Kyle Woodward spoke in complete opposition to this ordinance.

Scott Graber spoke in opposition to this ordinance and stated his reasons why.

Eddie Valdez also spoke in opposition to the ordinance.

There being no one else wishing to speak, the hearing closed at 8:19 p.m.

Council further discussed this ordinance.

Councilor Hensley moved, seconded by Councilor Dominguez, to finally adopt Ordinance No. 23-2024 with amendments that keep the 200 ft. requirement distance, requiring a majority versus unanimous approval from nearby businesses, allowing mobile food vending on vacant lots with some kind of surface, and allowing licensed vendors to operate in city right of ways during pre-approved events with

the 200 ft. requirement and majority approval and the idea that it is non-competitive, and updating the ordinance for all inconsistencies. The motion carried unanimously.

- d. Resolution No. 11-2024, a Resolution Establishing Certain Additional Food Zones for Mobile Food Vending

Ms. James provided information on this resolution to Council.

Councilor Jan Vigil moved, seconded by Councilor Krebs to pass Resolution No. 11-2024. The motion carried unanimously.

2. Finance

- a. First Reading, Ordinance No. 24-2024, an Ordinance making the annual appropriations for fiscal year 2025.

Ms. Sanchez provided information on this ordinance to Council.

Councilor Jan Vigil moved, seconded by Councilor Jackie Vigil, to approve Ordinance No. 24-2024 on first reading and set for a public hearing on Wednesday, October 16, 2024 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

3. Human Resources/Risk Management

- a. First Reading, Ordinance No. 25-2024, an ordinance amending the established pay plan for City officers and employees in accordance with article III, section 11 of the Charter and 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.

Ms. Sanchez provided information on this ordinance to Council.

Councilor Jan Vigil moved, seconded by Councilor Krebs, to approve Ordinance No. 25-2024 on first reading and set for a public hearing on Wednesday, October 16, 2024 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

E. Committee Reports

None.

F. Staff Announcements

Ms. Sanchez reminded Council that this Friday is First Friday, and that Councilor Krebs and Harry Reynolds would be the ones manning the City's table for Councilor Connections and that Saturday, October 12th would be the Farmer's Market and Councilor Dominguez and Holly Martinez would be the ones volunteering for that date.

Public Works Director Harry Reynolds provided Council with an update on the Stockton addition regarding a Special Improvement District.

COUNCIL COMMENT

Councilor Krebs thanked staff for all their work on the ordinances and resolutions that were presented before Council.

Councilor Jan Vigil asked for confirmation on if the SID discussion included the residents along Foster Ave, to which Mr. Reynolds confirmed they were.

Mayor Coleman thanked city staff for the budget, and gave a shout out to Beata Ramza for all the work she did for the attention around the restoration of the Valhagen clock.

ADJOURNMENT

The meeting adjourned at 9:24 p.m.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Proclamation: Domestic Violence Awareness Month

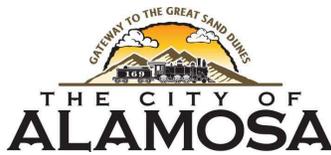
ATTACHMENTS:

Description

[Domestic Violence Awareness Month](#)

Type

Proclamations



Proclamation

Domestic Violence Awareness Month

October has been nationally recognized as Domestic Violence Awareness Month (DVAM) since 1989, with the intention of calling attention to the fact that domestic violence is widespread and impacts every community.

This year's DVAM campaign theme, Heal, Hold, & Center, calls on communities to work together, embrace the many cultural ways we can heal from violence and oppression, commit to holding space for survivors, and center those most marginalized in all of our efforts to end domestic violence. As we heal, hold, and center survivors, especially those navigating systems of oppression, we remain grounded in the knowledge that there is no survivor justice without social justice.

WHEREAS, the marginalization of certain groups in society, including undocumented individuals, transgender individuals, individuals of color, and people living with disabilities, increases their vulnerability to domestic violence;

WHEREAS, all survivors deserve access to culturally responsive programs and services to increase their safety and self-sufficiency;

WHEREAS, all communities deserve access to culturally responsive prevention programs and initiatives to improve overall community health and safety by challenging the societal norms that perpetuate violence;

WHEREAS, although progress has been made toward preventing and ending domestic violence and providing support to survivors and their families, important work remains to be done.

NOW THEREFORE, I, _____, Mayor of the City Council of Alamosa, and on behalf of the City Council, do hereby proclaim October 2024 as

Domestic Violence Awareness Month

Further, in recognition of the essential work done by survivors, domestic violence programs and services, I urge all citizens to actively participate in scheduled activities and programs sponsored by Tu Casa, Inc. and other esteemed community organizations to work toward elimination of intimate partner violence.

Given under my hand and seal of the City of Alamosa, Colorado on this 2nd day of October 2024.

Ty Coleman, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:

Proclamation: Fire Prevention Week

ATTACHMENTS:

Description

[Fire Prevention Week](#)

Type

Proclamations



Proclamation **Fire Prevention Week**



WHEREAS, the city of Alamosa is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,700 people in the United States in 2022, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 360,000 home fires; and

WHEREAS, roughly three out of five fire deaths happen in homes with either no smoke alarms or with no working smoke alarms; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, Alamosa residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Alamosa residents will make sure their smoke alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, Alamosa residents should test smoke alarms at least once a month.

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Alamosa's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Alamosa's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2024 Fire Prevention Week™ theme, "Smoke alarms: Make them work for you.™," serves to remind us the importance of having working smoke alarms in the home.

***NOW THEREFORE** I, Ty Coleman, mayor of Alamosa, do hereby proclaim **October 6-12, 2024**, as **Fire Prevention Week** throughout this city and I urge all the people of Alamosa to make sure their homes have working smoke alarms and to support the many public safety activities and efforts of Alamosa's fire and emergency services.*

Given under my hand and seal of the City of Alamosa, Colorado on this 2nd day of October, 2024.

Ty Coleman, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:

Approve Minutes of Meeting September 18, 2024

ATTACHMENTS:

Description

[Minutes of Meeting September 18, 2024](#)

Type

Minutes

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
September 18, 2024

Zoom Webinar Link: <https://us02web.zoom.us/j/85753492744>

Dial-In Number: +1 719 359 4580 US | Webinar ID: 857 5349 2744

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Pro Tem Liz Hensley at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Pro Tem Liz Hensley, Councilors Jan Vigil, Jamie Dominguez, Jackie Vigil, and Michael Carson. Mayor Ty Coleman was present via Zoom Webinar. Councilor Dawn Krebs previously requested to be absent and her absence is considered an unexcused absence. Also present: City Manager Heather Sanchez, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Jan Vigil moved, seconded by Councilor Carson to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

Judy McNeilsmith spoke on behalf of La Puente, speaking in support of the City to move forward with the soup kitchen and low barrier shelter.

Paloma Maestas spoke in support of the vendor ordinance as she is the owner of Frosty Acres Rolled Ice Cream and to not have just two brick and mortar businesses holding it back.

Manny Feliu spoke in regards to a proposed amendment for 11-53.

Amanda Pearson spoke in regards to concerns about moving the soup kitchen from its current location and what La Puente's focus is and what this opportunity would really mean.

Cristina Bolt spoke in support of the city putting electricity being put back out at St. Benedicts and is in support of a year round low barrier shelter over a low barrier shelter as they have concerns that happen 365 days a year.

Lance Cheslock spoke in regards to the dynamics of the individuals staying at La Puente and those who are hardest to serve and feels this is an opportunity to move forward to serve that population.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. Proclamation: POW/MIA Recognition Day

Councilor Dominguez read the proclamation and Council presented it to Mount Blanca VFW Post 899 and Auxiliary representatives, Nadia Flores, William Flores, and Rowena Martinez.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Jan Vigil moved, seconded by Councilor Jackie Vigil, to approve Consent Calendar A. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting September 4, 2024

C.8.a. Receive August 2024 Monthly Reports

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. LEAD & Co-Responder Update

Heather Sanchez and Clarissa Woodworth provided an update on the LEAD and Co-Responder programs. New employees were also introduced to Council.

B. Board/Commission Business

1. Annual Update from Main Street Advisory Committee

Matt Abbey provided the annual update on the Main Street Advisory Committee to Council.

C. Business Brought Forward by City Staff

1. Development Services

- a. First Reading and Introduction, Ordinance No. 21-2024, an Ordinance amending the Unified Development Code to change the definitions of temporary signs; to modify the classification of real estate offices; and to add a table note requiring first floor businesses facing Main Street in the Central Business District to be open a minimum number of hours per month

Development Services Specialist Deacon Aspinwall provided information on this ordinance to Council.

Councilor Carson moved, seconded by Councilor Jan Vigil, to approve Ordinance No. 21-2024, on first reading and set for a public hearing on Wednesday, October 2, 2024 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- b. First Reading and Introduction, Ordinance No. 22-2024, an Ordinance Establishing a Vacant Building Registration Requirement in The Central Business District, Setting Forth Maintenance Requirements and Penalties Therewith

Mr. Aspinwall provided information on this ordinance to Council.

Councilor Carson moved, seconded by Councilor Jan Vigil, to approve Ordinance No. 22-2024, on first reading and set for a public hearing on Wednesday, October 2, 2024 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- c. First Reading and Introduction, Ordinance No. 23-2024 an Ordinance Amending Mobile Food Vending Regulations

Mr. Aspinwall provided information on this ordinance to Council.

Councilor Jan Vigil moved, seconded by Councilor Carson, to approve Ordinance No. 23-2024, on first reading and set for a public hearing on Wednesday, October 2, 2024 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- d. Quarterly Update on Housing and Downtown Plans

Development Services Director Rachel James provided the quarterly update on Housing and Downtown plans to Council.

2. Police

- a. Public Hearing and Second Reading, Ordinance No. 19-2024, an ordinance amending sections 11-49; 11-53; and 11-99 of the *Code of Ordinances of the City of Alamosa* to prohibit sitting and lying down on public right of way; to amend details of the trespassing ordinance; and to remove the requirement that shelter or campground space be available before citing

someone for unauthorized camping on public property

Counselor Schwiesow reviewed this ordinance with Council.

Mayor Pro Tem Hensley opened the public hearing at 8:17 p.m. and asked for those wishing to speak on this ordinance.

Manny Feliu spoke in regards to proposed amendments he'd like Council to consider for this ordinance.

Oona King spoke stating her opinion of how she does not feel Durango is welcoming to the homeless community and is not support of this ordinance.

Caroline Burkhart spoke in opposition to the ordinance and how it should not be modeled after other cities.

There being no one else wishing to speak, the hearing closed at 8:24 p.m.

Councilor Carson moved, seconded by Councilor Dominguez, to finally adopt Ordinance No. 19-2024. The motion carried 5 to 1 with Councilor Jan Vigil casting the no vote.

3. City Manager/Legal

- a. Motion directing staff on whether to move forward with the design of the soup kitchen/low-barrier shelter (formally a low-barrier, cold weather shelter).

Ms. Sanchez provided information to Council. La Puente also provided additional information.

Council further discussed this topic.

Council could not come to an agreement to provide staff with direction and asked for a work session to be held. The earliest work session date available is on October 23rd. Staff will send out calendar invites for that work session.

- b. Motion directing staff whether to return electrical services to St. Benedict.

Ms. Sanchez provided background information on this topic to Council. Council further discussed this item.

Councilor Jan Vigil moved, seconded by Councilor Dominguez to return electrical service at St. Benedicts for just the city's Wi-fi and security cameras. The motion carried unanimously.

D. Committee Reports

Councilor Jackie Vigil reported on the LEAD Policy Committee meeting she attended.

Mayor Pro Tem Hensley reported on the Tree Board, Marketing Board, and Main Street Advisory Committee board meetings she attended.

E. Staff Announcements

Ms. Sanchez commented in regards to the ArtsFest. She also reminded everyone about the Public Budget meeting that will be held next week, Thursday, September 26, 2024 at 6:00 p.m. here at City Hall.

COUNCIL COMMENT

None.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

First Reading, Ordinance No. 26-2024, an ordinance establishing a temporary moratorium on the establishment of medical and retail marijuana stores through June 30, 2025

Recommended Action:

Approve the temporary moratorium ordinance on first reading and set for public hearing on October 16, 2024, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Background:

The City currently prohibits all commercial marijuana facilities other than marijuana testing facilities. See Section 10-251 and 10-262 of the *Code of Ordinances*. Ballot questions concerning the legalization of medical and retail marijuana stores will be before the voters at the November 5, 2024, election.

If either or both of the legalization measures pass, the City will need to develop ordinances governing marijuana stores, including appropriate licensing and zoning regulations, and including, without limitation, regulations governing number, size and location of such facilities, hours of operation, health and safety regulations, security regulations, and licensing and enforcement procedures. It is not efficient to attempt such ordinances until after the results of the November election are tabulated, as marijuana provisions would be irrelevant and confusing if marijuana stores remain prohibited within the city after the election.

Staff continues to further study the issues surrounding appropriate regulations for marijuana stores in the event the voters legalize marijuana stores in the city, but will not provide recommendations or drafts of such regulations to Council, nor engage in drafting such recommendations or regulations, unless and until the results of the November election indicate that it is appropriate to do so.

Issue Before the Council:

Does Council wish to approve the Ordinance establishing a temporary moratorium on first reading and set it for public hearing to be held October 16, 2024?

Alternatives:

- 1) Approve the Ordinance on first reading and set for public hearing on October 16, 2024, at 7:00 p.m. or as soon thereafter as the matter may be heard.
- 2) Approve the Ordinance with changes to the length of the moratorium.
- 3) Decline to approve the Ordinance in whole or in part, and give staff further direction.

Fiscal Impact:

None.

Legal Opinion:

City Attorney will be available for comment if necessary.

Conclusion:

Approval of this Ordinance would give staff an opportunity to research the issue and bring information to Council for consideration of appropriate zoning and other regulations for marijuana stores pending outcome of the upcoming election.

ATTACHMENTS:

Description	Type
Ordinance 26-2024 marijuana moratorium	Ordinance

ORDINANCE NO. 26-2024

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF MEDICAL AND RETAIL MARIJUANA STORES THROUGH JUNE 30, 2025

WHEREAS, Article XIV, Section 4 of the *Charter* of the City of Alamosa empowers the City Council to zone the City and to make appropriate regulations and restrictions concerning land uses within the City of Alamosa; and

WHEREAS, the Alamosa *Code of Ordinances*, at sections 10-251 and 10-262 prohibits the establishment of any commercial marijuana facilities, including medical and retail marijuana stores, as those facilities are defined in the Colorado Medical Marijuana Code (C.R.S. § 12-43.3-101 et seq.) and the Colorado Retail Marijuana Code (C.R.S. § 12-43.4-101 et seq.), other than marijuana testing facilities; and

WHEREAS, the City of Alamosa has placed two questions concerning marijuana on the ballot for the coordinated election to be conducted November 5, 2024, one concerning allowing medical marijuana stores within the City, and once concerning allowing retail marijuana stores within the City, the text of which reads as follows:

SHALL THE TAXES OF THE CITY OF ALAMOSA BE INCREASED BY \$300,000 IN THE FIRST FISCAL YEAR, BEGINNING JANUARY 1, 2025, AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING AN ADDITIONAL SALES TAX OF 2 % ON THE SALE OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA PRODUCTS, AND SHALL THE SALE OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA PRODUCTS BE ALLOWED WITHIN THE CITY OF ALAMOSA SUBJECT TO SUCH REGULATIONS AS TO ZONING, DENSITY, NUMBER OF FACILITIES ALLOWED, ADVERTISING, HOURS OF OPERATION, SECURITY, AND OTHER MATTERS AS COUNCIL DEEMS APPROPRIATE TO ENACT, WITH THE SALES TAX RATES BEING CAPABLE OF BEING LOWERED OR REVOKED IN THE SOLE DISCRETION OF THE ALAMOSA CITY COUNCIL, WITH THE RESULTING TAX REVENUES ALLOWED TO BE COLLECTED AND SPENT, NOTWITHSTANDING ANY EXPENDITURE, REVENUE RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, § 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LIMITATIONS PROVIDED BY LAW?

And

SHALL THE TAXES OF THE CITY OF ALAMOSA BE INCREASED BY \$300,000 IN THE FIRST FISCAL YEAR, BEGINNING JANUARY 1, 2025, AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING AN ADDITIONAL SALES TAX OF 5 % ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, AND SHALL THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BE ALLOWED WITHIN

THE CITY OF ALAMOSA SUBJECT TO SUCH REGULATIONS AS TO ZONING, DENSITY, NUMBER OF FACILITIES ALLOWED, ADVERTISING, HOURS OF OPERATION, SECURITY, AND OTHER MATTERS AS COUNCIL DEEMS APPROPRIATE TO ENACT, WITH THE SALES TAX RATES BEING CAPABLE OF BEING LOWERED OR REVOKED IN THE SOLE DISCRETION OF THE ALAMOSA CITY COUNCIL, WITH THE RESULTING TAX REVENUES ALLOWED TO BE COLLECTED AND SPENT, NOTWITHSTANDING ANY EXPENDITURE, REVENUE RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, § 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LIMITATIONS PROVIDED BY LAW?

and

WHEREAS, if either or both of the ballot issues pass, the City will need to develop ordinances governing marijuana stores, including appropriate licensing and zoning regulations, and including, without limitation, regulations governing number, size and location of such facilities, hours of operation, health and safety regulations, security regulations, and licensing and enforcement procedures; and

WHEREAS, the City desires to further study the issues surrounding appropriate regulations for marijuana stores in the event the ballot issues are successful, so that marijuana stores may be appropriately regulated in the event they are allowed by vote of the citizens of Alamosa on the referred measures; and

WHEREAS, nothing in this section is meant to inhibit any individual's personal use or possession of marijuana pursuant to article XVIII, section 16(3)(a) - (e) of the Colorado Constitution;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado, as follows:

Section 1. Moratorium on the Establishment of Medical and/or Retail Marijuana stores. In the event either medical or retail marijuana stores are approved by the voters in the November 5, 2024, election, a moratorium is hereby established through June 30, 2025, unless sooner lifted by action of Council or made moot by the adoption of regulations governing such stores, on the establishment of medical and/or retail marijuana stores within the City of Alamosa

Section 2. Acceptance of applications during moratorium. During the time the moratorium is in place, the Finance Department may accept completed applications for sales tax licenses for medical and/or retail marijuana stores, and the Planning Commission may accept applications for use by special review for medical and/or retail marijuana stores, but no such application shall be acted upon while the moratorium is in place. Any applications will be dated and held until the moratorium is resolved. In the event that either of the referred measures is passed to allow medical or retail marijuana stores, applications filed while the moratorium was in effect shall be processed in the order in which they were received, and before any application filed after expiration of the moratorium, such that if any ordinance is enacted containing a limit

on total number of such stores, the order of filing of applications will be preserved through the moratorium period. The fact that any such application may have been filed for an address that later is designated as not allowing such use will not serve to grandfather the application with respect to the land use designations that were in place at the time the application was made. Instead, the application will be considered with the land use restrictions in place at the time of consideration, not of application. Additionally, in the event that any fee is established for such applications in excess of the fee paid when the application was made, the additional fee must be paid before the application will be processed.

Section 3. Staff Direction. In the event either of the referred measures concerning allowing marijuana stores within the City are approved in the November 5, 2024 election, City staff and the City Planning Commission shall investigate issues surrounding marijuana stores within the City of Alamosa and prepare a proposed ordinance or ordinances concerning appropriate licensing and zoning regulations, and including, without limitation, regulations governing number, size and location of such facilities, hours of operation, health and safety regulations, security regulations, and licensing and enforcement procedures for further consideration by the City Council during the moratorium period.

Section 4. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 5. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 6. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 7. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 8. NON-Codification. The City Clerk is directed to ensure that the provisions of this ordinance **ARE NOT** codified in the Code of Ordinances of the City of Alamosa.

INTRODUCED, READ AND APPROVED on first reading the 2nd day of October, 2024, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 16th day of October, 2024, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 16th day of October, 2024.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk