

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Council Chambers
300 Hunt Avenue, Alamosa, CO
September 2, 2015

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.

5:30 PM - Work Session - Economic Development

7:00 PM - 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

V. 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.7.a. Approve Minutes of Meeting August 5, 2015

VI. REGULAR BUSINESS

A. Presentations from Outside Agencies

- 1. Alamosa Christmas Light Parade

B. Business Brought Forward by City Staff

1. Public Works

- a. Public Hearing and Final Reading, Ordinance No. 9-2015, An Ordinance Amending Section 2-184(e) of Article VI, Chapter 2 of the Code Of Ordinances of the City of Alamosa, Modifying Bidding Procedures

2. Police

- a. Public Hearing, Ordinance No. 12-2015, AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ALAMOSA SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER FROM THE ALAMOSA POLICE DEPARTMENT TO THE ALAMOSA SCHOOL DISTRICT

3. City Manager/Legal

- a. Authorize Construction of Office for City Attorney
- b. Public Hearing and Second Reading, Ordinance No. 13-2015 Suspending the 180 Day Limit on Transient Dealers Licenses for Sales and Delivery of Food and/or Beverages for a Period of Three Months to Allow Consideration of an Amendment to the Existing Ordinance Concerning Such Licenses

C. Committee Reports

D. Staff Announcements

COUNCIL COMMENT

EXECUTIVE SESSIONS

1. Executive Session pursuant to CRS §24-6-402(4)(f) for Personnel Matters – Evaluation of City Manager.
2. Executive Session pursuant to C.R.S. § 24-6-402(4)(a) to discuss the purchase or acquisition of water rights.

ADJOURNMENT

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Meeting August 5, 2015

ATTACHMENTS:

Description	Type
▣ Minutes of Meeting August 19, 2015	Cover Memo

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
August 19, 2015

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.

7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Josef Lucero at 7:01 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Lucero, Councilors Greg Gillaspie, Jan Vigil, Rusty Johnson, Ty Coleman and Michael Stefano.
Councilor Griego previously requested to be excused. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

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

IV. CITIZEN COMMENT

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

A. Audience Comments

Mark Hensley spoke on behalf of the SID project.

Jerry Archuleta spoke on behalf of the construction on West 7th Street.

B. Follow-Up

Heather Brooks informed Council that staff was very grateful with Mark's effort to contact the property owners and give them as many options as possible and to get Council as much information as possible. She also addressed

Mr. Archuleta's concerns explaining that the City has been trying to be very accommodating while at the same time realize that there has been private investments at the same time into the public right of way.

She also stated that the City has offered to reimburse Mr. Archuleta or pay him the \$5.05/sq. ft and for the cost the concrete and the coloring for the section that had to be taken out to help better manage the slope.

V. CEREMONIAL ITEMS

A. Introduction of Deputy Clerk, Lachelle Montano

Holly Martinez introduced Lachelle Montano, who was welcomed by Council.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action

by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Vigil moved, seconded by Councilor Stefano to approve Consent Calendar A as presented. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting August 5, 2015

C.2.a. Receive July 2015 Expenditure Report

C.8.a. Receive July 2015 Monthly Reports

C.7.b. Appoint new member to the Alamosa Housing Authority Board

VII. REGULAR BUSINESS

B. Business Brought Forward by City Staff

1. Public Works

- a. First Reading, Ordinance No. 9-2015, An Ordinance Amending Section 2-184(e) of Article VI, Chapter 2 of the Code Of Ordinances of the City of Alamosa, Modifying Bidding Procedures

Pat Steenburg presented information to Council. This is the same ordinance that was presented at a prior meeting but was not passed. The previous ordinance had a 7 percent city preference, 5 percent county preference, and 3 percent valley preference. Upon further analysis, staff is now recommending a 7 percent preference to bidders located within Alamosa County and a 3 percent preference to bidders outside of Alamosa County but still within the remaining five counties of the San Luis Valley.

Council further discussed the Ordinance.

Councilor Gillaspie moved, seconded by Councilor Coleman to approve Ordinance No. 09-2015 on first reading and set it for public hearing thereon on Wednesday, September 2, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried 3 to 2 with Councilors Stefano and Mayor Lucero casting the no votes.

2. Police

- a. First Reading, Ordinance No. 12-2015, AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ALAMOSA SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER FROM THE ALAMOSA POLICE DEPARTMENT TO THE ALAMOSA SCHOOL DISTRICT

Chief Oakes presented information to Council. This is a renewal of the annual agreement with the School District and the City of Alamosa Police Department to provide the School Resource Officer to the schools. The School Resource Officer's salary is split between the City and the School District, but the officer remains a full time employee of the Alamosa Police Department. The cost of the City's portion of the officer's salary is less than \$25,000.

Councilor Vigil moved seconded by Councilor Stefano to approve Ordinance No. 12-2015 on first reading and set it for public hearing thereon on Wednesday, September 2, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

3. City Clerk/Municipal Court

- a. Public Hearing, Ordinance No. 11-2015, An Ordinance Approving an Intergovernmental Agreement with Alamosa County for Conduct of the November 3, 2015 Coordinated Election.

Holly Martinez presented information to Council. This Ordinance was presented on first reading at the August 5, 2015 regular Council Meeting.

Mayor Lucero opened the public hearing at 7:31 p.m. and asked for those wishing to speak on this matter.

There being no one wishing to speak, the hearing closed at 7:31 p.m.

Councilor Gillaspie moved, seconded by Councilor Vigil to finally adopt Ordinance No. 11-2015. The motion carried unanimously.

4. City Manager/Legal

a. Direction on Special Improvement District 14-1 Close Out

Heather Brooks presented information to Council. The Special Improvement District 14-1, covering portions of the Carroll Subdivision No. 2, is almost complete. The only remaining item is to have Xcel install the streetlights. Through discussions with Xcel and legal counsel, it is clear that the City will not be able to coordinate the installation of gas and electric due to the ballot language, which did not include those items.

She stated that there are four options that can be done. One is to simply just close it out and do the next ordinances that need to be done, but this still leaves the problem of the gas and electric. The second option would be to take it to this November election to extend that language. Another option would be to get an agreement by the electors and the bank modify the bond to include the additional expenditure for gas and electric. This would require 100% approval from those parties. The last option, which staff is recommending, is to finish the existing SID per the ballot language and close out the bond. Council would then create a new SID that covers only those properties that need gas and electric. Through this, the City would fund the anticipated \$41,510 to install gas and electric and assess those costs to the individual properties to be paid over five years.

Councilor Vigil moved, seconded by Councilor Stefano to approve Option 3 and close out the SID as currently constituted, but without street lighting, and direct staff to move forward with a City-funded SID to install gas, electric, and street lighting. The motion carried 4 to 1 with Councilor Coleman casting the no vote.

b. Agreement Providing for Construction of Monroe Street with Lawrence Wilcox.

Heather Brooks provided information to Council. This item dates back to 2012 when the Planning and Zoning Commission and City Council approved the final plat and subdivision involving Michael Patterson and Lawrence Wilcox located along 8th Street and unimproved Monroe. Upon review of the situation, it was evident the City did not secure any monetary interest for the construction of the east side of Monroe. Staff notified both parties and an agreement was reached upon that also satisfies the motion Council made in 2012.

Councilor Gillaspie moved, seconded by Councilor Vigil to authorize the Mayor to sign the agreement with Mr. Wilcox, securing \$50,000 for the construction of Monroe Street. The motion carried unanimously.

c. First Reading, Ordinance No. 13-2015 Suspending the 180 Day Limit on Transient Dealers Licenses for Sales and Delivery of Food and/or Beverages for a Period of Three Months to Allow Consideration of an Amendment to the Existing Ordinance Concerning Such Licenses

Heather Brooks presented information to Council. The existing ordinance governing transient dealers, which includes mobile food units, limits the license to 180 days (6 months). This ordinance proposes a three-month suspension of the 180-day limit for sales of food and/or beverages only, not all transient dealers, and would allow time for staff to finalize the list of potential regulations and schedule a work session with City Council to more thoroughly review this issue. This suspension also allows vendors to continue their operations until a time that the matter has been more fully vetted. There are six vendors who will benefit from this three-month suspension.

Councilor Gillaspie moved and seconded by Councilor Coleman to approve Ordinance No. 13-2015 on first reading and set it for public hearing thereon on Wednesday, September 2, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

C. Committee Reports

Councilor Vigil reported on the school board.

Councilor Stefano thanked staff for all their hard work they have done on the streets projects.

D. Staff Announcements

Heinz Bergann updated Council on upcoming events and presented the results of the KaBOOM! project. The build day will be September 12, 2015 from 8:00 a.m. to 3:00 p.m.

Holly Martinez updated Council on the standings of the election thus far. The deadline for petitions to be filed is Monday, August 24, 2015 at 5:00 p.m. and the deadline to cure is Thursday, August 27, 2015 at 5:00 p.m.

Heather Brooks updated Council that there has been 7 proposals for the update to the comprehensive plan and

they are all below budget.

She also informed Council that with the changes going on in the City Attorney's law firm, he may be looking for office space and from a City Hall perspective, it was always anticipated potentially having to build an office space.

Because the cost will likely be around \$10,000.00, it will be brought back to Council at a future agenda.

Ms. Brooks also reminded Council of upcoming dates:

- Work Session scheduled for outside funding on August 26, 2015
- Lunch is scheduled with the ASU Trustees on August 27, 2015
- Employee picnic is August 28, 2015

COUNCIL COMMENT

Councilor Vigil mentioned about the softball tournament at ASU held a couple weekends ago.

Councilor Gillaspie announced that he will not be seeking re-election for the Ward 2 seat, thanked everyone he has worked with the past

12 years on Council, and wished the best for his successor.

Councilor Stefano and Councilor Coleman thanked Councilor Gillaspie for his service and wished him the best in his endeavors.

Councilor Coleman thanked Jim and the IT Department for all the hard work they did on the installation of the police cams.

Mayor Lucero thanked Councilor Gillaspie for his years of service on Council. He also encouraged the community to run for City Council.

Councilor Gillaspie thanked Fire Chief Don Chapman for showing his office a fire extinguisher demonstration.

ADJOURNMENT

The meeting adjourned at 8:17 p.m.

Holly Martinez, City Clerk

Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Public Hearing and Final Reading, Ordinance No. 9-2015, An Ordinance Amending Section 2-184(e) of Article VI, Chapter 2 of the Code Of Ordinances of the City of Alamosa, Modifying Bidding Procedures

Recommended Action:

That Council conduct a public hearing and if no information is presented to the contrary approve Ordinance No. 9-2015 amending section 2-184(e) of the City of Alamosa Code of Ordinances.

Background:

The current ordinance identifies the need to provide preference to local bidders and suppliers but the criteria used to determine that preference has been problematic and difficult at times to determine. This amendment will change that criteria from distance(s) from City Hall to what staff feels is a more intuitive and logical method of determining which level of preference to provide by tying the location of the bidder to local boundaries.

This item was brought to Council previously where it failed to pass with the 7 percent city preference, 5 percent county preference, and 3 percent valley preference. Upon further analysis, staff is recommending a 7 percent preference to bidders located within Alamosa County and a 3 percent preference to bidders outside of Alamosa County but still within the remaining five counties in the San Luis Valley (Rio Grande, Conejos, Costilla, Saguache, and Mineral).

Issue Before the Council:

Does Council wish to amend Ordinance No. 9-2015 amending section 2-184(e) of the City of Alamosa Code of Ordinances, concerning contracting preference?

Alternatives:

Council can approve the ordinance or Council may decline to approve the ordinance with or without providing staff further direction.

Fiscal Impact:

No significant fiscal impact is anticipated as it is common for us to apply these preferences, this amendment will simply change the way these preferences are determined.

Legal Opinion:

The City Attorney will be present for comment.

Conclusion:

Local preference clauses are common in municipal contracting, this amendment will provide a more logical and intuitive set of criteria to determine the level of preference to apply.

ATTACHMENTS:

Description	Type
▯ Ordinance 9-2015	Ordinance

ORDINANCE NO. 9-2015

AN ORDINANCE AMENDING SECTION 2-184(e) OF ARTICLE VI, CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA MODIFYING LOCAL PREFERENCE CRITERIA

WHEREAS, the purchasing agent shall solicit Alamosa and San Luis Valley firms to submit bids to the city through local advertising and other suitable methods; and

WHEREAS, it is in the best interest of the city to contract with local suppliers to maximize follow-up services such as warranty work, training, service, support, or the need for additional parts where delivery is a consideration; and

WHEREAS, the city desires to support local business enterprise so long as the quality and quantity of work required by the city maintains acceptable standards; and

WHEREAS, the existing ordinance concerning local preference criteria ties preferences to distance from City Hall rather than to location within or near the City, and such existing criteria are both difficult to apply and not directly related to the goals set forth above,

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

Section 1. Section 2-184(e) of Article VI, Chapter 2 of the Code of Ordinances of the City of Alamosa, Colorado, is hereby amended to read in its entirety as follows:

The purchasing agent of the City of Alamosa shall solicit Alamosa firms and San Luis Valley firms to submit bids to the city through local advertising and other suitable methods. When any of the following considerations apply to any procurement, the purchasing agent shall give a preference to bidders based on the relation between the bidder's location and the City of Alamosa; need for the supplier to be available to provide service, need for follow-up training, service, or other support, when repairs or replacements done by the original bidder will be done under a warranty provided by the original bidder; need for additional parts where delivery is a consideration. The purchasing agent shall give preferences according to the following schedule: A preference of up to seven (7) percent for those bidders with the pertinent portion of its operations (i.e. "are located") located within Alamosa County and a preference of up to three (3) percent to those bidders who are located elsewhere in the San Luis Valley.

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 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 ORDERED published the 19th day of August, 2015, and a public hearing hereon fixed for the 2nd day of September, 2015 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this ____ day of ____, 2015.

CITY OF ALAMOSA

By: _____ Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Alamosa Christmas Light Parade

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Public Hearing and Final Reading, Ordinance No. 9-2015, An Ordinance Amending Section 2-184(e) of Article VI, Chapter 2 of the Code Of Ordinances of the City of Alamosa, Modifying Bidding Procedures

Recommended Action:

That Council conduct a public hearing and if no information is presented to the contrary approve Ordinance No. 9-2015 amending section 2-184(e) of the City of Alamosa Code of Ordinances.

Background:

The current ordinance identifies the need to provide preference to local bidders and suppliers but the criteria used to determine that preference has been problematic and difficult at times to determine. This amendment will change that criteria from distance(s) from City Hall to what staff feels is a more intuitive and logical method of determining which level of preference to provide by tying the location of the bidder to local boundaries.

This item was brought to Council previously where it failed to pass with the 7 percent city preference, 5 percent county preference, and 3 percent valley preference. Upon further analysis, staff is recommending a 7 percent preference to bidders located within Alamosa County and a 3 percent preference to bidders outside of Alamosa County but still within the remaining five counties in the San Luis Valley (Rio Grande, Conejos, Costilla, Saguache, and Mineral).

Issue Before the Council:

Does Council wish to amend Ordinance No. 9-2015 amending section 2-184(e) of the City of Alamosa Code of Ordinances, concerning contracting preference?

Alternatives:

Council can approve the ordinance or Council may decline to approve the ordinance with or without providing staff further direction.

Fiscal Impact:

No significant fiscal impact is anticipated as it is common for us to apply these preferences, this amendment will simply change the way these preferences are determined.

Legal Opinion:

The City Attorney will be present for comment.

Conclusion:

Local preference clauses are common in municipal contracting, this amendment will provide a more logical and intuitive set of criteria to determine the level of preference to apply.

ATTACHMENTS:

Description	Type
▯ Ordinance 9-2015	Ordinance

ORDINANCE NO. 9-2015

AN ORDINANCE AMENDING SECTION 2-184(e) OF ARTICLE VI, CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA MODIFYING LOCAL PREFERENCE CRITERIA

WHEREAS, the purchasing agent shall solicit Alamosa and San Luis Valley firms to submit bids to the city through local advertising and other suitable methods; and

WHEREAS, it is in the best interest of the city to contract with local suppliers to maximize follow-up services such as warranty work, training, service, support, or the need for additional parts where delivery is a consideration; and

WHEREAS, the city desires to support local business enterprise so long as the quality and quantity of work required by the city maintains acceptable standards; and

WHEREAS, the existing ordinance concerning local preference criteria ties preferences to distance from City Hall rather than to location within or near the City, and such existing criteria are both difficult to apply and not directly related to the goals set forth above,

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

Section 1. Section 2-184(e) of Article VI, Chapter 2 of the Code of Ordinances of the City of Alamosa, Colorado, is hereby amended to read in its entirety as follows:

The purchasing agent of the City of Alamosa shall solicit Alamosa firms and San Luis Valley firms to submit bids to the city through local advertising and other suitable methods. When any of the following considerations apply to any procurement, the purchasing agent shall give a preference to bidders based on the relation between the bidder's location and the City of Alamosa; need for the supplier to be available to provide service, need for follow-up training, service, or other support, when repairs or replacements done by the original bidder will be done under a warranty provided by the original bidder; need for additional parts where delivery is a consideration. The purchasing agent shall give preferences according to the following schedule: A preference of up to seven (7) percent for those bidders with the pertinent portion of its operations (i.e. "are located") located within Alamosa County and a preference of up to three (3) percent to those bidders who are located elsewhere in the San Luis Valley.

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 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 ORDERED published the 19th day of August, 2015, and a public hearing hereon fixed for the 2nd day of September, 2015 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this ____ day of ____, 2015.

CITY OF ALAMOSA

By: _____ Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Public Hearing, Ordinance No. 12-2015, AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ALAMOSA SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER FROM THE ALAMOSA POLICE DEPARTMENT TO THE ALAMOSA SCHOOL DISTRICT

Recommended Action:

Approve the Ordinance after a public hearing, entering into the intergovernmental agreement with the Alamosa School District to provide a school resource officer from the Alamosa Police Department in the Alamosa schools.

Background:

For the last several years the Alamosa Police Department has been working with the Alamosa School District to provide a school resource officer in the Alamosa Schools, primarily Alamosa High School, but also Ortega Middle School and occasionally Alamosa Elementary School. The position was initially established with grant money, but that grant has expired. The School Resource Officer's salary is split between the City and the School District, but the officer remains a full time employee of the Alamosa Police Department.

The officer provides a program of law and education-related issues to the school community, including parents, on such topics as: tobacco, alcohol, and other drug issues, and in addressing violent situations, violence prevention, and other safety issues in the school community, and can gather information regarding potential problems such as criminal activity, gang activity and student unrest, and attempt to identify particular individuals who may be a disruptive influence to the school and/or students. The Police Department feels it is a very good use of officer time and fosters the Department's commitment to community policing.

Issue Before the Council:

Does Council wish to enter into this intergovernmental agreement for a school resource officer with the Alamosa School District?

Alternatives:

- (1) Approve the ordinance after public hearing
- (2) Decline to approve the ordinance after public hearing, and give staff further direction.

Fiscal Impact:

No new position is created. The cost of the City's portion of the officer's salary is less than \$25,000. The officer is available in emergencies for other duties, but otherwise is dedicated to the school resource position, thus taking one position away from the general force.

Legal Opinion:

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

Conclusion:

This agreement ensures the continued provision of a school resource officer in the Alamosa

schools, which has proven a beneficial aspect of community policing.

ATTACHMENTS:

Description	Type
▯ Ordinance 12-2015	Ordinance
▯ 2015 SRO Agreement signed by Schools	Backup Material

ORDINANCE NO. 12 - 2015

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ALAMOSA SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER FROM THE ALAMOSA POLICE DEPARTMENT TO THE ALAMOSA SCHOOL DISTRICT

WHEREAS, the City of Alamosa Police Department and the Alamosa School District currently cooperate through an intergovernmental agreement to provide for an officer from the Alamosa Police Department to be stationed at one or more of the schools within the Alamosa School District as a school resource officer; and

WHEREAS: public safety and crime prevention is enhanced by the presence of a school resource officer in the schools, where the officer can provide a program of law and education-related issues to the school community, including parents, on such topics as: tobacco, alcohol, and other drug issues, and in addressing violent situations, violence prevention, and other safety issues in the school community, and can gather information regarding potential problems such as criminal activity, gang activity and student unrest, and attempt to identify particular individuals who may be a disruptive influence to the school and/or students; and

WHEREAS: C.R.S. § 22-32-146 specifically envisions an on-campus role for school resource officers; 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 public safety dispatch services; and

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

Section 1. Approval of Intergovernmental Agreement. The Intergovernmental Agreement between the Colorado Alamosa School District and the City of Alamosa Police Department attached to this Ordinance is hereby adopted and approved, and the Police Chief is directed to execute Agreement on behalf of the City of Alamosa;

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 19th day of August, 2015, 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 2nd day of September, 2015, 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 2nd day of September, 2015.

CITY OF ALAMOSA

By _____
Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

SCHOOL RESOURCE OFFICER AGREEMENT

City of Alamosa Police Department
Alamosa Public School District

This Agreement is entered into this 27th day of July, 2015, by and between the City of Alamosa Police Department, hereinafter referred to as "City" and, the Alamosa Public School District, hereinafter referred to as "District."

Both entities are political subdivisions of the State of Colorado. 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 public safety responsibility. The City and the District have determined that public safety is enhanced by the cooperation between their entities set forth in this Agreement.

THEREFORE

For and in consideration of the mutual promises, terms, covenants, and conditions set forth herein, the parties agree as follows:

1. Purpose of Agreement:

The purpose of this Agreement is for the City to assign a police officer to provide law enforcement services as specified herein; full-time to the District at the Alamosa High School, with the option to work in the same capacity at Ortega Middle School and the elementary school.

The police officer will work with school personnel in providing alcohol and other drug education, maintaining a safe campus environment, serving as law enforcement problem-solving resource persons, and providing the appropriate response regarding on-campus or school related criminal activity.

2. Term:

The term of this Agreement shall be from August 2015 until the end of the 2015-2016 school year, May 2016, provided the term may be mutually extended by the parties as they deem necessary to satisfy attendance requirements that may have been affected by weather or other factors. During days that schools are not in session, the officers shall perform regular police duties at a duty station as determined by the Chief of Police.

3. Termination:

This Agreement may be terminated without cause by either party upon 30 days prior written notice.

4. Relationship of Parties:

The City and assigned police officer shall have the status of an independent contractor for purposes of this Agreement. The police officer assigned to the District shall be considered to be an employee of the City and shall be subject to its formal control and supervision. The assigned officer will be subject to current procedures in effect for other Alamosa police officers, including attendance at all mandated training and testing to maintain state law enforcement officer certification. This Agreement is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership, or formal business association or organization of any kind between the parties, and the rights and obligations of the parties shall be only those expressly set forth in this Agreement. The parties agree that no person supplied by the District to accomplish the goals of this Agreement is a City employee and that no rights under City civil service, retirement, or personnel rules accrue to such person.

5. Consideration:

In consideration of the assignment of police officer to work with the District as provided herein, the District agrees to pay the City 50% of the officer's salary and benefits. This amount will not exceed \$25,000 per school year. The amount will be billed by the City to the District for each paycheck issued to the officer. The District will not be responsible for payment of overtime, unless it is requested by the District. The officer's weekly District schedule will be mutually agreed upon in consultation with the principal of the school the officer is assigned to. The officer may be asked to attend afternoon or evening events in lieu of regular day duty. The City will maintain a budget for expenditures under this Agreement. Payment from District to City is due upon District's receipt of an itemized statement of cost from the City.

6. Officer Responsibilities:

The Officer assigned to the District shall:

- 6.1. Provide a program of law and education-related issues to the school community, including parents, on such topics as: tobacco, alcohol, and other drug issues, and in addressing violent situations, violence prevention, and other safety issues in the school community.
- 6.2. Act as a communication liaison with law enforcement agencies; providing basic information concerning students on campuses served by the officer.

- 6.3 Provide informational services and be a general resource for the school staff on issues related to alcohol, and other drugs, violence prevention, gangs, safety and security.
- 6.4 The officer will gather information regarding potential problems such as criminal activity, gang activity and student unrest, and attempt to identify particular individuals who may be a disruptive influence to the school and/or students.
- 6.5 When a crime occurs, the officer will take the appropriate steps consistent with a Colorado law enforcement officer's duties. These will specifically include, but are not limited to, compliance with C.R.S. § 22-32-146.
- 6.6 The officer will present educational programs to students and school staff on topics agreed upon by both parties.
- 6.7 The officer will refer students and/or their families to the appropriate agencies for assistance when a need is determined.
- 6.8 The officer will attempt to advise the school principal prior to taking any legal action, subject to the officer's duties under the law, in an attempt to foster a cooperative decision making process good for all involved.
- 6.9 The SRO shall not act as a school disciplinarian, nor make recommendations regarding school discipline. The School Resource Officer is not to be used for regularly assigned lunchroom duties, as regular hall monitors, bus duties or other monitoring duties. If there is an unusual/temporary problem in one of these areas, the SRO may assist District employees until the problem is solved. Provided further that nothing required herein is intended to nor will it constitute a relationship or duty for the assigned police officer or the City beyond the general duties that exist for law enforcement officers within the state.

7. Time and Place of Performance:

The City will endeavor to have the police officer available for duty each day that school is in session during the regular school year. The City is not required to furnish a substitute officer on days when regular the School Resource Officer is absent due to illness or police department requirements. The officer's SRO activities will be restricted to the assigned school grounds except for:

- 7.1 Follow up home visits when needed as a result of school related student problems.
- 7.2 School related off-campus activities when officer participation is requested by the principal and approved by the City.
- 7.3 In response to off-campus, but school related, criminal activity.
- 7.4 In response to emergency police activities.

8. District Responsibilities:

District will provide the police officer an office and such equipment as is necessary at his/her assigned schools. This equipment shall include a telephone and filing space capable of being secured and access to a computer. The City will provide personal equipment to include all uniforms and a fully equipped police patrol vehicle that will be parked on campus when the officer is working

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date and year first written above.

CITY OF ALAMOSA POLICE DEPARTMENT


By: Duane C. Oakes, Chief of Police 8/10/15

ATTEST:

Holly Martinez, City Clerk

Alamosa School District, RE11J


By: Robert Alejo, Superintendent 07-08-2015

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Authorize Construction of Office for City Attorney

Recommended Action:

That Council authorize staff to add an office for the City Attorney with an estimated cost of \$12,000.

Background:

When City Hall was designed and constructed, it was purposefully designed to handle future staffing growth needs. After meeting with the City Attorney, staff feels that it is warranted to construct an office for the performance of his duties and identified a location that can best meet these needs - dividing the existing break room.

Issue Before the Council:

Does Council wish to construct an office for the City Attorney?

Alternatives:

Council can decide to construct an office as presented by staff, Council can modify the recommendation for construction, Council can determine that office space is not needed and provide further direction to staff.

Fiscal Impact:

Per the attached estimate, staff anticipates that the construction of the office will cost roughly \$12,000. If approved, these charges would be taken from the non-departmental budget and most likely come from the general fund balance.

Legal Opinion:

The City Attorney will be present for questions.

Conclusion:

Council should consider constructing an office for the City Attorney in City Hall.

ATTACHMENTS:

Description	Type
Office Estimate	Backup Material

New Office

Framing, ceiling repair	\$ 2,500.00
sound insulation & hang drywall	
drywall	\$ 750.00
paint	\$ 100.00
carpet & base	\$ 850.00
Door & hardware	\$ 1,300.00
electrical	\$ 2,500.00
window coverings	\$ 500.00
mechanical	?
	<u>\$ 8,500.00</u>

Desk & chair	<u>\$ 3,250.00</u>
	<u><u>\$11,750.00</u></u>

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Public Hearing and Second Reading, Ordinance No. 13-2015 Suspending the 180 Day Limit on Transient Dealers Licenses for Sales and Delivery of Food and/or Beverages for a Period of Three Months to Allow Consideration of an Amendment to the Existing Ordinance Concerning Such Licenses

Recommended Action:

That Council conduct a public hearing and if no information is presented otherwise approve Ordinance No. 13-2015 suspending the 180 day limit on transient dealers licenses for sales and delivery of food and/or beverages for a period of three months to allow consideration of an amendment to the existing ordinance concerning such licenses.

Background:

The existing ordinance governing transient dealers, which includes mobile food units, limits the license to 180 days (6 months). It is staff's impression that when discussing this ordinance previously, part of Council's intent was to protect the competitive interests of brick and mortar businesses. Several months ago Randy Wright communicated to staff that he was fielding questions from potential vendors who were trying to decide if they should make a sizable investment in equipment and capital when the 180-day limit would severely impact their operations. At that point staff committed to researching the issue.

What staff uncovered is that across the nation, communities are reevaluating their stance on mobile vending for food. The mobile vending market has made significant strides in quality, appearance, safety, etc. which has also included much larger investments than previously required. The kitchens on some of the units could easily compete with commercial kitchens found in brick and mortar businesses. Additionally, communities were realizing that the mobile vending units created a higher level of vitality and allowed entrepreneurs to enter the restaurant industry with a higher success rate. However, the concerns with how this market would compete with brick and mortar businesses that have higher overhead costs remained a concern. The National League of Cities conducted a national study on the issue and produced best practices in relation to regulating mobile food vending.

Staff pulled together several of the best practices and created a bullet list of potential considerations. This list was presented to the Planning and Zoning Commission and a group of local restaurant owners. The list represents what staff feels is a compromise. Currently the license only limits the use to 180 days. It does not include other restrictions that more effectively protect the interests of brick and mortar businesses such as a minimum distance the mobile vending units must be located away from an existing brick and mortar restaurants. By allowing the license to extend to 12 months those interested in mobile vending would be able to justify their investment while accepting regulatory criteria that would more effectively protect the interests of the brick and mortar businesses.

The proposed three-month suspension of the 180-day limit for sales of food and/or beverages only, not all transient dealers, would allow time for staff to finalize the list of potential regulations and schedule a work session with City Council to more thoroughly review this issue. It would allow

existing vendors to continue their operations until a time that the matter has been more fully vetted. There are six vendors who will benefit from this three-month suspension.

Issue Before the Council:

Does Council wish to allow the existing mobile vending businesses to continue for three additional months while it evaluates potential changes to licensing for mobile food vending?

Alternatives:

- Council can approve Ordinance 13-2015.
- Council can modify the ordinance.
- Council can deny the ordinance and provide further direction to staff.

Fiscal Impact:

The suspension of the 180-day limit will allow for 3 additional months of operations and the collection of taxes.

Legal Opinion:

The City Attorney will be present for questions.

Conclusion:

After researching the mobile vending issue and discussing potential regulations with the Planning and Zoning Commission and local restaurant owners, staff feels that a year-long license with certain regulations would more appropriately encourage mobile vending while protecting the interests of brick and mortar businesses. The three-month suspension provides time for City Council to evaluate the information.

ATTACHMENTS:

Description	Type
▯ Ordinance 12-2015	Ordinance

ORDINANCE NO. 13 - 2015

AN ORDINANCE SUSPENDING THE 180 DAY LIMIT ON TRANSIENT DEALERS LICENSES FOR SALES AND DELIVERY OF FOOD AND/OR BEVERAGES FOR A PERIOD OF THREE MONTHS TO ALLOW CONSIDERATION OF AN AMENDMENT TO THE EXISTING ORDINANCE CONCERNING SUCH LICENSES

WHEREAS, the *Alamosa Code of Ordinances* provides, at Section 10-216(1), that a transient dealer's license issued for the sales and delivery of food and/or beverage may be issued for a period not to exceed one hundred eighty (180) days in any calendar year; and

WHEREAS, numerous vendors and merchants have requested that the City reconsider the 180 day limitation because of the benefits to the shopping experience and increase in foot traffic that well regulated mobile food vendors can have on the City Center; and

WHEREAS, City staff and the planning and zoning commission have been considering potential modifications to the *Alamosa Code of Ordinances* to provide for reasonable regulation of such mobile food vendors; and

WHEREAS, there exist at the present time multiple entities that hold licenses for transient sellers of food and/or beverage who could be affected by the 180 day limitation contained in the present ordinance, but whose business could be benefitted by a temporary stay in the effect of that limitation to accommodate consideration of a permanent change in that limitation; and

WHEREAS, the factors initially giving rise to the limitation, such as a concern for competition with permanent businesses, concerns about traffic congestion and public safety, and concerns about the aesthetic appearance of the Downtown and other City areas are not adversely affected by a three month suspension of the limitation currently in place, while existing mobile vendor businesses could be significantly affected,

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

Section 1. Suspension of 180 day limit. The 180 day limitation on the term of transient dealer's licenses issued for the sales and delivery of food and/or beverage contained in Section 10-216(1) of the *Alamosa Code of Ordinances* is hereby suspended for a period of three months, in order to allow consideration of an amendment to the ordinance covering such dealers.

Section 2. 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 3. 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 4. 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 19th day of August, 2015, 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 2nd day of September, 2015, 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 2nd day of September, 2015.

CITY OF ALAMOSA

By _____
Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk