

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Alamosa City Council Chambers
300 Hunt Avenue, Alamosa, CO
June 5, 2013

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

LINK TO COUNCIL CALENDAR

5:30 p.m. – Golf Course and Water Issues

6:30 p.m. – Work Session, Interview Board Applicants

7:00 p.m. – Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. AGENDA APPROVAL

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

B. Follow-Up

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.

- C. 1. a. Accept Planning Commission's Recommendation to Approve Permitted Use by Special Review to Allow Self-Service Storage Units in a Residential High Density Zone at 2049 Mullins Ave.
- C. 1. e. Cole Park Lighting Award of Bid
- C. 1. f. Slurry Seal Bid Award
- C. 1. g. Concrete Improvement Bid Award
- C. 7. a. Approve Minutes of Regular Meeting May 15, 2013
- C. 8. a. Renew Professional Services Agreement for City Attorney Erich Schwiesow

VII. REGULAR BUSINESS

B. Board/Commission Business

- 1. Make Appointments to Advisory Boards

C. Business Brought Forward by City Staff

1. Public Works

- b. Public Hearing Ordinance No. 6, 2013, An Ordinance Approving the Annexation of the 2013 Naranjo Petition for the Annexation of a Tract Located in the SE ¼ Section 9 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County Colorado

- c. First Reading Ordinance No. 7, 2013, An Ordinance Approving the Annexation Of The 2013 Herrera Vigil Chavez Petition For The Annexation Of A Tract Located In The SE ¼ Section 9 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County Colorado
- d. First Reading Ordinance No. 9, 2013, An Ordinance Re-Zoning The North Half of Tract 80, Grandview Subdivision Lying Generally South of Mullins Avenue And East of Victoria Street As Portrayed On The Attached Exhibit A, In the City of Alamosa Colorado From Residential Medium (RM) To Commercial Business

8. City Manager/Legal

- b. First Reading Ordinance No. 8, 2013, An Ordinance Approving An Intergovernmental Agreement With Alamosa County For Mutual Aid In the Provision Of AARF Firefighting Services At The San Luis Valley Regional Airport

D. Committee Reports

E. Staff Announcements

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. CONSENT CALENDAR B

The Consent Calendar allows multiple actions with one motion. Consent Calendar B contains routine items that are under Council's jurisdiction as the Local Licensing Authority. Council may remove a consent calendar item for separate consideration.

- B. 1. Accept Revised Stipulated Agreement for Compliance Check Violation, Atencio's Market
- B. 2. Approve Special Events Permit Application for Alamosa County Chamber of Commerce Rodeo events on June 21, 22, and 23
- B. 3. SLV Brewing Company Temporary Modification of Premises for Search & Rescue event 8/17/2013

COUNCIL COMMENT

ADJOURNMENT

Alamosa City Council Meetings and Events

Updated 5/29/2013

All events are held in Alamosa Colorado unless otherwise noted

CITY HALL IS LOCATED AT 300 HUNT

Date	Time	Event	Location	Additional Information
June 5, 2013	5:30 p.m.	Golf Course and Water Issues	Council Chambers	*
June 5, 2013	6:30 p.m.	Interview Board Applicants	Jury Room	*
June 18 - 21, 2013	starts Tues evening, ends Friday noon	CML Annual Conference	Vail	**
July 24, 2013	4:30 p.m.	City Services Fair	Cole Park	***
August 5, 2013	6:00 p.m.	Candidate Orientation Session	Council Chambers	***
September 25, 2013	TBD	CML District 8 Meeting	TBD	**

* Work sessions are informal Council meetings for the purpose of discussion among Council members. No action is taken. The public is invited to attend, but public comment is generally not received unless otherwise noted.

**Sponsored by outside entity. Council members have been invited to attend. Please check with originating entity for registration information

*** Citizens are encouraged to attend this community event

****This is a social event and is not open to the public. No City business will be discussed

*****This is a special meeting for the sole purpose of holding an Executive Session for Personnel Matters. While the meeting is open to the public, the Executive Session is not.

COUNCIL COMMUNICATION

DATE: May 31, 2013	Work Session	SUBJECT: Use of water at the golf course
Department Head: Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Background: The golf course has historically been irrigated with a combination of potable water from the City wells, well number 6 which is located just west of the cart sheds, and recently from City ranch water which is diverted to the wetlands east of the golf course and pumped to irrigate the back nine of the course. Well number 6 which is used to irrigate the front nine of the course has a decree limitation of 80 acre feet per year while the back nine system from the pond is limited to 106 acre feet per year for irrigation purposes (additional water has to be pumped directly to the river for return flow).

Recently, the Division of Water Resources has created a policy which requires that the decree limitations be measured on a five year rolling average, that is the amount of water pumped in each year is calculated by adding up the water pumped in the preceding four years subtracted from the decreed amount divided by five. The five year period starts in 2010 so 2013 is the fourth year. Based on usage in 2010 through 2012 our front nine pumping from well number 6 is well above the 80 af we are allowed to pump leaving us only 97 af for 2013 and 2014 which is about what we pumped in 2010 and in 2011. In 2012 we pumped 110 af.

This leaves us with two problems, one in the shorter term in providing water, especially in 2014, and longer term in how we will be able to bring our use back into our decree limitations.

Alternatives: In the near term, over the next two or three years, we are exploring ways to essentially transfer other city water rights to well number 6 temporarily to cover the shortfall created by over pumping in past years. This is only a temporary measure however. When the new well regulations are put onto effect our remaining city wells may easily be restricted to historical use from the period of 1976 through 2000 under the sustainability concept in the draft regulations so any water we divert to the golf course will have to be made up from reductions from other municipal users. Over this period of time we can also make physical improvements to the existing pumps on the front nine and adjust watering regimens.

Longer term we will have to find ways to stay within our decreed limitations. That will mean improvements in the overall irrigation systems and possibly course design. One potential change that could save significant amounts of water is shortening the irrigation season for the course.

Fiscal Impact: Irrigation improvements and possible course design changes could easily exceed \$250,000 though some of that work could be phased over a number of years. Finding the funds to do this will be a significant challenge.

Issues Before the Council: Information only. As strategies are examined and choices are made they will be presented to council for your decision.

Legal Opinion: City Attorney will be present for comment.

Conclusion: Our prolonged drought and changes in water regulations will have major impacts for our City water system. These golf course issues may be the first ones we have to address but will certainly not be the only ones.

COUNCIL COMMUNICATION

DATE: May 31, 2013	AGENDA NO. Work Session	SUBJECT:
Department Head: Judy A. Egbert, City Clerk		WORK SESSION Interview Two Board Applicants
City Manager: Craig Dodd, Interim Manager		
PRESENTED BY: City Council		

Recommendation

Conduct two interviews.

Background

Council is in the midst of its annual board recruitment cycle for terms that expire June 1. Three interested persons were not available that night, and two have been scheduled during this work session. The third will be interviewed June 26.

Appointment to the Recreation Board seat is scheduled for action later in tonight's agenda; the Planning Commission action will be on a future meeting.

Scheduled interviews are:

6:30 p.m. Matt Abbey, current Recreation Board member requesting reappointment.

6:45 p.m. Robert McWhirter, current Planning Commission member requesting reappointment

Issue Before the Council

Conduct interview to determine whether or not Council wishes to take further action.

Alternatives

- Conduct the interviews.
- Do not conduct the interviews, and further direct staff.

Fiscal Impact

N/A

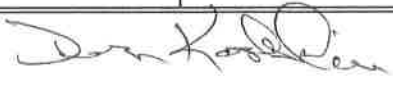
Legal Opinion

N/A

Conclusion

Council will be asked to take action on the appointment at the next meeting following the completion of the interview.

COUNCIL COMMUNICATION

DATE: May 28, 2013	AGENDA NO. VII, C, 1, a	SUBJECT: Permitted Use, Lot 73A, Grandview Subdivision
Department Head:  Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Recommendation: That council approves the permitted use by special review for Self Service Storage Facilities, use group C-26 at the subject lot which is zoned Residential High (RH) as requested

Background: The lot was recently the subject of a lot line adjustment and sale by the church which still owns the property to the east. The storage units are intended to serve the apartments on the lot immediately to the west and are not intended to serve the public at large. This will cut down on the traffic of persons using the storage units and there should be little conflict with neighboring properties.

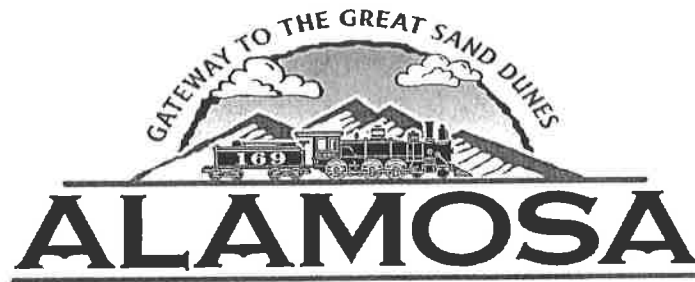
Issue Before the Council: Does council want to allow self-service storage units at this location?

Alternatives: Council can approve the permitted use as presented; approve with conditions; deny the permitted use with or without further referral to the Planning Commission.

Fiscal Impact: There should be no significant fiscal impact.

Legal Opinion: City Attorney will be present for comment.

Conclusion: These facilities should actually create a functional buffer between the church property to the east and the apartment units to the west while having little or no adverse impacts on the surrounding neighborhood.



MEMO

To: Planning Commission Members
From: Don Koskelin, Public Works Director
Subject: Request for Permitted Use by Special Review – Lot 73A, Grandview Subdivision
Date: May 13, 2013

I have reviewed the requested permitted use by special review to place storage units on the subject property and recommend that it be approved. The adjoining property to the west has apartment buildings on it and apartment occupants will be using many of the units. The property to the east is occupied by a church and should not have any conflicting issues with the intended use on this property which is zoned Residential High Density.

**CITY OF ALAMOSA
APPLICATION FOR PERMITTED USE BY SPECIAL REVIEW**

1. Name of property owner(s):

PARK AVE Plaza LLC

2. Mailing address of property owner(s):

823 Main
Alamosa, CO 81101

3. Phone number/E-mail:

719-589-5744

4. Applicant information if different from owner. Attach Power of Attorney.

Name: _____

Address: _____

Phone: _____

5. Legal description of property:

Lot 73 A resub of
Grandview Subdivision

6. Street address of property:

2049 Mullins Ave

7. Zoning of property:

RH

8. Describe proposed use in detail.

Storage units for
Plaza Apartment

(Use Group C-26 Self Service storage facilities)

9. Attach a list of adjacent property owners names and addresses for notification. (Available at County Assessors Office)

10. E-mail an electronic file of attached site plan to:

engineer@cc.alamosa.co.us

11. Attach time schedule for development.

See attached

12. Enclose application fee of \$50.00 non-refundable.

OWNER(S)

Darlene M. Carroll

Signature(s)

Darlene McCarroll 5/6/13

Print Name

Date

APPLICANT(S)

Signature(s)

Print Name

Date

Plaza Storage

- The storage units will only be accessible from Mullins Ave.

- The exterior building will have six foot storage doors on interior sides of building.

- The interior building will have six foot storage doors on the East and West sides of the building.

- There will be one outlet and light per unit.

- The color scheme will match the Plaza Apartments.

The dumpsters will be moved as to be concealed from street by fence.

- There will be a six foot cedar fence on the East lot line.

- The units will have metal roofing and siding
- Project to begin less than six months from approval

Ex. 17.

RFH

FIRST UNITED METHODIST CHURCH REPLAT

LOTS 73, 74 AND 75 OF THE RESUBDIVISION OF GRAND VIEW SUBDIVISION,
LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 4, TOWNSHIP 37 NORTH,
RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALAMOSA,
ALAMOSA COUNTY, COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT the within block is the owner of the real property shown on this plat, located in the City of Alamosa, Alamosa County, State of Colorado, and is dedicated as follows:

ALL OF LOTS 73, 74 AND 75 OF THE RESUBDIVISION OF GRAND VIEW SUBDIVISION, located in the Southwest Quarter (SW 1/4) of Section 4, Township 37 North, Range 10 East, New Mexico Principal Meridian, City of Alamosa, Alamosa County, Colorado, recorded under Exception No. 149329 in the Office of the Alamosa County Clerk and Recorder.

FOR REASON THAT the said block is to be used and dedicated to the use of the First United Methodist Church, a duly organized and existing corporation under the laws of the State of Colorado, and is to be used and dedicated to the use of the First United Methodist Church, a duly organized and existing corporation under the laws of the State of Colorado, and is to be used and dedicated to the use of the First United Methodist Church, a duly organized and existing corporation under the laws of the State of Colorado.

SIGNED

[Signature]
Diane Martin, Co-Chair of First United Methodist Church Board of Trustees
for First United Methodist Church, Alamosa, Co

SIGNED

[Signature]
Diane Martin, Co-Chair of First United Methodist Church Board of Trustees
for First United Methodist Church, Alamosa, Co

ACKNOWLEDGMENT

STATE OF COLORADO } ss

COUNTY OF ALAMOSA }

This foregoing instrument was acknowledged before me this 1 day of April, 2013, by Elise Rodriguez and Doreen Martin, together as Co-Chair of the First United Methodist Church Board of Trustees for the First United Methodist Church, Alamosa, Co. Witness my hand and seal.

WITNESSED my hand and seal this 15 day of April, 2013.



CITY PLANNING COMMISSION CERTIFICATE

APPROVED this 15 day of March, 2013, City of Alamosa Planning Commission, Alamosa County, Colorado.

SIGNED *[Signature]* ATTEST *[Signature]*
City Clerk Secretary of Planning Commission

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } ss 352354

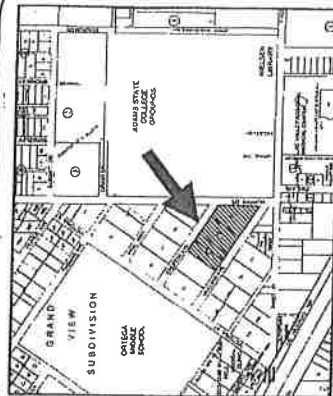
COUNTY OF ALAMOSA }

I hereby certify that the instrument was filed in my office under Official No. 352354, and is duly recorded under Exception No. 149329, and is filed in the Public Records, Map No. 100.

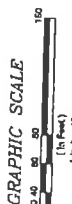
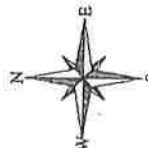
Signed *[Signature]*
Alamosa Methodist by Doreen Martin
Recorder

SURVEYOR'S STATEMENT

I, David M. Russell, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat was prepared from the plans of an actual field survey performed by me or under my direct supervision and in full and correct accordance with the laws of the State of Colorado and the rules and regulations of the Board of Surveyors and Land Surveyors.



Location Map
Not to Scale



BEARING BASIS

ALL BEARINGS ARE BASED ON THE ASSUMPTION THAT THE SURVEYING POINTS ARE IN A STRAIGHT LINE.

LEGEND

- Set 24" No. 4 Bubble Level - Aluminum
- Cap. PLS No. 2283
- Recovered 1/2" Smooth Road Pin
- Property Boundary
- Centerline of Street
- S 56°04'03" E Measured Bearing/Distance
- Record Distance

SURVEYOR NOTES

- This survey was conducted in full accordance with the laws of the State of Colorado, and the rules and regulations of the Board of Surveyors and Land Surveyors. The survey was conducted on the 15th day of March, 2013, and is duly recorded under Exception No. 149329, and is filed in the Public Records, Map No. 100.
- According to Colorado law, you must maintain this plat as a permanent record of the survey. You must not alter, modify, or destroy this plat in any way. You must not allow anyone to alter, modify, or destroy this plat in any way. You must not allow anyone to alter, modify, or destroy this plat in any way.
- This drawing is the property of the surveyor and is not to be reproduced, modified, or used for any other purpose without the written consent of the surveyor. The surveyor is not responsible for any errors, omissions, or inaccuracies in this drawing.

6'-Cedar fence between
Storage units & church

RUSSELL SURVEYORS & ASSOCIATES, INC.
6820 S. Hwy 17, ALAMOSA, COLORADO 81101
(719) 587-3610 (719) 587-3632

UNITED METHODIST CHURCH REPLAT
LOTS 73, 74 AND 75 OF GRAND VIEW SUBDIVISION,
LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 4,
TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL
MERIDIAN, CITY OF ALAMOSA, ALAMOSA COUNTY, COLORADO

SHEET NO. 1 OF 1
PROJECT: CHURCH REPLAT
DATE: 03/15/2013
DRAWN BY: DOREEN MARTIN
CHECKED BY: DAVID M. RUSSELL
APPROVED BY: DAVID M. RUSSELL
SURVEYOR'S SEAL

FILE NO. 352354
R01281

City of Alamosa
Planning Commission
May 22, 2013
6:00 p.m.
Minutes of the Meeting

The regular meeting of the Planning Commission was called to order on the above date at 6:00 p.m. by Chair Mark Manzanares. Present were the following members: Debbie Clark, Barbara Kruse, Don Martinez, Robert McWhirter and Shirley White. Excused: Farris Bervig. A quorum was declared. Staff present: Don Koskelin, Harry Reynolds, Pat Steenburg and Julie Scott.

EXCERPT

The request of Park Ave. Plaza LLC for a Permitted Use by Special Review to allow self-service storage units (Use GroupC-26) in a Residential High Density zone. The property affected is Lot 73A, Resubdivision of Grandview Subdivision, City of Alamosa, also known as 2049 Mullins Ave.

The public hearing opened at 6:20 p.m.

Manzanares: Is there someone here to speak for this request?

Coleman: Darin Coleman, 5090 Del Viento. What we propose are storage units solely for the use of the apartments next door. There is not going to be a sign advertising storage units. Access would be off of Mullins Ave. and we're planning on 70-80 units.

Manzanares: How many apartments are there?

Coleman: Fifty five units. Each will get a unit; some might have more than one if they need it.

White: Don, this is the replat we did for the church?

Koskelin: That's correct.

Manzanares: Is there anyone else that would like to speak for this? Against? We will close the public hearing.

The public hearing closed at 6:26 p.m.

For the record, all adjacent property owners were notified of the public hearing.

M/S/C. White, Kruse. Motion made to recommend approval of the request of Park Ave. Plaza LLC for a Permitted Use by Special Review to allow self - service storage units (Use Group C-26) in a Residential High Density zone. The property affected is Lot 73A, Resubdivision of Grandview Subdivision, City of Alamosa, also known as 2049 Mullins Ave. (Unanimous)

The recommendation will go to City Council on June 5th, 2013 for final action.

Next item:

The request of Alamosa School District RE-11J for a rezone of property from Residential Medium (RM) to Commercial Business (CB). The property affected is the north ½ of Tract 80, Grandview Subdivision, City of Alamosa, also known as 216 Victoria Ave.

The public hearing opened at 6:28p.m.

Manzanares: Is there someone here to speak for this request?

Goodwin: Greg Goodwin, 503 Main St. I'm with Porter Realty and working with the buyer who needs a zoning change from Residential Medium to Commercial Business. I met with Don and this is what he had recommended.

Manzanares: It looks like this would be correct for the surrounding area.

The public hearing closed at 6:29 p.m.

M/S/C. Kruse, McWhirter. Motion made to approve the request of Alamosa School District RE-11J for a rezone of property from Residential Medium (RM) to Commercial Business (CB). The property affected is the north ½ of Tract 80, Grandview Subdivision, City of Alamosa, also known as 216 Victoria Ave. (Unanimous)

Koskelin: Being a zoning change, the first reading will be on June 5th and second reading on June 26th.

This will be heard by Council at the next meeting on June 5th, 2013.

Next item:

The request of Valerie Naranjo for a replat of property. The property affected is Lots 90, 91, 102 & 103, McClain Fink Subdivision located in the NE ¼ of Section 15, township 37 North, range 10 east, New Mexico Principal Meridian, City of Alamosa, lying generally north of 20th St. and west of Ross Ave.

The request of Valerie Naranjo for Residential Medium (RM) zoning designation. The property affected is Lots 90, 91, 102 & 103, McClain Fink Subdivision located in the NE ¼ of Section 15, township 37 North, range 10 east, New Mexico Principal Meridian, City of Alamosa, lying generally north of 20th St. and west of Ross Ave.

As there was no one present to speak for the Naranjo requests the requests were tabled until the next regular Planning Commission meeting to be held on June 26, 2013.

Other Business: None.

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Julie Scott
Recording Secretary

COUNCIL COMMUNICATION

DATE: May 28, 2013	AGENDA NO. VII, C, 1, e	SUBJECT: Cole Park Lighting
Department Head: Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Recommendation: That council award this project to Alpine Electric, Inc. in the amount of \$69,518.00.

Background: We have been looking for some time at ways to improve the lighting and electrical systems in Cole Park. The existing lights are mounted on wooden poles and are fed by an overhead electrical distribution system. The lights and poles are owned by Xcel Energy and we pay a flat service and maintenance fee for each light which is substantially more than we would pay for metered service for the lights alone. If we had Xcel upgrade the system we would have to pay for the upgrades and still transfer ownership to Xcel. We currently have seven lights, each 100 watts and mounted on 20 foot tall wooden poles. While the 20 foot mounting height would normally help with light dispersion, in this case, it puts the lights above many of the tree branches and creates significant shadowing. We propose to replace these lights with 12 lights of the same type that we have in the City Complex parking lots and on Main Street along with two more in the parking lot on the east side of the Seniors Center, each mounted at a 12 foot height and having 165 watts induction lights. Each pole set would have one 15 amp duplex receptacle on the pole. Six new electrical panels will be installed and four of the existing panels will be maintained with new underground feeds. Conduit will also be pulled to support a future sound system or other needs. We have purchased the lights last year because of the long lead time on these items and are working with Xcel to set ground mounted transformers to simplify the undergrounding of the entire system. Two bids were received for this project as follows:

Alpine Electric	\$ 69,518.00
Valley Electric	\$128,262.00

Issues Before the Council: Does council wish award this contract to the lowest responsive and responsible bidder, Alpine Electric or to provide staff with further guidance.

Alternatives: Council can award the bid as proposed; reject all bids and provide staff further guidance.

Fiscal Impact: This project was initially budgeted for in 2012, line item 74811 in the amount of \$190,000 of which \$25,037 was used to purchase the lights and the bases, leaving \$164,963 unspent at the end of the year. Of this council would have to re-appropriate the amount of this contract to complete the project.

Legal Opinion: City Attorney will be present for comment.

Conclusion: Alpine Electric has done most of the electrical work in Cole Park over the years including the installation of temporary services for special events. They are intimately familiar with the current facilities and the electrical service short-falls we have encountered in supporting Summerfest on the Rio and Early Iron events at the Park.

COUNCIL COMMUNICATION

DATE: May 29, 2013	AGENDA NO. VII, C, 1, f	SUBJECT: 2013 Slurry Seal Program Bid
Department Head: Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Recommendation: That council award this project to Intermountain Slurry Seal, Inc. in the amount of \$75,558.00.

Background: A request for bids (RFB) for the 2013 Slurry Seal Program was advertised with two bidders responding.

Rocky Mountain Pavement, LLC	\$99,345.00
Intermountain Slurry Seal, Inc.	\$75,558.00

A slurry seal is a combination of asphalt emulsion and ¼” rock used to protect pavement from wear and from deterioration caused by UV. The sun at this altitude quickly deteriorates asphalt, making it brittle and prone to cracking and to raveling (loose rock). The slurry seal seals smaller cracks while providing a protective coating for the road. It is typically used for streets that have not expressed major distresses or damage and is intended to keep that asphalt in good condition, prolonging its useful life without more expensive maintenance measures such as an overlay. We coordinated our bids with Gunnison and Salida which appears to have resulted in a much reduced cost for the project.

This year we have planned on completing La Due and all of the streets east of it, Clark Street from Craft to Murphy, and the Golf Course streets.

Issue Before the Council: Does council wish to award the bid to the lowest responsible and responsive bidder or to one of the other firms.

Alternatives: 1) Award the bid to Intermountain Slurry Seal as the lowest responsive and responsible bidder; 2) award the bid to Rocky Mountain Pavement; 3) reject all bids and provide staff further direction.

Fiscal Impact: \$135,000 was available for this project. We may expand the work area to take advantage of the reduced cost from this bid. Staff is investigating possible candidates for further work.

Legal Opinion: City Attorney will be present for comment.

Conclusion: Intermountain Slurry Seal is a very experienced firm that has been doing this type of work for a number of years and has a very strong reputation.

COUNCIL COMMUNICATION

DATE: May 29, 2013	AGENDA NO. VII, C, 1, e	SUBJECT: Concrete Improvement Bid
Department Head: Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Recommendation: That council award this project to Vigil Construction in the amount of \$56,275.00.

Background: A request for bids (RFB) for the 2013 Concrete Improvement Project with three bidders responding.

Cedar Ridge Landscaping	\$67,585.00
Elite Construction	\$60,300.00
Vigil Construction	\$56,275.00

All bids meet basic specifications. We have done business with Elite and vigil in the past with generally good results. We have had some scheduling issues with Vigil on past projects but both of us have learned from that process and Dale has assured us that he will be more vigilant in the scheduling and execution of this years' project.

Issue Before the Council: Does council wish to award the bid to the lowest responsible and responsive bidder or to one of the other firms.

Alternatives: 1) Award the bid to Vigil Construction as the lowest responsive and responsible bidder; 2) award the bid to one of the other firms who submitted a bid; 3) reject all bids and provide staff further direction.

Fiscal Impact: \$65,000 was budgeted for this project in the 2013 budget. We may have to increase the amount of concrete curb and gutter installed on the improvements on the Highway 285/8th Street intersection and the low bid gives us leeway to do that if it becomes necessary.

Legal Opinion: City Attorney will be present for comment.

Conclusion: Vigil's quality of work has always been good though his scheduling has not always been up to par. We have met with him on our expectations for this year and he assures us he can meet those expectations.

ALAMOSA CITY COUNCIL
Wednesday, May 15, 2013
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, Charlie Griego, Rusty Johnson, Josef Lucero, Leland Romero, and Marcia Tuggle. A quorum was declared. Also present: Interim City Manager Craig Dodd, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

AGENDA APPROVAL. Councilor Tuggle requested Item C. 1. c. be moved to Regular Business. It was moved by Councilor Tuggle and seconded by Councilor Lucero to approve the agenda as amended. The motion carried unanimously.

CITIZEN COMMENT

A. Audience Comments

Pat McDermott of Division of Water Resources offered to be available for the golf course water discussion, saying the Division is willing to discuss potential solutions.

B. Follow-Up None.

CEREMONIAL ITEMS

A. Mental Health Month Proclamation

Mayor Rogers read the proclamation and presented it to Kristina Daniel, who spoke about mental health services.

CONSENT CALENDAR A. It was moved by Councilor Lucero and seconded by Councilor Gillaspie to approve Consent Calendar A as amended. The motion carried unanimously. Items:

- C. 2. a. Receive April 2013 Expenditure Report
- C. 7. a. Approve Minutes of Regular Meeting May 1, 2013
- C. 8. a. Receive April 2013 Monthly Reports

REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Public Works

a. Herrera Vigil Chavez Annexation 2013

1. Eligibility Hearing

Don Koskelin reviewed the location of the property and the purpose of the hearing.

Mayor Rogers opened the hearing at 7:16 p.m. and asked for those wishing to speak on this matter. There being no one wishing to speak, the hearing closed at 7:16 p.m.

2. Resolution No. 9, 2013, A Resolution Finding Property Subject to the 2013 Herrera Vigil Chavez Petition for Annexation to be Eligible for Annexation

Councilor Griego moved, seconded by Councilor Tuggle to adopt Resolution No. 9, 2013. The motion carried unanimously.

b. First Reading Ordinance No. 6, 2013, An Ordinance Approving the Annexation of the 2013 Naranjo Petition for the Annexation of a Tract Located in the SE ¼ Section 9 Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County Colorado

Don Koskelin reviewed this property, noting that action on this ordinance is the final step in this annexation.

Councilor Romero moved, seconded by Councilor Johnson to pass Ordinance No. 6, 2013 on first reading and to set a public hearing thereon for Wednesday June 5, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

c. Accept Planning Commission's Recommendation to Approve Permitted Use by Special Review to Allow an Upholstery Shop in an RM Zone at 1003 Alamosa Avenue

Councilor Tuggle voiced opinion that this action is equivalent to spot zoning, and encouraged Council to consider the overall area in the decision.

Council noted that this is not a zoning action, but a Permitted Use that can be revoked if conditions are not met. Staff clarified that the owner has a vested property right in the granting of the use, and it could only be revoked if specified conditions are not met or if the use is abandoned for six months or longer.

In response to question from Council, Mr. Koskelin noted that all the business activity in contained inside the building. There is a fence planned, but it is not a condition of approval. This use could potentially be conducted as a home business, but the square footage exceeds the allowed amount for a home business. Any signage will need to comply with the sign code. A variance has been obtained for setbacks.

Council continued discussion, asking questions of the applicant.

Councilor Romero spoke in objection, saying citizens have contacted him with concern.

Councilor Griego moved, seconded by Councilor Gillaspie to accept Planning Commission's Recommendation to Approve Permitted Use by Special Review to Allow an Upholstery Shop in an RM Zone at 1003 Alamosa Avenue. On discussion, Councilor Tuggle reviewed the commitments made at the Planning Commission hearing, saying that this will be an attractive business in this location. Councilor Lucero voiced support. Councilor Romero asked the applicant if he owned the property, to which he answered yes. The motion carried six to one, with Councilor Romero casting the no vote.

c. Pickup Purchase

Mr. Koskelin presented this item. The purchase is planned for a future budget year, but is possible now because of savings on other vehicle and equipment purchases.

Councilor Tuggle moved, seconded by Councilor Johnson to purchase a 2013 Ford 250 Pickup in the amount of \$24,869.00 through the State of Colorado bid system. The motion carried unanimously.

4. Parks/Recreation/Library

a. Discuss Division of Water Resources Policy Affecting Cattails Front Nine Well

Heinz Bergann reviewed water policies affecting the water available for the front nine of the golf course. When considering a five year average, it is clear that there is not enough water allocated for the remainder of this year and next year. No action is requested tonight, although something will need to be considered soon.

Mr. Koskelin pointed out that the golf course water is part of the city's collective water supply, and should be considered for conservation measures along with all other water issues.

A work session will be set in the future to discuss options for resolving this matter.

8. City Manager/Legal

a. Public Hearing Ordinance No. 4, 2013, An Ordinance Amending Article III Of Chapter 11 of the Code of Ordinances of Alamosa, Colorado to Regulate Panhandling

Chief Dodd reviewed the background, saying that the need had been brought forward, researched, and ultimately brought to Council for consideration of addressing public safety issues around panhandlers. The ordinance addresses where panhandling may be restricted and how it impacts traffic flow, as well as aggressive panhandling. It does not eliminate panhandling entirely, just addresses public safety issues.

Mayor Rogers opened the hearing at 7:53 p.m. and asked for those wishing to speak on this ordinance.

Lance Cheslock, Director of La Puente, clarified that it is important to balance regulation of aggressive panhandling and public safety. He agreed with the intent of the ordinance, but believes that the details of applying the law leave no location possible to conduct panhandling. This affects the lives for those whom panhandling is the last resort. Begging for alms is one of the rights of the poor everywhere. The intent of the law isn't always the end result. It is important for everyone affected to have input into the law to avoid overreaching. He believes this ordinance eliminates any location that would be effective for someone who needs to be able to do this.

Calvin Monroe, resident of La Puente, told Council that he has been unemployed for nineteen years. He does temporary jobs that do not pay enough. He trades work for a place to live, but does not have cash for the necessities that food stamps don't cover, such as soap and toiletries. He stands with a sign, and people can decide whether to stop and help or not. It is a civil exchange going on, and is not assertive or aggressive. He understands how panhandling can easily escalate into an aggressive situation. He suggested forming a committee to review the details of the ordinance, consisting of those complaining, those who want to give, and those needing to receive. As currently written the ordinance looks like a method to remove people from the street. Complaints should be dealt with when people are fearful or in jeopardy. He requested that Council postpone a decision and work on the details.

Dan McCann, a City resident, said “only by the grace of God go I”. He told Council that he has family support, but not everyone does. There are Veterans in need. There is no easy way to deal with this. Some people need resources to get over the hump, and some people never get over it. Some people abuse panhandling and drive away in a BMW. Police should be able to refer panhandlers to agencies that can help. Safety is important.

Mary Van Pelt, a City resident, echoed comments already stated.

There being no one further wishing to speak, the hearing closed at 8:05 p.m.

Council discussed:

- There is a genuine concern for people who are in need
- Safety is important. The concept of a safe place to panhandle was not agreed upon.
- Aggressive panhandling is not advocated by anyone.
- Panhandling reflects poorly on the community.
- There are resources such as La Puente and churches to provide help.
- Citizens have made complaints, with a lot of the complaints coming from parking lot situations.
- The ordinance does need to accommodate those in genuine need.

Council thanked those who spoke, noting that it takes an effort to be at a meeting to do this. Mayor Rogers added that her point of view had been changed by listening to those here tonight.

Councilor Griego moved, seconded by Councilor Lucero to table action on this ordinance to allow time for staff to meet with affected groups and bring back changes to the ordinance. On discussion, Councilor Lucero suggested setting up a subcommittee to work on this. The motion carried unanimously.

Council took recess from 8:20 p.m. to 8:25 p.m.

b. Public Hearing Ordinance No. 5, 2013, An Ordinance Amending Article VIII of Chapter 10 of the Code of Ordinances of Alamosa, Colorado, Regulating Solicitors and Peddlers

Counselor Schwiesow gave an overview of the origin behind this ordinance. Commercial solicitors will be allowed through a license. Property owners may prohibit any solicitor by way of posting a sign. There is no registration requirement for non-commercial solicitation.

Mayor Rogers opened the hearing at 8:28 p.m. and asked for those wishing to speak on this ordinance.

Jenna Mazzucca of Salida, spoke in favor of the ordinance.

There being no one further wishing to speak, the hearing closed at 8:30 p.m.

Councilor Romero moved, seconded by Councilor Griego to finally adopt Ordinance No. 5, 2013. On discussion, Council clarified that the motion is to approve as presented. This exempts non-commercial solicitation from the license requirements. Commercial solicitors must obtain a license, but are not required to produce the license to customers. Councilor Lucero expressed interest in a system that would provide a solicitor with a badge of some type that would lend credibility. Councilor Tuggle questioned the definition of solicitors and how it affects

real estate salespersons. Counselor Schwiesow responded that the definition in section 10-211 has not changed.

The motion carried unanimously.

E. Committee Reports

Councilor Tuggle reported on the Senior Citizens meeting.

Councilor Gillaspie:

- pointed out the work session next week regarding Dan Russell's proposed RV park
- Said that Liz Hensley's marketing research class may have services to offer the City
- Ride The Rockies will be here June 12
- The barbeque challenge will be here September 6, 7, and 8
- The Fireball Run will be here September 22
- There will be a raptor convention over Thanksgiving weekend.

Councilor Lucero reported on the recent CML Policy Committee meeting, which centered around removing restrictions related to municipally owned utilities. He also reported on the CML Spring Outreach meeting in Monte Vista dealing with legislative updates.

F. Staff Announcements

Ms. Egbert proposed that the May 22 work session be moved to 7:00 to allow use of Council Chambers. Council agreed to the change.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

B. Liquor Licensing Items.

1. Hearing on Special Events Permit Application, Alamosa Senior Citizens, 100th Anniversary, 7/4/13

Ms. Egbert reviewed the need for the hearing, saying that the applicant had requested service hours of noon through 9:30 p.m. The Police Department was concerned about extending service that late in relation to security. Additionally, Leon Moyer filed a protest that Council may or may not determine contains elements of reasons for denial.

Chief Dodd described his concerns. The headliner band is nationally-known, and expected to draw a crowd that is larger and more varied than typically occurs in Cole Park venue events. This presents difficulty in security, as there is no fencing, inadequate number of security personnel, no ability to regulate backpacks/searches, and the proximity of the river and the fireworks. Even though resources are being requested from other agencies, he does not feel prepared to deal with the risk involved. He suggested that beer sales stop at 5:00, allowing a buffer of time between the end of the alcohol and the start of the headliner at 7:30.

Mayor Rogers opened the hearing at 8:53 p.m.

Ronny Wright, President of the Senior Citizens, said that he appreciates Chief Dodd's efforts, but if sales are cut off as early as 5:00 or 5:30 they will not be able to break even with the expenses involved, such as insurance purchase. He requested that sales be allowed until 8:00.

Most of the attendees won't arrive until later in the day. He offered to hire additional security if needed. The taxi service will be on stand-by, and the Seniors are willing to pay for rides home for people.

Dorothy Van Trese, Senior Citizens Director, assured Council that the group will handle sales responsibly. They will recognize when a customer needs to be cut off, and will appropriately ID customers and provide arm bands. They have experts training them on how to pour beer. Much of the crowd won't arrive until 3:00 or 4:00. They have lots of experienced people helping with the event, such as Mark Melgares, and Gene from Coors. Younger volunteers are responsible and will help with ID and arm bands. They will use the ID scanner provided by the Police Department.

Randy Wright added that there will be a system of scanning the ID, buying a ticket, then getting the beer. The tickets are customized for the event, and can't be forged. He welcomes other suggestions to improve the event.

Chief Dodd recognized that this is a difference of opinion. He is not concerned with the level of responsibility that the Seniors offer, but rather with the availability of alcohol in general at this type of event.

Michael Yohn, County Commissioner, said that this is a good event. This is not just a beer garden, but the entirety of the event. The County isn't benefitting from the beer sales, and the Senior Citizens can use the fundraiser. It will be conducted in a responsible way.

There being no one further wishing to speak, the hearing closed at 9:03 p.m.

Councilor Tuggle commented that the Seniors are clearly going to operate responsibly. She reminded Council that the community had been advocating to Summerfest for some time to bring in name bands and the resulting people from outside communities. This is the chance to do that. This band is a Grammy winner and has a large following. She has talked to people who have attended these concerts with no problems. Multiple other events have worked well in the park. If 9:30 is too late, she would be willing to cut back a bit, but in a way that still allows those who arrive at 5:00 or 6:00 to get a drink. She proposed 8:00.

Councilor Lucero said that he likes to see non-profit organizations work to become more self-reliant, and this is a good opportunity to do so.

Councilor Gillaspie felt that the potential for abuse is too high, and advocated ending at 6:00.

Councilor Johnson said that he doesn't view this as much different from other festivals. When he asked Chief Dodd how Council could best support him, he said that the unknown was in the number of people. The need is simply for security resources.

Councilor Tuggle noted that Monte Vista has two very large events, one with bikers and one with cowboys. Both are managed well.

Councilor Griego expressed concern with the fireworks and resulting congestion issue.

Mr. Yohn added that there would be eight State Patrol, eight Sheriff officers, eight ASU officers, and eight City officers. Chief Dodd said that there would be twenty five total law enforcement personnel present. These resources also will cover the surrounding areas as well as the event itself. Mr. Yohn noted that the band will have its own security personnel, and there will be other

event volunteers. The fireworks have been located at Polston before. The Little Britches Rodeo is using the fairgrounds during this time.

Councilor Tuggle moved, seconded by Councilor Lucero to approve the Special Event Permit with the end time changed to 9:00 p.m. On discussion, Councilor Romero said that he would like to see an earlier time. Mayor Rogers thanked Chief Dodd for his efforts. The motion carried with four in favor (Lucero, Rogers, Tuggle, Johnson) and three opposed (Griego, Gillaspie, Romero).

Council noted that the protest by Leon Moyer was not addressed at this hearing. Council did not directly address the issue of merit to the protest, but noted that because the hearing was held, the opportunity was there for citizens to speak to any issue of interest. Mr. Moyer was not present during the hearing.

2. Reconsideration of Atencio's Market Liquor Violation Stipulation

At the last meeting, Council imposed a 15 day suspension for this violation and authorized acceptance of a fine in lieu of suspension. Because the business had a violation within the past two years, it should not have been eligible to pay a fine.

Councilor Lucero moved, seconded by Councilor Johnson, to reconsider action on this item, and send the issue back to Prosecutor Gene Farish for a different recommendation. The motion carried unanimously.

COUNCIL COMMENT

Council thanked the County for the recent airport tour.

Councilor Tuggle told Mike Yohn she appreciated the good working relationship with the County.

Councilor Griego thanked Chief Dodd for his safety concern.

Councilor Lucero agreed with Councilor Griego.

Mayor Rogers spoke regarding the RV Park development. Dan Russell had presented his project to her, Councilor Griego and City staff. The media has reported that the City is "on board" with the project, when the fact is that the City has not yet been asked for any decision regarding this project. There have been no meetings conducted in secret, nor any promises made. The initial meeting resulted in the scheduling of the May 22 work session, which will be the first that Council will hear from Mr. Russell.

ADJOURNMENT. The meeting adjourned at 9:34 p.m.

COUNCIL COMMUNICATION

DATE: May 22, 2013	AGENDA NO. VI.C.8.a	SUBJECT: Renew contract for City Attorney services
Department Head: Craig Dodd, Interim City Manager		
City Manager: Craig Dodd, Interim City Manager		
PRESENTED BY: Don Koskelin, Acting City Manager		

Recommendation

Renew contract with Erich Schwiesow, of Lester, Sigmond, Rooney & Schwiesow, for City Attorney services for calendar year 2013.

Background

Mr. Schwiesow is currently operating under a holdover on his contract that expired April 1, 2013. The provisions in the proposed 2013 contract are the same but the contract term itself is adjusted to correspond to a calendar year, to be consistent with the contract for municipal judge and prosecuting attorney. A provision has been added to allow this contract to self-renew absent of a request from either party, also consistent with those other contracts.

Mr. Schwiesow has expressed an interest in continuing to provide these services without any other changes in the terms of the contract.

Issue Before the Council

Does Council wish to continue City Attorney services for 2013 as proposed in the attached contract?

Alternatives

- Enter into the proposed contract as drafted.
- Enter into the contract with changes.
- Do not enter into this contract and further direct staff.

Fiscal Impact

This contract represents the same compensation level as has been in place since 2010. The 2013 budget accommodates this rate.

Legal Opinion

Counselor Schwiesow will be available at the meeting.

Conclusion

Having the services of a City Attorney is essential to the operation of the City. If Council is happy with the current terms, I recommend executing the documents as proposed.

ALAMOSA CITY ATTORNEY AGREEMENT

THIS AGREEMENT is made effective as of April 1, 2013, between the City of Alamosa ("the City") and Erich Schwiesow of Lester, Sigmond, Rooney & Schwiesow, herein referred to as "Attorney".

SECTION ONE PURPOSE OF EMPLOYMENT

The City employs Attorney to represent the City, as the City Attorney, for the City of Alamosa. The nature of the duties of Attorney will be to faithfully represent the interest of the City as its general counsel for the period designated in the following paragraph, as set forth in Article VII of the Alamosa Charter and as directed by the City Ordinances and the City Council.

SECTION TWO PERIOD OF EMPLOYMENT

The City hereby employs Attorney as its City Attorney for the remainder of the 2013 calendar year, with the term automatically renewing for subsequent annual periods unless written notice of cancellation is given by either party thirty (30) days before the end of an expiring term.

SECTION THREE ATTORNEY'S FEES

The City shall pay to Attorney for all services rendered hereunder the sum of One Hundred Twenty Dollars (\$120) per hour for all work performed, with fractions of hours computed in periods of one-quarter of an hour. Attorney's absence from the office on behalf of the City will be charged at the same hourly rate, although Attorney shall endeavor to minimize travel expenses, travel and courthouse time, whenever able.

SECTION FOUR COSTS RELATED TO REPRESENTATION

Expenses attributable to Attorney's representation of the City shall be billed on a pass through basis for the following kinds of expenses: Computer filing fees; computer research utilization fees in foreign jurisdictions; and mileage travel by private automobile, which is billed at the applicable Internal Revenue Service rate per mile. Excess postage (postage over \$5.00 per item) and excess copies (any copy job exceeding 250 pages) will be billed at a pass through rate for postage and copies billed at \$.05 per page. All other costs shall be considered overhead and not be billed to the City.

Tuition, mileage and lodging for Attorney's attendance at the annual Colorado Municipal League Attorney Seminar is Reimbursable.

SECTION FIVE BILLING AND PAYMENT

Attorney shall send out bills on a monthly basis reflecting all services and costs in connection with this matter. All bills that are sent out will indicate work performed and will reflect separate charges for services and costs. City shall pay Attorney a monthly retainer of \$5,500 per month. Every quarter, (that is for the March, June, September and December billings) the retainer shall be reconciled with the billing, and Attorney shall return to City any excess retainer or, conversely, City shall pay to Attorney any deficiency.

SECTION SIX CONFLICTS OF INTEREST

Attorney shall endeavor to avoid all conflicts of interest as provided in the Colorado Rules of Professional Conduct. In the event of an unavoidable conflict of interest that cannot be avoided or is not waived by the parties involved, Attorney will not represent either party involved in the conflict and will work with City to secure appropriate special counsel.

SECTION SEVEN TERMINATION

This Agreement may be terminated at any time on thirty day's notice in writing from either party to the other party (with payment of fees and costs incurred up to the date of termination).

SECTION EIGHT OTHER ATTORNEYS

Other members of Attorney's firm, Lester, Sigmond, Rooney & Schwiesow, may provide legal services to the City on the same terms as set forth in this Agreement, although Erich Schwiesow shall at all times be the named City Attorney and shall be the Attorney primarily responsible for provision of legal services pursuant to the Agreement.

SECTION NINE RELATIONSHIP OF THE PARTIES

The parties intend that Attorney shall at all times act in the capacity of an independent contractor with respect to the terms and conditions of this Agreement.

Attorney is not to be considered an agent or employee of the City, for any purpose, and the employees of Attorney are not entitled to any of the benefits that the City provides for its employees. It is understood that Attorney is free to contract for similar services to be performed for others while under contract with City so long as Attorney is able to fully satisfy his obligations under this Agreement. ATTORNEY IS NOT ENTITLED TO WORKER'S COMPENSATION BENEFITS OR UNEMPLOYMENT INSURANCE BENEFITS UNLESS ATTORNEY OR A THIRD PARTY PROVIDES SUCH COVERAGE, AND ATTORNEY ACKNOWLEDGES THAT CITY DOES NOT PAY FOR OR OTHERWISE PROVIDE SUCH COVERAGE. MALPRACTICE INSURANCE OR ERRORS AND OMISSIONS INSURANCE IS TO BE PAID BY ATTORNEY. ATTORNEY ACKNOWLEDGES THAT HE IS OBLIGATED TO PAY FEDERAL AND STATE INCOME TAX ON ANY MONIES EARNED PURSUANT TO THE CONTRACT RELATIONSHIP, IF ANY BE DUE.

SECTION TEN ILLEGAL ALIENS-PUBLIC CONTRACTS FOR SERVICES

- A. Attorney certifies that he shall comply with the provisions of CRS § 8-17.5-101 et seq. Attorney shall not knowingly engage an illegal alien to perform work under this Agreement, enter into a contract or sub-contract with a subcontractor that fails to certify to Attorney that the subcontractor shall not knowingly engage an illegal alien to perform work under this Agreement. This applies to Attorney's support staff.
- B. Attorney represents, warrants, and agrees that he (i) has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the e-verify program or the department program administered by the Colorado department of labor; (ii) will not use the e-verify or department program procedures to undertake pre employment screening of job applicants while this Agreement is being performed; (iii) if Attorney obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, he will (a) notify the subcontractor and the City within three (3) days that he has actual knowledge that the subcontractor is employing or contracting with an illegal alien, and (b) terminate the subcontract with the subcontractor if, within three (3) days of receiving the notice required above, the subcontractor does not stop employing or contracting with the illegal alien (unless during that 3 day period the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with the illegal alien).
- C. Attorney shall comply with all reasonable requests made in the course of an investigation under CRS § 8-17.5-102(5). Failure to comply with any requirement of this provision or CRS § 8-17.5-101, et seq., shall be cause for termination for breach of this agreement, which shall obligate Attorney to pay City's actual and consequential damages.

IN WITNESS WHEREOF, the parties have executed this Agreement at Alamosa County,
Colorado the day and year first above written

CITY OF ALAMOSA

By _____
Kathleen J. Rogers, Mayor

LESTER, SIGMOND, ROONEY & SCHWIESOW

By _____
Erich Schwiesow

COUNCIL COMMUNICATION

DATE: May 19, 2011	AGENDA NO. VII. B. 1.	SUBJECT: Make board/commission appointments
Department Head: Judy A. Egbert, City Clerk		
City Manager: Interim Manager Craig Dodd		
PRESENTED BY: City Council		

Recommendation. Consider making board appointments.

Background. Council has received applications from citizens wishing to be appointed to various boards for the June 2013 appointment cycle. Interviews with most of the applicants were held May 29, 2013, with three interviews pending. This is a summary of the seats and interested applicants:

- HPAC. Three seats available: Two with terms ending 6/1/2017, and one with a term ending 6/1/2016. Applicants:
 - Rhonda Borders (current member, requesting reappointment)
 - Terrie Pearson, new applicant
- Library Board. Two seats available with one term ending 6/1/2018 and one ending 6/1/2014. Applicants:
 - Terrie Pearson, new applicant
- Planning Commission. One seat available for Ward 4 with a term ending 6/1/2018. Applicants:
 - Robert McWhirter (current member, requesting reappointment)
 - Nora Gengo, new applicant
- Recreation Advisory Board. Two seats available, both with terms ending 6/1/2016. Applicants:
 - Matt Abbey (current member, requesting reappointment)
 - Peter De la Cerda (current member, requesting reappointment)
 - Jon Brownell, new applicant
 - Elvie Conley, new applicant
 - Jerry Green, new applicant
- Tree Board. Four seats available, two with terms ending 6/1/2017, one ending 6/1/2015, and one Alternate position that has never been filled since its creation (no expiration has yet been tied to this seat)
 - Dean Swift (current member, requesting reappointment)
 - Marilyn Loser (current member, requesting reappointment)

On May 29, Council interviewed Terrie Pearson, Jon Brownell, Elvie Conley, Jerry Green, and Peter de la Cerda. Matt Abbey is scheduled for interview just prior to tonight's meeting. Planning Commission applicants are scheduled for interview June 26.

Issue Before the Council. Does Council wish to make appointments for those that have been interviewed? Ballots will be provided at the meeting pursuant to adopted policy.

Council will be asked to make appointments to the Planning Commission seat after interviews have been conducted.

Alternatives

- Consider making appointments to HPAC, Library, Recreation, and Tree Boards.

- Do not make appointments, and further direct staff.

Fiscal Impact. N/A

Legal Opinion. Counselor Schwiesow will be available at the meeting if needed.

Conclusion. These advisory boards play an important role in providing advice and direction to Council and staff. If the proposed applicants meet Council's expectations, then it would be appropriate to make appointments to these positions. It is also appropriate for Council to direct staff to continue recruitment if these applicants do not meet Council's expectations.

COUNCIL COMMUNICATION

DATE: May 28, 2013	AGENDA NO. VII, C, 1, b	SUBJECT: Naranjo Annexation Ordinance
Department Head: Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Recommendation: That council pass Ordinance number 6-2013 approving the Naranjo Annexation unless evidence is introduced during the public hearing that would indicate otherwise.

Background: This property is located on the west side of Ross Avenue as it approaches 20th Street. Two of the lots are developed and one is vacant. These properties are within the Alamosa City service area and adjacent to existing properties with a contiguity of 23% which is well over the required 16.67%.

Issue Before the Council: Does the council wish to annex the subject property?

Alternatives: Pass ordinance 6-2013; amend and pass ordinance 6-2013; not pass the ordinance with or without further direction to staff and the applicant.

Fiscal Impact: The annexation itself will have limited fiscal impact on the City. The adjacent street is already in the city limits and sewer and water lines were installed many years ago to serve the law enforcement center on 17th Street.

Legal Opinion: City Attorney will be present for comment.

Conclusion: The proposed zoning of RM for this property is in line with the development of adjacent City properties and appears to address existing market needs.

ORDINANCE NO. 6-2013

AN ORDINANCE APPROVING THE ANNEXATION OF THE 2013 NARANJO PETITION FOR THE ANNEXATION OF A TRACT LOCATED IN THE SE $\frac{1}{4}$ SECTION 9 TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, ALAMOSA COUNTY, COLORADO

WHEREAS, the owners of 100% of the real property included in an area proposed to be annexed, lying generally west of Ross Avenue and north of Twentieth Street, Alamosa County, Colorado (which area is described in exhibit A attached hereto and made a part hereof by reference), excluding public streets and alleys and any land owned by the City of Alamosa, hereby found by the Alamosa City Council to be in substantial compliance with Section C.R.S. § 31-12-107(1); and

WHEREAS, all applicable requirements of the *Code of Ordinances of the City of Alamosa, Colorado*, have been fulfilled; and

WHEREAS, the property is eligible for annexation in accordance with the *Municipal Annexation Act of 1965*, as amended,

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

Section 1. That the property described in the attached Exhibit A is hereby annexed to the City of Alamosa, Colorado, which property has no street address applicable to the property as a whole.

Section 2. The zoning for said property is hereby determined and established to be: "RM", (Residential Medium).

Section 3. That, in annexing said property to the City of Alamosa, Colorado, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets, or any other services or utilities in connection with the property hereby annexed except as may be expressly provided by the ordinances of the City of Alamosa, Colorado, and that the owners of such annexed property shall be responsible for the cost of extension of such services and utilities.

Section 4. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, 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.

INTRODUCED, READ AND ORDERED published the 15th day of May, 2013, and a public hearing hereon fixed for the 5th day of June 2013 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this 5th day of June 2013.

CITY OF ALAMOSA

By: _____
Kathleen J Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED INTO THE CITY OF ALAMOSA

A tract of land located in the Southeast Quarter (NE1/4) of Section 15, Township 37 North, Range 10 East, New Mexico Principal Meridian, Alamosa County, Colorado, more particularly described by metes and bounds as follows:

Lots 90, 91, 102, and 103, McClain Fink Subdivision

Naranjo Annexation and Replat

Lots 90, 91, 102, and 103, McClain Fink Subdivision

Situated in the NW¼ Section 15,
Township 37 North, Range 10 East,
New Mexico Principal Meridian,
City of Alamosa,
Alamosa County,
Colorado.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned is the owner of that real property situated in the City of Alamosa, Alamosa County, Colorado, being All of Lots 90, 91, 102, and 103, McClain Fink Subdivision, located in the NW¼ of Section 15, T.37N., R.10E., N.M.P.M.

THAT THE undersigned "PETITIONER" (the Estate of Pauline Naranjo) in accordance with the Municipal Annexation Act of 1932 (Article 12, Chapter 31, C.R.S., as amended) hereby petition the City Council of the City of Alamosa, Colorado, for annexation to the City of Alamosa of the unincorporated territory as described above.

FURTHER THAT the undersigned have caused said real property to be laid out and surveyed as the "Naranjo Annexation and Replat of Lots 90, 91, 102, and 103, McClain Fink Subdivision" according to Article IX of the City of Alamosa "Subdivision Regulations" and do hereby dedicate and set apart all of the streets, alleys, and other public ways, places, and easements shown on the accompanying plat within the limit herein described and dedicate these to the public use forever.

Signed: _____
Valerie D. Naranjo
Personal Representative for the Estate of Pauline Naranjo

ACKNOWLEDGEMENT

STATE OF NEW YORK) SS
COUNTY OF GREENE)

The foregoing was acknowledged before me this _____ day of _____ A.D. 20____ by Valerie D. Naranjo, as
Personal Representative for the Estate of Pauline Naranjo.
Witness my hand and seal.
My commission expires: _____

Signed: _____
Notary Public

ACCEPTANCE OF ANNEXATION

The Annexation as shown on this plat is hereby accepted and approved by the City of Alamosa on this _____ day of _____, A.D. 20____.

Signed: _____ Attest: _____
Mayor City Clerk

ACCEPTANCE OF DEDICATIONS

The utility easements shown on this plat, dedicated to the public use, are accepted by the City of Alamosa on this _____ day of _____, A.D. 20____.

Signed: _____ Attest: _____
Mayor City Clerk

SURVEYOR'S STATEMENT

I, Wm. D. Kitterman, a duly registered land surveyor in the State of Colorado, do hereby state that this plat was prepared from the data of an actual field survey performed by me and is true and correct to the best of my knowledge and belief.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO) SS
COUNTY OF ALAMOSA)

I hereby certify that this instrument was filed in my office at _____ O'Clock _____ M. this _____ day of _____, A.D. 20____, and is duly recorded under Reception No. _____ and is
filed in Plat Cabinet _____, Map No. _____.

Signed: _____
Recorder

FLOOD ZONE CLASSIFICATION

According to FIRM (Flood Insurance Rate Map) for the County of Alamosa, Community Panel Number 080009 045 B, dated April 21, 1999, this property is classified as Zone X, area protected by levees from 100-year flood.

ACCEPTANCE OF SIZE AND LOCATION OF UTILITY EASEMENTS

Public Service Company

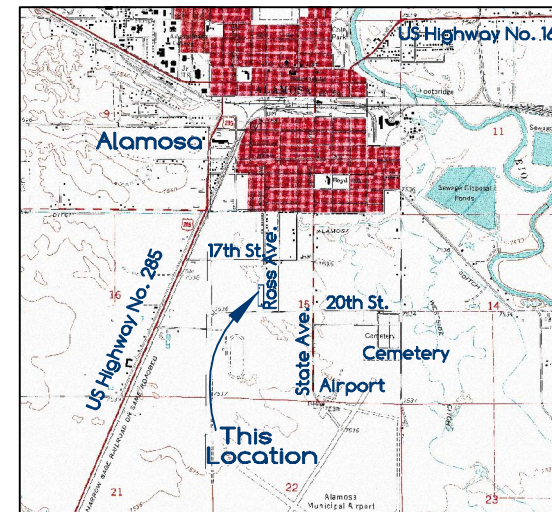
Bresnan Communications

SUBDIVIDER
Estate of Pauline Naranjo
P.O. Box 95
West Kill, NY 12492

ALL LOTS ARE ZONED
RM

DESIGNER/SURVEYOR
Rincon Associates, Inc.
P.O. Box 1025
Alamosa, CO 81101

TOTAL PERIMETER LENGTH OF ANNEXATION = 1170.6 FEET
CONTIGUOUS WITH EXISTING CITY LIMIT 264.0 FEET
THIS PARCEL IS 23 % CONTIGUOUS



Location Map

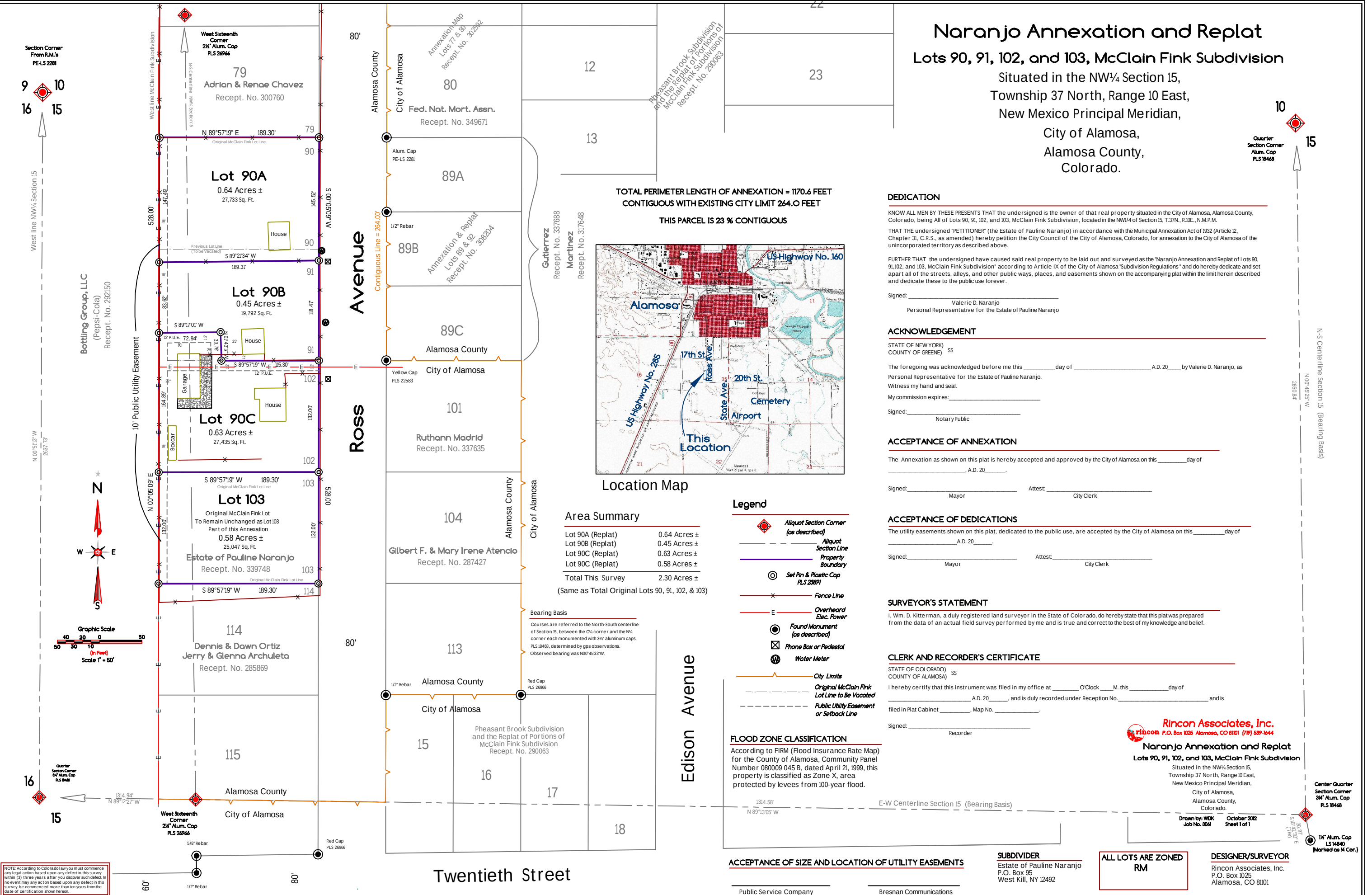
Area Summary

Lot 90A (Replat)	0.64 Acres ±
Lot 90B (Replat)	0.45 Acres ±
Lot 90C (Replat)	0.63 Acres ±
Lot 90C (Replat)	0.58 Acres ±
Total This Survey	2.30 Acres ±

(Same as Total Original Lots 90, 91, 102, & 103)

Bearing Basis

Courses are referred to the North-South centerline of Section 15, between the C¼ corner and the N¼ corner each monumented with 3½" aluminum caps, PLS 18468, determined by GPS observations. Observed bearing was N00°45'33"W.



COUNCIL COMMUNICATION

DATE: May 28, 2013	AGENDA NO. VII, C, 1, c	SUBJECT: Herrera Vigil Chavez Annexation Ordinance
Department Head: Public Works Don Koskelin		
City Manager: Craig Dodd		
PRESENTED BY: Don Koskelin		

Recommendation: That council accept Ordinance number 7-2013 approving the Herrera vigil Chavez Annexation on first reading and set it for public hearing on June 26, 213.

Background: This property is located on the west side of US Highway 285 and continues down West 10th Street to the west.

Issue Before the Council: Does the council wish to annex the subject property?

Alternatives: Accept the ordinance on first reading with or without amendment; not accept the ordinance on first reading, with or without further guidance to the applicants or staff.

Fiscal Impact: The annexation itself will have limited fiscal impact on the City. The adjacent street is already in the city and public improvements are limited to the sewer line to be installed along the south side of the properties which will be done at the developers expense. .

Legal Opinion: City Attorney will be present for comment.

Conclusion: The proposed zoning of RM for this property is in line with the development of adjacent City properties and appears to address existing market needs.

ORDINANCE NO. 7-2013

AN ORDINANCE APPROVING THE ANNEXATION OF THE 2013 HERRERA VIGIL CHAVEZ PETITION FOR THE ANNEXATION OF A TRACT LOCATED IN THE SE $\frac{1}{4}$ SECTION 9 TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN, ALAMOSA COUNTY, COLORADO

WHEREAS, the owners of 100% of the real property included in an area proposed to be annexed, lying generally west of Highway 285 and South of West 10th Street Street, Alamosa County, Colorado (which area is described in exhibit A attached hereto and made a part hereof by reference), excluding public streets and alleys and any land owned by the City of Alamosa, hereby found by the Alamosa City Council to be in substantial compliance with Section C.R.S. § 31-12-107(1); and

WHEREAS, all applicable requirements of the *Code of Ordinances of the City of Alamosa, Colorado*, have been fulfilled; and

WHEREAS, the property is eligible for annexation in accordance with the *Municipal Annexation Act of 1965*, as amended,

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

Section 1. That the property described in the attached Exhibit A is hereby annexed to the City of Alamosa, Colorado, which property has no street address applicable to the property as a whole.

Section 2. The zoning for said property is hereby determined and established to be: "RM", (Residential Medium).

Section 3. That, in annexing said property to the City of Alamosa, Colorado, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets, or any other services or utilities in connection with the property hereby annexed except as may be expressly provided by the ordinances of the City of Alamosa, Colorado, and that the owners of such annexed property shall be responsible for the cost of extension of such services and utilities.

Section 4. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, 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.

INTRODUCED, READ AND ORDERED published the 5th day of June, 2013, and a public hearing hereon fixed for the 26th day of June 2013 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this ___ day of _____, 2013.

CITY OF ALAMOSA

By: _____
Kathleen J Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

EXHIBIT A, ORDINANCE 7-2013

**LEGAL DESCRIPTION OF PROPERTY
TO BE ANNEXED INTO THE CITY OF ALAMOSA**

EXHIBIT A, RESOLUTION 6-2013

**LEGAL DESCRIPTION OF PROPERTY
TO BE ANNEXED INTO THE CITY OF ALAMOSA**

A tract of land located in a fraction of the Southeast Quarter (SE $\frac{1}{4}$) of Section 9, Township 37 North, Range 10 East of the New Mexico Principal Meridian, Alamosa County, Colorado, more particularly described by metes and bounds as follows: Beginning at the Southeast Sixteenth Corner of said Section 9 thence N 89°52'44" W along the south line of the platted alley Block 233, Washington Addition to the City of Alamosa, Reception No. 33583, also being the north line of the SE1/4 of Section 9, and being the north boundary line of The Leroy Martinez Subdivision, Block 1, a distance of 215.57 feet; thence N 00°04'06" W a distance of 14.23 feet to the Southwest corner of Lot 41, Block 233 Washington Addition to the City of Alamosa; thence N 00°04'06" W along the west boundary of Lot 41 a distance of 57.97 feet to the Northwest corner of said lot; thence N 89°56'16" E along the north boundary of Block 233, also being the south right of way line of West Tenth Street, a distance of 558.94 feet; thence S 00°56'41" W a distance of 69.65 feet; thence S 87°06'07" E a distance of 1.40 feet; thence S 02°53'53" W a distance of 59.79 feet; thence S 89°56'16" W a distance of 16.02 feet; thence S 00°03'44" E a distance of 3.96 feet to a point on the North boundary line of The Martinez-Davis Addition to the City of Alamosa, Reception No. 288777; thence N 89°54'45" W along said north boundary line a distance of 180.00 feet; thence N 89°55'41" W continuing along said boundary line a distance of 143.82 feet to a point on the east boundary line of The Leroy Martinez Subdivision, Block 1; thence N 00°38'11" W along said east boundary line a distance of 59.69 feet the Point of Beginning, containing 1.40 acres, more or less.

HERRERA VIGIL CHAVEZ ANNEXATION

TO THE CITY OF ALAMOSA
LOCATED IN THE SOUTHEAST QUARTER (SE¼) SECTION 9,
TOWNSHIP 37 NORTH, RANGE 10 EAST, NEW MEXICO
PRINCIPAL MERIDIAN, ALAMOSA COUNTY, COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that the undersigned "PETITIONERS" in accordance with the Municipal Annexation Act of 1932 (Article 12, Chapter 31, C.R.S., as amended) hereby petition the City Council of the City of Alamosa, Colorado, for annexation to the City of Alamosa of the unincorporated territory more particularly described as follows:

A tract of land located in a fraction of the Southeast Quarter (SE¼) of Section 9, Township 37 North, Range 10 East of the New Mexico Principal Meridian, Alamosa County, Colorado, more particularly described by metes and bounds as follows:

Beginning at the Southeast Sixteenth Corner of said Section 9 thence N 89°52'44" W along the south line of the platted alley Block 233, Washington Addition to the City of Alamosa, Reception No. 33583, also being the north line of the SE¼ of Section 9, and being the north boundary line of The Leroy Martinez Subdivision, Block 1, a distance of 215.57 feet; thence N 00°04'06" W a distance of 14.23 feet to the Southwest corner of Lot 41, Block 233, Washington Addition to the City of Alamosa; thence N 00°04'06" W along the west boundary of Lot 41 a distance of 57.97 feet to the Northwest corner of said lot; thence N 89°56'16" E along the north boundary of Block 233, also being the south right of way line of West Tenth Street, a distance of 558.94 feet; thence S 00°56'41" W a distance of 69.65 feet; thence S 87°06'07" E a distance of 1.40 feet; thence S 02°53'53" W a distance of 59.79 feet; thence S 89°56'16" W a distance of 16.02 feet; thence S 00°03'44" E a distance of 3.96 feet to a point on the North boundary line of The Martinez-Davis Addition to the City of Alamosa, Reception No. 288777; thence N 89°54'45" W along said north boundary line a distance of 180.00 feet; thence N 89°55'41" W continuing along said boundary line a distance of 143.82 feet to a point on the east boundary line of The Leroy Martinez Subdivision, Block 1; thence N 00°38'11" W along said east boundary line a distance of 59.69 feet the Point of Beginning, containing 1.40 acres, more or less.

This tract is subject to any and all existing easements and/or rights of way.

SIGNED: _____ SIGNED: _____
MAURILIO C CHAVEZ FRIDA TRUJILLO CHAVEZ

LOTS 47, 48 & 49, WASHINGTON ADDITION TO THE CITY OF ALAMOSA
(RECEPTION No. 33583) AND RECEPTION No.s 291203 & 295975.

SIGNED: _____ SIGNED: _____
LEE PATRICK HERRERA REGINA LOUISE HERRERA KAZECK
a.k.a. LEE P HERRERA a.k.a. REGINA L HERRERA KAZECK

LOTS 41 & 42, WASHINGTON ADDITION TO THE CITY OF ALAMOSA
(RECEPTION No. 33583).

SIGNED: _____
JUDY VIGIL
LOTS 43, 44, 45 & 46, WASHINGTON ADDITION TO THE CITY OF ALAMOSA
(RECEPTION No. 33583), AND RECEPTION No. 318377.

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }

The foregoing was acknowledged before me this ____ day of ____, 2013, by
Lee Patrick Herrera (a.k.a. Lee P Herrera) and Regina Louise Herrera Kazeck
(a.k.a. Regina L Herrera Kazeck). Witness my hand and seal.

My commission expires _____.

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }

The foregoing was acknowledged before me this ____ day of ____, 2013, by
Maurilio C Chavez and Frida Trujillo Chavez. Witness my hand and seal.

My commission expires _____.

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }

The foregoing was acknowledged before me this ____ day of ____, 2013, by
Judy Vigil. Witness my hand and seal.

My commission expires _____.

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }

ACCEPTANCE OF ANNEXATION

The Annexation as shown on this plat is hereby accepted and approved
by the City of Alamosa on this ____ day of ____, 2013.

SIGNED: _____ ATTEST: _____
Mayor City Clerk

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } SS
COUNTY OF ALAMOSA }

I hereby certify that this instrument was filed in my office at ____ O'Clock, __M,

the ____ day of ____, 2013, and is duly recorded under Reception

No. _____, and is Filed In Plat Cabinet _____, Map No. _____.

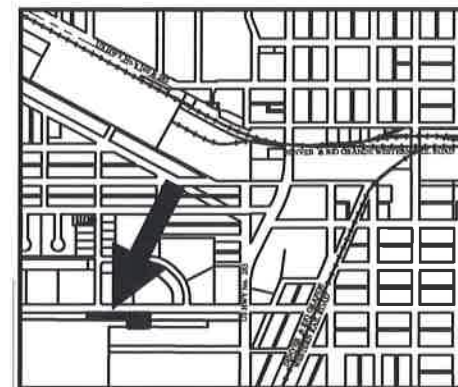
SIGNED: _____
Recorder

REQUESTED ZONING = RESIDENTIAL MEDIUM DENSITY (RM)

TOTAL PERIMETER LENGTH OF ANNEXATION = 1382.24 FEET
CONTIGUOUS WITH EXISTING CITY LIMITS OF ALAMOSA = 1158.45 FEET
PARCEL IS 83.81 % CONTIGUOUS

SURVEYOR'S STATEMENT

I, Daniel M. Russell, a duly registered land surveyor in the State of Colorado,
do hereby state that this plat was prepared from the notes of an actual
field survey performed by me or under my direct supervision and is true
and correct to the best of my knowledge and belief.



Location Map

Not to Scale



BEARING BASIS

BEARINGS WERE TAKEN FROM THE RECORD PLAT OF
THE RUSSELL DIVISION OF LAND AS SHOWN IN THE
PLAT RECORDED UNDER RECEPTION No. 296820 AND
ARE REFERENCED TO THE SOUTH LINE OF TRACT 1,
MONUMENTED AS SHOWN HEREBY

GRAPHIC SCALE

0 10 20 30 60 120
(In Feet)
1 inch = 30 ft.

LEGEND

- Set 24" No. 4 Rebar Pin with 1.5" Aluminum Cap Marked "Russell 22583"
- ◆ Alliquot Corner, Found 30" No. 6 Rebar with a 3 1/2" Aluminum Cap marked "Davis 22583" or as Described
- Found No. 4 Rebar with 1" Red Plastic Cap marked "26966"
- ▲ Found PK nail with Washer marked "26966"
- Found Rebar with Cap marked "2281"

Annexation Boundary

Adjoiners Boundary

Aliquot or Fractional Section Line

City Limits Line

x — x — x — Existing Fences

NOTE: According to Colorado law you must commence any
legal action based upon any defect in this survey within
three years after you first discover such defect. In no
event may any action based upon any defect in this survey
be commenced more than ten years from the date of the
certification shown hereon.



RUSSELL SURVEYORS & ASSOCIATES, INC.
6820 S. Hwy. 17, ALAMOSA, COLORADO 81101
(P) 719/587-3630 (F) 719/587-3632

HERRERA VIGIL CHAVEZ ANNEXATION

TO THE CITY OF ALAMOSA
LOCATED IN THE SOUTHEAST QUARTER (SE¼) SECTION 9, TOWNSHIP
37 NORTH, RANGE 10 EAST, NEW MEXICO PRINCIPAL MERIDIAN,
ALAMOSA COUNTY, COLORADO

SHEET
NUMBER
1 OF 1

DRAWN: CW

CHECKED: DMR

DATE: 2-8-13

DRAWING NAME:

R01242

HERRERA

ANNEXATION

CLIENT:

HERRERA VIGIL

CHAVES

REVISIONS:

JOB NUMBER

R01242

COUNCIL COMMUNICATION

DATE: May 28, 2013	AGENDA NO. VI, C, 1, d	SUBJECT: Request for Re-zone, 216 Victoria Street
Department Head: Don Koskelin		
Department: Public Works		
City Manager: Nathan M. Cherpeski		
PRESENTED BY: Property Owners		

Recommendation: That council accept Ordinance Number 9-2012 on first reading and set for public hearing on June 26, 2013.

Background: This property on the southeast corner of Victoria Street and Mullins Avenue has served as the Alamosa Open High for a number of years. With the current building it is better used for commercial office space and cannot be readily converted to residential use. The school district has a proposed buyer for the property who wants to use it for a dental office. The property to the south is the veterinarian's office, with an apartment building to the north, the middle school to the west, and a single family residential home to the east. This rezone will allow the district to get the best value for the property without having a significant negative impact on adjoining properties.

Issue Before the Council: Does council wish to approve this ordinance on first reading and set for a public hearing.

Alternatives: Approve on first reading and set for a public hearing; disapprove on first reading with or without referral to the Planning Commission for further consideration.

Fiscal Impact: There should be no significant financial impact from this proposal.

Conclusion: The Planning Commission found the application to be in compliance with Sections 21-76 of the Alamosa Code and recommend that the request be approved.

Attachments: Planning commission packet; Planning Commission Minutes; Ordinance 9-2013

Ordinance No. 9 - 2013

AN ORDINANCE RE-ZONING THE NORTH HALF OF TRACT 80, GRANDVIEW SUBDIVISION LYING GENERALLY SOUTH OF MULLINS AVENUE AND EAST OF VICTORIA STREET AS PORTRAYED ON THE ATTACHED EXHIBIT A, IN THE CITY OF ALAMOSA COLORADO FROM RESIDENTIAL MEDIUM (RM) TO COMMERCIAL BUSINESS.

WHEREAS, the property owners of the subject property as portrayed on the attached exhibit A have filed an application to have said property re-zoned from RM to CB; and

WHEREAS, the adjoining property to the south is also zoned Commercial Business; and

WHEREAS, the area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area; and

WHEREAS, the Planning Commission has considered the application in accordance with the guidelines established in Chapter 21 of the *Code of Ordinances of the City of Alamosa, Colorado*, has passed said application on to City Council with a recommendation that it be approved;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado:

Section 1. The Zoning District map for the City of Alamosa shall be and is hereby amended to re-zone the subject properties as depicted on the attached exhibit A, City of Alamosa, Colorado, from RM to CB.

Section 2. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3. 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 4. Publication and Effective Date. This ordinance shall take effect thirty (30) 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 5. 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.

INTRODUCED, READ, AND ORDERED PUBLISHED this 5th day of June, 2013 and a public hearing hereon fixed for June 26th, 2013 or as soon thereafter as the matter may be heard.

APPROVED, PASSED, ADOPTED AND SIGNED after public hearing this ____ day of _____, 2013.

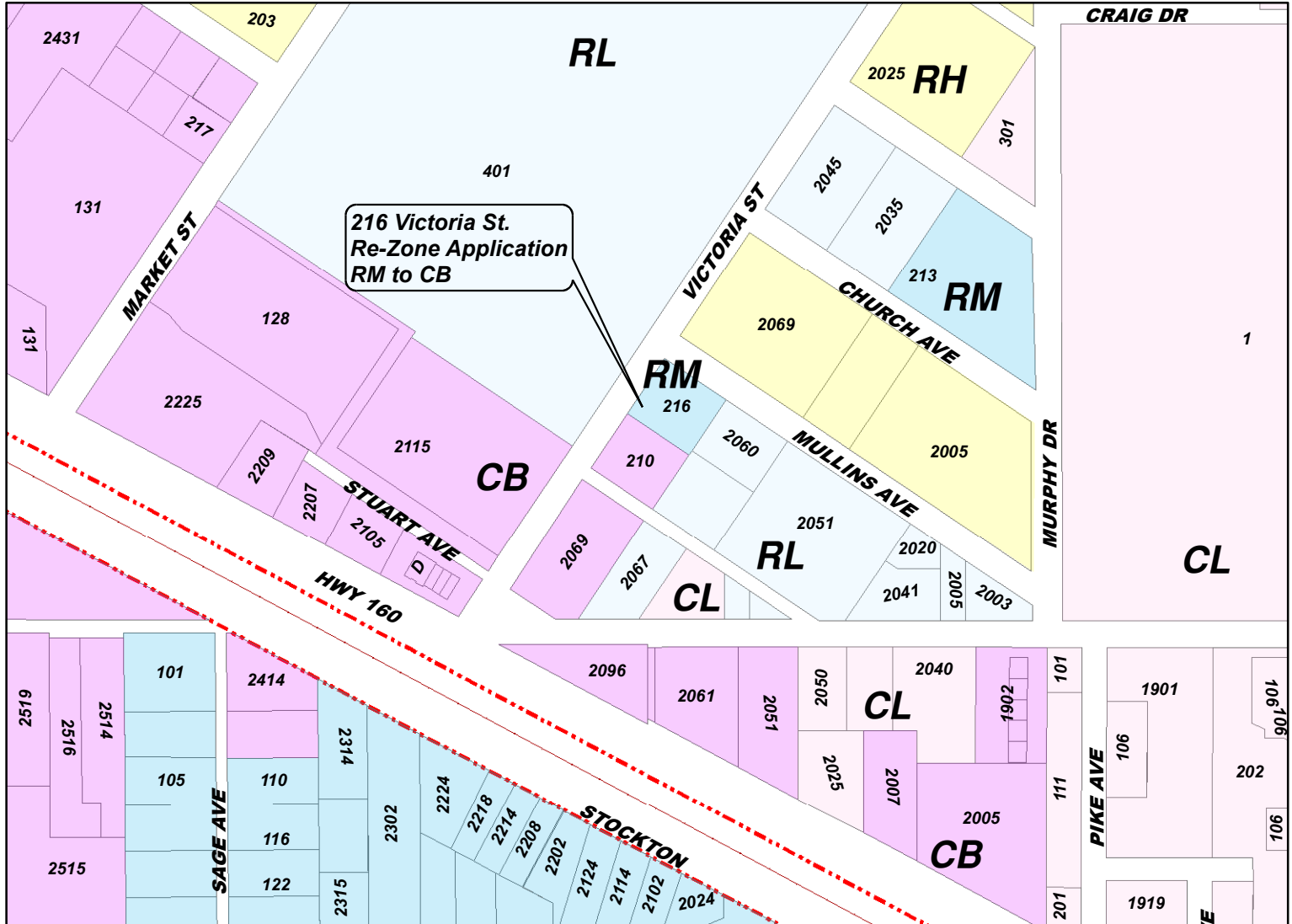
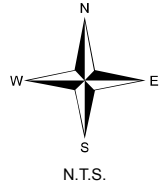
CITY OF ALAMOSA

By _____
Kathleen J. Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

Exhibit A
Ordinance 9-2013
Application for Re-Zone
Residential Medium to Commercial Business
North Half Tract 80, Grand View Subdivision
216 Victoria St.



Legend

 CITY LIMITS

ZONES

- CB = COMMERCIAL BUSINESS
- CL = COMMERCIAL LIGHT
- RE = RESIDENTIAL ESTATE
- RL = RESIDENTIAL LIGHT
- RM = RESIDENTIAL MEDIUM
- RH = RESIDENTIAL HIGH
- I = INDUSTRIAL
- A = AGRICULTURE

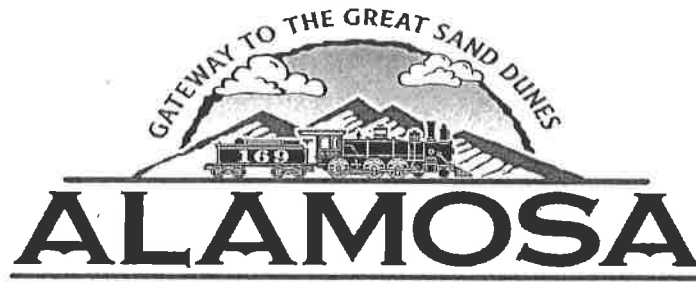
See:

Article V. General District Zoning Regulations

Sec. 21-96. Establishment of districts: district categories.



City of Alamosa Zoning Map
 Public Works Department
 Alamosa, Colorado 81101
 719-589-6631
 May 2013



MEMO

To: Planning Commission Members
From: Don Koskelin, Public Works Director
Subject: Request for Rezone – 216 Victoria Street
Date: May 13, 2013

I have reviewed the requested re-zone of the subject property and recommend that it be approved. This property was most recently used as the “Open High School” and prior to that it was used as offices. The building is not well suited for conversion to residential space. The adjoining property to the south is zoned Commercial Business, the properties to the east and west are zoned Residential Light, and the property to the north is zoned Residential High Density. The requested zoning of Commercial Business is more suited to the building’s historic use and is compatible with overall neighborhood development.

**CITY OF ALAMOSA
APPLICATION FOR RE-ZONE**

1. Name(s) of property owner(s): Alamora School District RE-11J
2. Mailing address of owner(s): 209 Victoria Street
Alamora, CO 81101
3. Phone number(s)/E-mail: 719-587-1600
ralejo@alamora.k12.co.us bboice@alamora.k12.co.us
4. Application information if different from owner. Attach Power of Attorney.

Name: _____

Mailing Address: _____

Phone Number: _____

5. Legal description of property: N2 TR 80 Grandview
WDB 407 P 220 11-7-90
6. Street address of property: ~~10400~~ 211 Victoria
Alamora CO 81101
7. Present zoning: Res-Med.
8. Proposed zoning: CB
9. Proposed use/reason for rezone request: Dental office / Not allowed under current
Zoning. Adjoining property is CB.
10. Attach a list of adjacent property owners and addresses for notification.
(Available at County Assessors Office)
11. Attach an application fee of \$75.00 non-refundable.
12. Location map with adjacent zoning indicated to be attached by staff.

OWNER(S)

Robert A. Alejo
Signature(s)

Print Name

05-03-13
Date

APPLICANT(S)

Signature(s)

Print Name

Date

City of Alamosa
Planning Commission
May 22, 2013
6:00 p.m.
Minutes of the Meeting

The regular meeting of the Planning Commission was called to order on the above date at 6:00 p.m. by Chair Mark Manzanares. Present were the following members: Debbie Clark, Barbara Kruse, Don Martinez, Robert McWhirter and Shirley White. Excused: Farris Bervig. A quorum was declared. Staff present: Don Koskelin, Harry Reynolds, Pat Steenburg and Julie Scott.

EXCERPT

The request of Park Ave. Plaza LLC for a Permitted Use by Special Review to allow self-service storage units (Use Group C-26) in a Residential High Density zone. The property affected is Lot 73A, Resubdivision of Grandview Subdivision, City of Alamosa, also known as 2049 Mullins Ave.

The public hearing opened at 6:20 p.m.

Manzanares: Is there someone here to speak for this request?

Coleman: Darin Coleman, 5090 Del Viento. What we propose are storage units solely for the use of the apartments next door. There is not going to be a sign advertising storage units. Access would be off of Mullins Ave. and we're planning on 70-80 units.

Manzanares: How many apartments are there?

Coleman: Fifty five units. Each will get a unit; some might have more than one if they need it.

White: Don, this is the replat we did for the church?

Koskelin: That's correct.

Manzanares: Is there anyone else that would like to speak for this? Against? We will close the public hearing.

The public hearing closed at 6:26 p.m.

For the record, all adjacent property owners were notified of the public hearing.

M/S/C. White, Kruse. Motion made to recommend approval of the request of Park Ave. Plaza LLC for a Permitted Use by Special Review to allow self - service storage units

(Use GroupC-26) in a Residential High Density zone. The property affected is Lot 73A, Resubdivision of Grandview Subdivision, City of Alamosa, also known as 2049 Mullins Ave. (Unanimous)

The recommendation will go to City Council on June 5th, 2013 for final action.

COUNCIL COMMUNICATION

DATE: May 28, 2013	AGENDA NO.	SUBJECT: Ordinance Approving Intergovernmental agreement with Alamosa County to provide Aircraft Rescue and Firefighting Services at the Airport
Department Head Don Chapman		
City Manager: Craig Dodd		
PRESENTED BY: Don Chapman		

Recommendation:

Approve the Ordinance enacting the intergovernmental agreement for provision of Aircraft Rescue and Firefighting (ARFF) services at the San Luis Valley Regional Airport

Background:

The San Luis Valley Regional Airport is located partly on land owned by the County, and partly on land owned by the City. Pursuant to a long-standing agreement between the City and the County, the County has responsibility for operations at the Airport. The Federal Aviation Administration has supervisory responsibilities over the San Luis Valley Regional Airport. Earlier this year, the FAA conducted an inspection of the Aircraft Rescue and Firefighting (ARFF) capacity at the Airport, and noted several deficiencies with respect to response time and other issues. The FAA inspectors were concerned enough with the issues they cited that they required an interim arrangement for the Alamosa Fire Department to cover required ARFF services for the airport commercial flights before allowing such flights to continue. The Alamosa Fire Department issued a letter to the FAA agreeing to cover such services while negotiating a longer-term agreement with the County to ensure continuing ARFF coverage at the Airport.

This Agreement provides for ARFF coverage at the Airport by the Alamosa Fire Department. The Alamosa Fire Department currently has sufficient trained personnel to provide the necessary coverage, and does not envision any difficulty in keeping sufficient qualified personnel to cover ARFF needs on staff. The Agreement envisions that the County will reimburse the Fire Department on a pass-through basis for all costs of providing ARFF coverage, treating each standby required for commercial flights as a fire call. Costs of training and certification of Fire Department Personnel will also be reimbursed by the County. There is no provision for any increase in workers compensation coverage or pension contributions, as it is not expected that providing the ARFF coverage envisioned by the Agreement will have any effect on these expenses.

Pursuant to Art. IV, Section 21 of the Charter, intergovernmental agreements for provision of services should be enacted by adoption of an ordinance. Accordingly, this issue is presented for approval of an ordinance adopting the agreement on first reading.

Issue Before the Council:

Does Council wish to enter into this intergovernmental agreement for provision of ARFF services at the SLV Regional Airport with Alamosa County?

Alternatives:

- (1) Approve the ordinance on first reading and set it for public hearing.
- (2) Modify the ordinance or agreement and set it for public hearing as modified.

(3) Decline to approve the ordinance on first reading, and give staff further direction.

Fiscal Impact: None. This agreement charges all costs associated with provision of ARFF services to the County on a pass-through basis.

Legal Opinion:

City Attorney will be available to discuss any legal issues pertaining to the Agreement.

Conclusion: This agreement ensures the provision of ARFF services at the Airport, which is a necessary prerequisite to continuation of commercial air service at the Airport.

ORDINANCE NO. 8, 2013

**AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH
ALAMOS A COUNTY FOR MUTUAL AID IN THE PROVISION OF AARF
FIREFIGHTING SERVICES AT THE SAN LUIS VALLEY REGIONAL AIRPORT**

WHEREAS, pursuant to an existing agreement between the City and the County, Alamosa County has responsibility for the operation and management of the San Luis Valley Regional Airport; and

WHEREAS: the San Luis Valley Regional Airport (“SLVRA”) operates a Class III airport with scheduled air service with Beech 1900 aircraft (19 seats), and SLVRA is required to provide Aircraft Rescue and Firefighting (“ARFF”) in accordance with the procedures set forth in Part 139.315 (e) of the SLVRA Certification Manual; and

WHEREAS: The City of Alamosa Fire Department (“Fire Department”) is capable of staffing the SLVRA ARFF needs with trained firefighting personnel who have been trained in airport familiarization, airport ground vehicle operations, and communications; and

WHEREAS: The City of Alamosa Fire Department does and will continue to respond fully to emergency calls at the SLVRA with full response capabilities above and beyond the ARFF personnel discussed above; and

WHEREAS: Article XIV, Section 18 of the Colorado Constitution and C.R.S. Section 29-1-201, *et seq.*, encourages, permits and authorizes intergovernmental agreements to accomplish mutually beneficial objectives such as shared firefighting capability; and

WHEREAS: the City and County have determined that ARFF services can best be provided at the SLVRA by the City of Alamosa Fire Department rather than by separate County ARFF staff;

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

Section 1. Approval of Intergovernmental Agreement. The Intergovernmental Agreement attached to this Ordinance is hereby adopted and approved, and the Mayor and Chief of Police are directed to execute the Agreement on behalf of the City of Alamosa and the Alamosa Fire Department.

Section 2. 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 3. 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 4. 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 5. 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.

INTRODUCED, READ AND APPROVED on first reading the 5th day of June 2013, 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 26th day of June 2013, 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 ____ day of _____, 2011.

CITY OF ALAMOSA

By _____
Kathleen Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

**INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF ALAMOSA,
COLORADO AND COUNTY OF ALAMOSA, COLORADO**

**FOR PROVISION OF AIRCRAFT RESCUE AND FIREFIGHTING SERVICES AT SAN
LUIS VALLEY REGIONAL AIRPORT**

THIS AGREEMENT, made and entered in to this day of , 2013, by and between the City of Alamosa, Colorado, a Colorado home-rule city, hereinafter called the "City", party of the first part, and the County of Alamosa, Colorado, hereinafter called the "County", party of the second part.

WITNESSETH:

THAT WHEREAS, Alamosa County has responsibility for the operation and management of the San Luis Valley Regional Airport; and

WHEREAS: the San Luis Valley Regional Airport ("SLVRA") operates a Class III airport with scheduled air service with Beech 1900 aircraft (19 seats). SLVRA is required to provide Aircraft Rescue and Firefighting ("ARFF") in accordance with the procedures set forth in Part 139.315 (e) of the SLVRA Certification Manual; and

WHEREAS: the Manual requires that 30 minutes prior to any scheduled air carrier operations as defined in 14 CFR §139, and involving the above listed aircraft at the SLVRA, SLVRA will have ARFF personnel and equipment posted at the fire station on the airport property and that ARFF Personnel and equipment will maintain their post at the fire station until 15 minutes after that scheduled air carrier operation; and

WHEREAS: The City of Alamosa Fire Department ("Fire Department") is capable of staffing the SLVRA ARFF needs with at least two trained firefighting personnel who have been trained in airport familiarization, airport ground vehicle operations, and communications; and

WHEREAS: The City of Alamosa Fire Department does and will continue to respond fully to emergency calls at the SLVRA with full response capabilities above and beyond the ARFF personnel discussed above; and

WHEREAS: Article XIV, Section 18 of the Colorado Constitution and C.R.S. Section 29-1-201, *et seq.*, encourages, permits and authorizes intergovernmental agreements to accomplish mutually beneficial objectives such as shared firefighting capability; and

WHEREAS: the City and County have determined that ARFF services can best be provided at the SLVRA by the City of Alamosa Fire Department rather than by separate County ARFF staff;

NOW, THEREFORE, the City agrees to provide ARFF services to the SLVRA under the following terms and conditions:

TERM OF AGREEMENT AND TERMINATION

1. The initial term of this Agreement shall be for a period of two years commencing on the _____ day of _____, 2013, with year by year automatic renewals thereafter, unless sooner terminated. Either party to this Agreement may terminate this Agreement, with or without cause, at any time, upon 120 days written notice delivered to the other.

SERVICES PROVIDED

2. Fire Department shall, at all times in which this Agreement is in effect, have at least two qualified firefighters trained in airport familiarization, airport ground vehicle operations, and communications, and qualified to provide ARFF services on its firefighting staff.
3. County shall reimburse City for all training costs associated with ARFF training for any members of the Alamosa Fire Department who desire to become qualified in providing ARFF services. Such reimbursable costs shall include, but not be limited to, tuition, travel expenses, educational stipends (if applicable), and any other costs incurred by Fire Department personnel in obtaining such training. Such costs shall be paid by City, and billed to and reimbursed by County on a pass-through basis.
4. City will treat the ARFF standbys and any further services provided by its personnel pursuant to this Agreement as a fire call, and compensate its firefighters for such fire call in accordance with the City's fire call compensation rates in place at the time. County shall reimburse City for all fire call services provided pursuant to this Agreement on a pass-through basis.

EQUIPMENT NEEDS

5. County-owned ARFF equipment on station at SLVRA includes a 1993 GMC Model 3500 Series with 100 gallons of AFFF and water mix (6%). The truck carries 500 pounds of purple k chemical agent and two 20 pound dry chemical extinguishers.
6. City shall be responsible for maintenance of the ARFF equipment listed above, and County shall reimburse City for all equipment maintenance expenses on a pass-through basis.
7. In the event that the existing equipment must be replaced, new equipment acquired, or repairs that cannot be considered normal maintenance must be performed on existing equipment, County shall be responsible for obtaining the necessary equipment or repairs. City shall promptly advise County of any equipment needs so that County may analyze such needs in consultation with City, and so that County may appropriately budget for ARFF equipment needs.

BILLING DATES AND PAYMENT TERMS

8. City will bill County monthly for charges incurred pursuant to this Agreement. Bills shall be tendered to County promptly after the end of each billing cycle. All bills shall be paid by County within 30 days from the date of receipt of the bill.
9. Delinquent payments shall be subject to interest charges at the rate of 8 % per year. Nothing herein shall be construed so as to limit or abate any right the City may have in law or in equity to collect unpaid amounts that have become delinquent, or to mitigate its losses from accruing service costs during a period of delinquency, until the account has been brought current.

LIABILITY CONSISTENT WITH C.R.S. §§ 29-5-108, and -109

10. During the time that an Alamosa Fire Department firefighter is assigned to ARFF service at the SLVRA pursuant to this Agreement, any liability that accrues under the provisions of article 10 of title 24, Colorado Revised Statutes, on account of the negligent or otherwise tortious act of the firefighter or malfunction of the equipment shall be imposed upon the County and not upon the City.
11. The coverage of any Alamosa Fire Department firefighter under the “Workers’ Compensation Act of Colorado”, articles 40 to 47 of title 8, Colorado Revised Statutes, shall not be affected by reason of the performance of ARFF duties pursuant to this Agreement, and the firefighter shall remain covered by workers compensation insurance while performing duties under this Agreement as fully as if he or she were performing those duties for the City of Alamosa Fire Department.
12. If any Alamosa Fire Department firefighter should become disabled or be killed by reason of the performance of ARFF services at the SLVRA pursuant to this Agreement, and the disability or death would entitle the firefighter or his or her survivor to payment from any pension fund of the Alamosa Fire Department had the injury occurred during the performance of his or her duties within the City of Alamosa, the firefighter shall be entitled to the same payment from the pension fund of the Alamosa Fire Department as he or she would have been entitled to receive if the injury or death had occurred within the City of Alamosa, and he or she shall not be entitled to receive a payment from any pension fund of the County.

WAIVER OF CLAIMS – NO THIRD PARTY BENEFICIARIES

13. The City and County each waive all claims against the other for compensation for any loss, damage, personal injury or death occurring as a consequence of the performance of this Agreement.
14. No third party is intended nor shall be deemed to have been given any rights or obligations by virtue of this Agreement. This Agreement does not and shall not be deemed to confer upon or grant to any non-party any right of fire protection, emergency

response or right to claim damages, to bring any lawsuit, action or other proceedings against any Party to this Agreement because of any breach of this Agreement or because of any term, covenant, condition or agreement contained herein.

SEVERABILITY

15. The Provisions of this Agreement are severable and if for any reason, a clause sentence, paragraph, or other part of this Agreement shall be determined to be invalid by a court or federal or state agency, board, or commission, having jurisdiction over the subject matter hereof, such invalidity shall not affect other provisions which can be given reasonable effect without the invalid provision.

SEPARATION OF POWERS PRESERVED

16. Nothing contained herein shall be constructed to create a fire protection district. This Agreement shall be construed to give neither the City any rights in the governance of the County or its inhabitants, nor give the County any rights in the governance of the City or its inhabitants.

SURVIVAL OF OBLIGATIONS AND BENEFITS

17. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, or such public boards, committees, commissions or entities as shall succeed substantially to the rights, powers, and duties of the parties hereto respectively

IN WITNESS WHEREOF, this Agreement has been executed on behalf of the City of Alamosa by the Mayor for the City after the approval by the City's Council on the _____ day of _____ 2013, and by the Board of County Commissioners of Alamosa County, acting by and through its Chairperson, on the ____ day of _____, 2013.

CITY OF ALAMOSA

Kathleen J. Rogers, Mayor

ATTEST:

Judy A. Egbert, City Clerk

COUNTY OF ALAMOSA

Darius Allen, Chair

Seal

Secretary



March 15, 2013

San Luis Valley Regional Airport
Board of Control
P.O. Box 328
Alamosa, CO 81101

Re: Provision of ARFF services

Dear Airport Board of Control,

I understand that the San Luis Valley Regional Airport ("SLVRA") operates a Class III airport with scheduled air service with Beech 1900 aircraft (19 seats). The Beech 1900 has a wingspan of 54 feet 11 inches and a length of 57 feet 10 inches. SLVRA is required to provide Aircraft Rescue and Firefighting ("ARFF") in accordance with the procedures set forth in Part 139.315 (e) of the SLVRA Certification Manual. I further understand that the Manual requires that 30 minutes prior to any scheduled air carrier operations as defined in 14 CFR §139, and involving the above listed aircraft at the SLVRA, SLVRA will have ARFF personnel and equipment posted at the fire station on the airport property and that ARFF Personnel and equipment will maintain their post at the fire station until 30 minutes after that scheduled air carrier operation.

The City of Alamosa Fire Department is capable of staffing the SLVRA ARFF needs with at least two trained firefighting personnel who have been trained in airport familiarization, airport ground vehicle operations, and communications. The ARFF personnel assigned from the City of Alamosa Fire Department will additionally receive 40 hours of ARFF training including live burn within the next six months pending class availability.

The City of Alamosa Fire Department and SLVRA ARFF personnel have the ability to be contacted by the Colorado State Patrol Dispatch Center. The City of Alamosa Fire Department does and will continue to respond fully to emergency calls at the SLVRA with full response capabilities above and beyond the ARFF personnel discussed above. ARFF equipment on station at SLVRA includes a 1993 GMC Model 3500 Series with 100 gallons of AFFF and water mix (6%). The truck carries 500 pounds of purple k chemical agent and two 20 pound dry chemical extinguishers. A current copy of the North American Emergency Response Guidebook is kept in all ARFF vehicles at all times.

The City of Alamosa Fire Department hereby commits to providing ARFF staffing to SLVRA in accordance with the criteria set forth above. We will provide such staffing effective today, and will continue to provide such staffing pending negotiation of a formal intergovernmental agreement setting forth further details concerning apportionment of costs, liabilities, and pension fund responsibilities. Such agreement shall be finalized within the next two months.

ALAMOSA FIRE DEPARTMENT

P.O. Box 419 • Alamosa, CO 81101



STATION 1:
425 4th Street • (719) 589-2596

STATION 2:
2827 Vigil Way • (719) 589-2222

Very Truly Yours,

CITY OF ALAMOSA FIRE DEPARTMENT


Don Chapman, Chief

Cc: Pete Hahn, FAA

COUNCIL COMMUNICATION

DATE: May 22, 2013	AGENDA NO. VIII. A. B. 1.	SUBJECT: Accept Revised Stipulation Agreement for Compliance Check Violation – Atencio’s
Department Head: Judy A. Egbert, City Clerk		
City Manager: Craig Dodd, Interim Manager		
PRESENTED BY: Judy Egbert		

Recommendation

Accept the stipulated agreement.

Background

On March 16, 2013, the Police Department conducted compliance checks on a total of fourteen businesses. Four of these businesses sold to the underage person. On May 1, 2013, Council accepted a stipulation agreement imposing a 15 day suspension with the opportunity to pay a fine in lieu of active suspension. Subsequently it was learned that this licensee had a violation within two years preceding this violation and therefore was not eligible to pay a fine in lieu.

At the May 15 meeting, Council rescinded its decision and sent the matter back to Prosecutor Gene Farish for a revised recommendation. Mr. Farish has proposed a new stipulation carrying a penalty of fifteen days of active suspension plus ten days to be held in abeyance for one year. The licensee has verbally agreed to this offer, and it is now presented to Council for action.

Issue Before the Council

Does Council wish to accept the revised stipulated agreement?

Alternatives

1. Accept the stipulation as presented, documenting that the violation occurred and accepting the proposed penalty.
2. Accept the stipulation that the violation occurred, but impose a different penalty.
3. Do not accept that the violation occurred, and request a hearing to receive evidence.

Fiscal Impact

N/A

Legal Opinion

Available at the meeting if needed.

Conclusion

All the preliminary steps have been completed, and it is appropriate for Council to act on the agreement presented.

BEFORE ALAMOSA CITY COUNCIL SITTING AS THE LOCAL LICENSING
AUTHORITY FOR THE CITY OF ALAMOSA

STIPULATION, AGREEMENT, AND ORDER – **REVISED MAY 16, 2013**

IN THE MATTER OF:

**ATENCIOS ENTERPRISES, INC.
D/B/A ATENCIO'S MARKET
802 STATE
ALAMOSA, CO 81101**

LICENSE NO. 23-88813-0000

THIS AGREEMENT BETWEEN the City of Alamosa (City) and ATENCIOS ENTERPRISES, INC. d/b/a ATENCIO'S MARKET, 802 STATE, Alamosa, CO 81101 (Licensee"), is offered for the purpose of a settlement of the matters detailed in the attached memo from Prosecutor Eugene L. Farish attached hereto as Exhibit 1 (hereinafter "Memo"). The above-named parties submit and agree as follows:

1. The facts and allegations contained in the Memo are true and accurate.
2. The Licensee agrees to a twenty five (25) day suspension of its 3.2% Beer License as a penalty for its violation of the Colorado Liquor Code as set forth in Paragraph 1 of this stipulation and agreement. Said suspension of license is to take place as follows:
 - A. License to be actively suspended for fifteen (15) days. Specific days may be chosen by the Licensee, but must be consecutive and completed between June 6, and July 5, 2013. Licensee must notify the City Clerk of the dates no later than June 12, 2013.
 - B. During any period of active license suspension, Licensee will post its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2. The City Clerk will provide appropriate posters.
 - C. Ten (10) days of the suspension are to be held in abeyance for a period of eighteen months from the date of approval of this agreement, pending no further violations of the Colorado Liquor Code during this period.
3. The Licensee is not eligible to pay a fine in lieu of active suspension.
4. The alcohol beverages that were sold or used in the violation described in the

Stipulation, Agreement, and Order
ATENCIO'S MARKET
Page 2

Memo are hereby forfeited.

This Stipulation, Agreement, and Order shall not be effective unless and until approved by the Alamosa City Council.

APPROVED and ORDERED this 5th day of June 2013.

(Licensee)

Kathleen J. Rogers, Mayor

Date

Date

Judy Egbert

03/25/2013

On March 16th, 2013, Officers of the Alamosa Police Dept conducted alcohol compliance checks throughout the City of Alamosa. Myself, (Capt. Robert Jackson) Evidence Tech., Kristi Duarte, Officer Kindschuh and Detective Gonzales participated in the operation. We used two operatives (one male and one female), who were both under 21 years of age. They were instructed to attempt to purchase alcohol and if they were asked for ID, to present their real ID which shows them to be under 21. They were both tested numerous times during the operation for the presence of alcohol in their system. All tests were negative.

At approximately 21:50 hours, both operatives entered Atencio's Market at 802 State Ave. They selected a 6 pack of Budweiser beer and took it to the clerk. The clerk asked for ID which they provided. After looking at the ID, the clerk sold them the alcohol. The ID clearly identifies the subjects as being under 21 years of age. After the operatives brought the beer out to the officers and described the clerk who sold the beer, the officers entered the store and contacted the clerk, who was identified as Brian R Marquez (10-13-1993) . Mr. Marquez was issued a summons into Municipal court for serving alcohol to a person under 21 years of age.

I am asking that a "Show Cause Hearing" be requested by the City of Alamosa to Atencio's Market.

Respectfully


Robert Jackson

Deputy Chief

COUNCIL COMMUNICATION

DATE: May 22, 2013	AGENDA NO. VIII. A. B. 3.	SUBJECT: Special Events Permit Application – Chamber of Commerce, Rodeo
Department Head: Judy A. Egbert, City Clerk		
City Manager: Craig Dodd, Interim Manager		
PRESENTED BY: Judy A. Egbert		

Recommendation

Approve Special Events Permit as described below.

BackgroundEvent Description:

1. Rodeo events:
 - a. June 20, 2013 from 6:00 p.m. to 10:00 p.m.
 - b. June 21, 2013 from 6:00 p.m. to 10:00 p.m.
 - c. June 22, 2013 from 6:00 p.m. to 10:00 p.m.
2. Application is for malt, vinous and spirituous liquor
3. Location will be at the Alamosa Fairgrounds, with the stands and concession area as the licensed premises (see attached)

Factual Findings

- Applicant has possession of the premises through a contract.
- Applicant qualifies as a non-profit corporation.
- The application was submitted in a timely manner.
- All applicable fees have been paid.
- No written protests were received by the deadline.

Issue Before the Council

Does Council wish to approve this Special Events Permit?

Alternatives

1. Approve the Special Events Permit application.
2. Do not act on approval. Determine potential reasons for denial, and set a hearing date.

Fiscal Impact

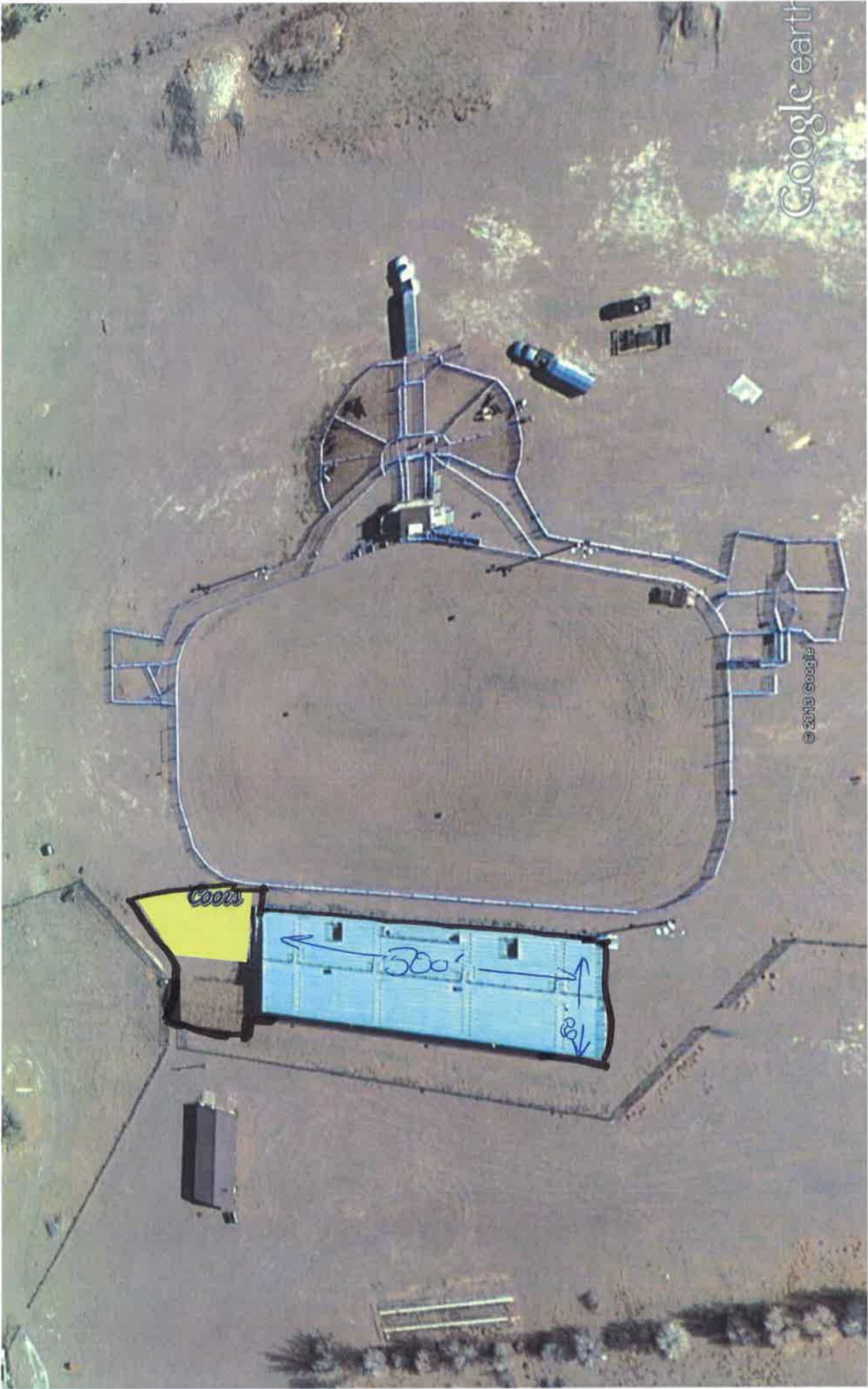
N/A

Legal Opinion

No legal issues have been raised regarding this application. Counselor Schwiesow will be available at the meeting if needed.

Conclusion

Approve Special Events Permit application.



Google earth

feet
meters

2000

700



COUNCIL COMMUNICATION

DATE: May 22, 2013	AGENDA NO. VIII. A. B.2.	SUBJECT: Approve Temporary Modification of Premises – SLV Brewing Company
Department Head: Judy A. Egbert, City Clerk		
City Manager: Craig Dodd, Interim Manager		
PRESENTED BY: Judy A. Egbert		

Recommendation

Approve Temporary Modification of Premises to allow SLV Brewery premises to extend into San Juan Avenue for the temporary time period for a Search & Rescue fundraiser.

Background

The 400 block of San Juan Avenue has been used for events in the past by way of a Special Events Permit, and most recently by way of a Temporary Modification of Premises. While both are an option, City staff has determined that modifying the Brewery's premises temporarily is a more efficient way to conduct the event and make enforcement easier.

Details are as follows:

- The Modification will begin Saturday August 17, 2013 from 4:00 p.m. to 11:59 p.m.
- This will accommodate the community fundraiser for Search & Rescue.
- The extended premises will include the entirety of San Juan from Main Street to the alley that runs east/west between Main and Fourth (drawing attached).
- The application is complete.
- All applicable fees have been paid.

Issue Before the Council

Does Council wish to approve this Modification of Premises?

Alternatives

1. Approve the Modification as requested.
2. Determine that a needs and desires hearing is appropriate for this application, and schedule a hearing. The first opportunity for a hearing at a regular Council meeting would be June 26.
3. Deny the Modification. This action requires documentation of the reasons for denial.

Fiscal Impact

All applicable fees have been paid.

Legal Opinion

Counselor Schwiesow will be available at the meeting if needed.

Conclusion

Both of these events have proven to be a benefit to the community. This Modification is the most efficient mechanism for the street portion of the events.

San Juan Ave
(Open)

WSB

Vacant

MAIN ST.

(San Juan closed via
Public Works Barricades and
Pedestrian Tape)

RAILS & RODEO BLOCK PARTY, 2013
- Diagram/Controls for San Juan Ave

WEST
↓

Crows &
Crows

ATM
Attractions

Proam
Relaxing

STAGE
MUSIC

Extended Premise Area
San Juan Ave.
(Closed)

ID,
BEER
SERVICE
BEER
Trailer

BBQ
Tent

Brewery, San Juan
Entrance

SLV
Brewing Co/
Building

Current
Premises

Brewery
Main St.
Entrance

DA
Office

Probation
Office

Alley Behind SLV Brewing
↔

Sidewalk

Sidewalk

Court house

San Juan Ave.
(Open)

NORTH
↑

Proposed Temporary
Premises

Porto-Pottys