

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
November 4, 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 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. AGENDA APPROVAL

Council Gillaspie moved, seconded by Councilor Vigil to approve the agenda as presented and excuse Councilor Stefano. 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

Frank Muniz spoke in regards to a Veterans' Memorial and forming a committee.

Helen Sigmund spoke in regards to the leaf/yard waste pick up.

B. Follow-Up

Council agreed to a committee being formed and support the memorial.

Pat Steenburg relayed that the yard waste bins are still going to be picked up until such time that they determine it is no longer needed but it will be sent out to let the public as announcement when it is going to end.

Councilor Vigil stated he would be the liaison for the Veteran's committee and Councilor Griego also stated that he would be there as well.

V. CEREMONIAL ITEMS

- A. Introduction of Officer Jason Russell and Community Service Officer Steve Earls

Chief Oakes introduced Officer Jason Russell and Community Resource Officer Steve Earls, who were welcomed by Council.

- B. Introduction of new employee Kristen VanGieson, Finance Analyst

Amanda McDonald introduced Kristen VanGieson, 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 Coleman to approve Consent Calendar A as presented. The motion carried unanimously.

- C.7.a. Approve Minutes of Meeting October 21, 2015

VII. REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Public Works

- a. First Reading, Ordinance No. 21-2015, An Ordinance Amending Chapter 10, Article VIII of the Code of Ordinances of the City of Alamosa, Colorado to Add Section 10-221 to Modify Existing Regulations and Establish new Regulations for Mobile Food Vendors

Pat Steenburg presented information to Council. Ordinance 10-2010 of the City of Alamosa Code of Ordinances included provisions that limit the annual period of operations for mobile food vendors to 180 days in any calendar year. After consideration of the concerns and suggestions made by the stakeholders involved in the creation, staff feels the ordinance presented is a compromise. The concerns and input came

from the Planning and Zoning Commission and a group of local brick and mortar restaurant owners which was then presented in a draft ordinance to Council in a work session. From Council's comments at the work session, changes were made and are included in this ordinance.

This ordinance incorporates more seamlessly into our existing licensing scheme; it includes the provision of the requirement for a Mobile Vending Permit for each mobile food vehicle operated within the City, including multiple vehicles owned by the same owner; the signage clause references our existing sign ordinance to allow temporary signage so long as it fully complies with Chapter 21, Article X of the existing code; allows the use of hoses, electric cords, gas lines, or other apparatus so long as it does not present an unsafe condition to pedestrians or the motoring public; and adjusts the hours of operation.

Council thanked staff for their work and research on this ordinance and further discussed the ordinance.

Councilor Griego moved, seconded by Councilor Coleman to approve Ordinance No. 21-2015, on first reading and set the matter for public hearing on Wednesday, November 18, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

2. City Manager/Legal

- a. Authorize the City Manager to award the contract to RPI Consulting for the update to the comprehensive plan, downtown assessment, and land development code assessment and correction

Heather Brooks presented information to Council. The City of Alamosa's last update to its Comprehensive Plan was June 6, 1997 and since then, much has changed in Alamosa. The goal of this project is to have a thorough review of existing conditions and identification of what is needed for the future. A significant portion of the process is dedicated to public outreach including stakeholder meetings, focus group meetings, and non-scientific surveys.

The City's first step in this process was to budget \$150,000 in the CIP. The second stop was to create a Comprehensive Plan Update Committee which met on April 2nd to determine the scope of work to bid out, in which seven proposals were received. All of the proposals did not fully meet the scope of work and whichever firm was selected, would need to provide a revision of the scope. Based on the experience and scope of work, the committee selected four firms for interviews, which helped to better understand the strengths of each firm and the approach that would be taken for each part of the project. The committee recommended RPI.

Councilor Gillaspie moved, seconded by Councilor Griego to authorize the City Manager to award the contract to RPI Consulting in the amount of \$248,300 for the update to the comprehensive plan, downtown assessment, and land development code assessment and correction.

- b. Resolution 15-2015 to act as fiscal agent for the grant application for the San Luis Valley Inspire Initiative grant from the State Board of the Great Outdoors Colorado Trust Fund

Heather Brooks presented information to Council. Staff received a phone call from the community partners working on an application for a \$83,890 grant through the GOCO Inspire Initiative. Initially the group anticipated using Adams State University as the fiscal agent. After their submission they were notified that ASU could not serve as fiscal agent and they needed bring in either a city, county, or special district as the fiscal agent. Because of the list of partners in the grant, City staff was somewhat involved and the involvement the City would have as fiscal agent would be logical.

Ms. Brooks stated that staff received confirmation that the City would still be able to apply for other GOCO grants because the Inspire Initiative is considered a separate program. The program is focused on conducting community outreach in the valley to determine what needs exist to help connect youth with the outdoors.

Councilor Coleman moved, seconded by Councilor Vigil to approve Resolution No. 15-2015. The motion carried unanimously.

D. Committee Reports

Councilor Vigil reported on the school board meeting.

E. Staff Announcements

Heather Brooks informed Council of a potential agenda item for the next meeting regarding the easements on the Healthy Living Park.

Holly Martinez updated Council on the results of the election.

- Incumbent council members who will serve another four years on Council are Ty Coleman, Councilor At Large, and Councilor Griego, Councilor for Ward 3.
- New Council Members are Kristina Daniel, Councilor for Ward 2, who will serve the remaining two year term vacated by Councilor Johnson and Liz Hensley, Councilor for Ward 1, who will serve a four year term.

- All Council members will be sworn into office on the November 18th meeting.

Ms. Martinez also informed Council that November 18th, retiring Council members Greg Gillaspie and Rusty Johnson will be recognized for their service and years on Council.

COUNCIL COMMENT

Councilor Gillaspie informed everyone of the comments he has been hearing regarding the roundabout on Clark Street, of which most have been negative and the favorable comments regarding the new sidewalks at the park. He also stated he was pleased that the ballot measures regarding marijuana in Ohio and South Fork failed and thanked everyone who supported 1A.

Councilor Gillaspie also stated that it has been an honor and privilege to serve on Council and work with the many Councilmen, Mayors, City Managers, and City employees that he did and he wished his successor, Liz Thomas Hensley, the best.

Councilor Coleman thanked all the participants who ran for City Council and extended his congratulations to the new Council members. He also congratulated all those that won their election and thanked those who went and voted for him as well.

Councilor Vigil thanked everyone who ran for City Council and extended his congratulations to those that won. He also mentioned that he has heard positive comments about the roundabout.

Councilor Griego reminded everyone that next Wednesday, the 11th, is Veteran's Day and invited Council to sit on the review stand. He also mentioned that a former Council member, Eddy Garcia passed away.

Councilor Coleman also mentioned that the Alamosa High School football team will be playing in the playoffs this weekend and wished them luck.

Mayor Lucero also extended his congratulations and thanked those that ran as well.

EXECUTIVE SESSIONS

It was moved by Councilor Gillaspie and seconded by Councilor Coleman to enter into Executive Session at 8:15 p.m. pursuant to CRS 24-6-402 (4)(f) for Personnel Matters - Evaluation of City Manager,

When back in regular session, Mayor Lucero confirmed that the Executive Session was held solely for the stated purpose.

1. Pursuant to CRS 24-6-402 (4)(f) for Personnel Matters – Evaluation of City Manager

ADJOURNMENT

The meeting adjourned immediately following the Executive Session.

Holly Martinez, City Clerk

Josef P. Lucero, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Introduction of Officer Jason Russell and Community Service Officer Steve Earls

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Introduction of new employee Kristen VanGieson, Finance Analyst

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
October 21, 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 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. AGENDA APPROVAL

Council Griego moved, second by Council Vigil to approve the agenda as presented and excuse Councilor Gillaspie. 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

Eric Burt spoke in regards to the plastic bag fee program and stated he will address his concerns at the time it is set on the agenda if Council allowed it.

David Mize also spoke in opposition of the plastic bag fee program that is being discussed.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

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.

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

C.7.a. Approve Minutes of Meeting October 7, 2015

C.7.b. Approve Minutes of Special Meeting October 8, 2015

C.8.a. Receive September 2015 Monthly Reports

C.2.a. Receive September 2015 Expenditure Report

VII. REGULAR BUSINESS

A. Business Brought Forward by City Staff

1. Public Works

- a. Resolution 13-2015, Finding of Substantial Compliance, Regina Kazeck Annexation

Pat Steenburg presented information to Council. This property is an enclave located between West Tenth and West Eleventh Streets, west of Highway 285 at the southern terminus of Monroe Avenue extended. The subject property is currently served by city water and sewer and is accessed by a paved street on the north, the property is not accessible from the south. The action Council is being asked to take on this tonight is the finding of substantial compliance and acceptance of the petition.

Councilor Griego moved, seconded by Councilor Coleman to approve Resolution No. 13-2015. The motion carried unanimously.

- b. Resolution 14-2015, a Resolution providing for the addition of Richardson Hall to the City of Alamosa Registry of Historic Places.

Mr. Steenburg presented information to Council. Throughout its history, Richardson Hall has maintained its historical integrity and continues to exhibit the majority of its original architectural features and remains one

of the most, if not the most, recognized and iconic structures in the city. Its addition to the registry will help to protect, enhance, and perpetuate the property which is obviously reminiscent of past eras, events, and person important in local history and will facilitate and enhance the availability of incentives for the property owner to maintain its historical nature and appearance.

Councilor Stefano moved, seconded by Council Coleman to approve Resolution No. 14-2015. The motion carried unanimously.

Council and members of the Historic Preservation Committee presented a plaque to Tawney Becker, representative of Adams State University.

2. Parks and Recreation

- a. Adopt Resolution No. 12-2015 Supporting GOCO Grant Submission for the Alamosa City Ice Rink and Multi-use Facility

Heinz Bergann presented information to Council. This resolution supports the grant application for a local parks and outdoor recreation grant from the state board of the Great Outdoors Colorado Trust Fund and the completion of the Alamosa City Ice Rink and Multi-Use Facility. The amount that is being applied for is \$350,000.

Council thanked Heinz and staff for all their hard work on this.

Councilor Vigil moved, seconded by Councilor Coleman to adopt Resolution No. 12-2015. The motion carried unanimously.

3. City Manager/Legal

- a. Discussion and Direction on Plastic Bag Program

Heather Brooks presented information to Council. During the 2014 Winter Retreat, Council expressed interest in receiving public input on a potential plastic bag fee program. Information related to wanting public input on this topic was distributed and feedback was received.

On July 1, 2015 Council again discussed the concept of a plastic bag program and gave general direction that staff should develop a plan that included education and outreach with the end result of having a program in place. There was confusion on if that was the end result but discussion was held if that needed to change, Council could change it.

Staff went back and thought about this issue and the recommendation that is being made today is that Council get the discussion going but that a possible education program gets created and they obtain a

certain amount of support for the program. The staff involvement with this would be that they would just check in with this group of people and City resources would be available to them, while still fitting into the policies set forth. The work and research would fall on this passionate group of volunteers for this program.

Mayor Lucero and Council invited public input on this discussion.

Eric Burt spoke in regards to this program sharing the business perspective of other towns that have this program implemented by doing his own research on this program.

Dan McCann spoke in favor of recycling but not implementing a fee for bags.

David Mize spoke also gave his opinion on this and is in favor of recycling.

Council further discussed this issue and agreed that this is not the time for this type of program and there should be a lot more education done on this but they would be willing to discuss it again in the future.

- b. Public Hearing, Ordinance No. 15-2015, An ordinance approving the whole cost of the improvements made within special improvement district no. 14-2 together with incidental costs; approving and confirming the apportionment of such costs to each lot or tract of land in said district; assessing a share of such costs against each lot or tract of land in said district; and prescribing the manner for the collection and payment of said assessments.

Erich Schwiesow presented information to Council. This ordinance was first presented on first reading at the Regular Council meeting on September 16, 2015. This ordinance approves the whole cost of the improvements made within special improvement district No. 14-2 together with incidental costs; approves and confirms the apportionment of such costs to each lot or tract of land in said district; assesses a share of such costs against each lot or tract of land in said district; and prescribes the manner for the collection and payment of said assessments.

Mayor Lucero opened the public hearing at 7:51 p.m. and asked for those wishing to speak on this matter.

Donald Kanen thanked staff for the communication and spoke in favor of the Ordinance.

Tim Gallegos mentioned his concerns regarding his property.

There being no one else wishing to speak, the hearing closed at 7:54

p.m.

Council further discussed this ordinance.

Councilor Griego moved, seconded by Council Stefano to finally adopt Ordinance No. 15-2015. The motion carried unanimously.

- c. Public Hearing on Ordinance 20-2015 an Ordinance establishing the employee pay plan for fiscal year 2016

Heather Brooks presented information to Council. This was discussed on first reading at the October 7, 2015 meeting. This past year staff completed a salary market survey bringing in line the City positions within market compensation. This pay plan follows the implementation of that survey and will continue to be analyzed annually.

Mayor Lucero opened the public hearing at 7:58 p.m. and asked for those wishing to speak on this matter.

Dan McCann spoke in favor of this ordinance.

There being no one else wishing to speak, the hearing closed at 7:59 p.m.

Councilor Griego thanked Heather Brooks for all the work that she did to get this established.

Councilor Stefano moved, seconded by Councilor Coleman, to finally adopt Ordinance No. 20-2015. The motion carried unanimously.

- d. Public Hearing, Ordinance 19-2015 an Ordinance making the Annual Appropriations for Fiscal Year 2016

Heather Brooks presented information to Council. This was also discussed on first reading at the October 7, 2015 meeting. This is what the City uses to guide its actions for the upcoming year. She explained the process of how the budget gets established. Following Council's direction, the budget for the upcoming year reflects the projects and prioritization of those. She reviewed the list of the year's prioritization.

Mayor Lucero opened the public hearing at 8:07 p.m. and asked for those wishing to speak on the matter.

There being no one wishing to speak, the hearing closed at 8:07 p.m.

Councilor Stefano moved, seconded by Councilor Vigil to finally adopt Ordinance No. 19-2015. The motion carried unanimously.

B. Committee Reports

None.

C. Staff Announcements

Heather Brooks informed Council of the following:

- The Public Health Emergency Operation Drill that she participated in. She stated that if there is an incident, we are in good hands with their knowledge.
- Water Smarts meeting on Friday, October 23, 2015
- The Valley wide manager/administrator meeting she attended last Friday.
- Concerns of Bob Carlucci
- Also made Council aware that the wheels are still turning for the unmanned aircraft coming to the Valley.

Councilor Coleman thanked Heather for helping work out the issue with the concern of the business owner regarding shopping locally and also thanked her for the proactive e-mail sent back to Francis at the airport regarding the City's support.

COUNCIL COMMENT

Council Vigil gave kudos to the Public Works staff for all their hard work and effort on the roundabout by the high school.

Councilor Stefano thanked Holly Martinez for the board dinner that was held on Monday for the City boards.

Councilor Coleman thanked Pat for giving him a tour of the City's facilities and also for the roundabout. He also mentioned that the San Luis Valley Theater will be putting on a dinner play at the Grille at Cattails on October 30th and 31st.

Councilor Griego thanked everyone for the comments on the work session this evening.

Mayor Lucero also thanked everyone for the work session and the comments.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

Holly Martinez, City Clerk

Josef P. Lucero, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Meeting October 21, 2015

ATTACHMENTS:

Description		Type
D	Minutes of Meeting October 21, 2015	Cover Memo

ORDINANCE NO. 21-2015

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE VIII OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA, COLORADO TO ADD SECTION 10-221 TO MODIFY EXISTING REGULATIONS AND ESTABLISH NEW REGULATIONS FOR MOBILE FOOD VENDORS

WHEREAS, mobile food vendors are an emerging national trend and provide the useful service of fast, convenient, and varied dining options in business areas and areas that have historically lacked the demand for traditional brick and mortar dining establishments; and

WHEREAS, the City of Alamosa recognizes the need to protect the investments made in the community by traditional brick and mortar restaurants; and

WHEREAS, City Council desires to encourage the business and retail opportunities necessary to create and maintain a vibrant and economically sustainable community; and

WHEREAS, City Council has determined it to be in the best interest of the public health, safety, and welfare of the citizens of the City of Alamosa to establish a more inclusive and robust body of regulations specific to the operation of mobile food vendors within the City.

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

Section 1. Amendment of Section 10-211 of the Code of Ordinances of the City of Alamosa. Section 10-211 is hereby amended in its entirety to read as follows:

(a) Rules of Construction. The words and terms used, defined, interpreted, or further described in this chapter shall be construed as follows:

- (1) The particular controls the general;
- (2) The word “shall” is always mandatory and not directory. The word “may” is permissive;
- (3) Words used in the present tense include the future unless the context clearly indicates the contrary;
- (4) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.

(b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person or business that applies for a license or permit or renews a license or permit under the provisions of this Article.

Central Business District means that area defined as the downtown core of the City of Alamosa, being more particularly described as that area bounded on the north by Fourth Street, on the south by Sixth Street, on the west by Bell Avenue, and on the east by Denver Avenue.

Food Zone means an area approved by the Alamosa City Council for the specific operation of mobile food vendors within public rights of way or other publicly held property.

Hours of Operation, when used with respect to mobile food vendors, shall be the designated time frame mobile food vendors are authorized to operate within the City, regardless of whether operation is in a designated Food Zone or on private property within the city limits.

Mobile Food Vehicle means a licensed and insured unit mounted on or pulled by a self-propelled vehicle where food including prepackaged foods for individual portion service is prepared or dispensed; is self-contained with its own drinking water and waste water tanks; is designed to be readily movable; and is fully permitted and in full compliance with any applicable State of Colorado, Alamosa County, and City of Alamosa regulations, including but not limited to Section 10-215 herein. Operation of a mobile food vehicle shall require a mobile vending permit rather than a transient dealer's license.

Mobile Food Vendor Park means a parcel of property established pursuant to the provisions of this Section for purposes of providing more than two mobile food vehicles access to a single parcel of privately owned property.

Mobile Vending Permit means a written authorization to operate a mobile food vehicle within the city limits of the City of Alamosa. This requirement shall apply to each mobile food vehicle operated within the city limits of the City of Alamosa, i.e., an individual owner owning more than one mobile food vehicle shall be required to obtain a Mobile Vending Permit for each mobile food vehicle operated.

Operator means the entity that is legally responsible for the operation of the mobile food vehicle such as the permittee, the permittee's agent, or other person and processes a valid permit to for the operation of each and every ~~operate a~~ Mobile Food Vehicle within the City Limits of the City of Alamosa.

Peddler means any person who travels from place to place by any type of conveyance, carrying his wares with him, offering and exposing the wares for sale or making sales and delivering articles to purchasers, or any person who, without traveling from place to place, sells or offers the same for sale from any type of vehicle or conveyance. A peddler generally offers for sale, consummates the sale and delivers the goods at one and the same time to the ultimate consumer. Any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as part of a scheme or design to evade the provisions of this definition shall be deemed peddling and shall be subject to the provisions of this article.

Permittee means a person that has been granted a permit by the City of Alamosa to operate one or more Mobile Food Vehicles within the City.

Restaurant means a brick and mortar establishment where meals are generally served and eaten on premises in exchange for money.

Solicitor means any person who travels from place to place by any type of conveyance taking or attempting to take orders for the sale at retail of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, whether or not such person has, carries or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payments on such sales.

Transient seller means any person, either as principal or agent, who engages in a temporary business of selling and delivering goods, wares and merchandise from a fixed location within the city and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, room, apartment, lot, parking lot, street or other place, whether public or private, within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at an auction. Any person who engages in transient selling shall not be relieved from complying with the provisions of this article by reason of associating himself with any established local dealer, trader, merchant or auctioneer, or by conducting transient selling in connection with, as part of or in the name of any established local dealer, trader, merchant or auctioneer. If the conduct of any person falls within the definitions of both peddler and transient selling as contained in this section, he shall be deemed to be transient selling for the purposes of this article.

Vending means the business of selling or causing to be sold any of the following items:

- food products
- produce
- prepared foods and beverages
- pre-packaged foods
- non-alcoholic beverages

Section 2. Amendment of Section 10-215 of the Code of Ordinances of the City of Alamosa. Section 10-215 is hereby amended in its entirety to read as follows: It is unlawful for any person over sixteen (16) years of age to peddle, solicit or engage in transient selling within the corporate limits of the city without first obtaining a transient dealer's license as provided in this article. It shall be unlawful for any person to engage in the business of mobile food vending or the operation of a mobile food vehicle as defined herein unless he/she has obtained a mobile vending permit from the City of Alamosa Finance Department, except as exempted herein.

Section 3. Amendment of first sentence of Section 10-216 of the Code of Ordinances of the City of Alamosa. The first sentence of Section 10-216 is hereby amended in its entirety to read as follows: Every person transacting any business or other activity requiring a transient dealer's license under this article shall first procure from the city clerk a license permitting him to engage in any of such selling or soliciting activities.

Section 4. Amendment of Section 10-217(a) of the Code of Ordinances of the City of Alamosa. Section 10-217(a) is hereby amended in its entirety to read as follows: (a) Upon receipt of the application for a transient dealer's license under this article, the city manager, or his designee, shall conduct an investigation of applicant's history of compliance, or lack thereof, with state and local laws and regulations.

Section 5. New Section 10-221 of the Code of Ordinances of the City of Alamosa.
Insert new Section 10-221, to read as follows:

10-221. Mobile Food Vending

A. Intent and Purpose

The general purpose of this ordinance is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of Alamosa and to provide balanced business, employment, and recreational opportunities by establishing reasonable guidelines and regulations for the operation of mobile food vehicles within the City of Alamosa. The regulations contained herein are not intended to prohibit or hamper economic activity, but merely to regulate specific activities that are commercial in nature. It is the intent of these regulations to:

1. Establish regulations in accordance with the vision statement for the purpose of promoting the health, safety, and general welfare of the citizens of Alamosa; and
2. Establishing a uniform set of fair and equitable rules and regulations to be applied consistently to mobile food vendors; and
3. Provide economic development opportunities to smaller entrepreneurs; and
4. Attempt to mitigate the potential negative impact to established brick and mortar dining establishments by mobile food vendors.

B. Applicability

It shall be unlawful for any person to engage in the business of mobile food vending or the operation of a mobile food vehicle as defined above unless such person has obtained a mobile vending permit from the City of Alamosa Finance Department, except as exempted herein.

C. Application Procedure

Applicants may request a mobile vending permit for mobile food vending from the office of the Director of Finance of the City of Alamosa. The application shall contain all information relevant and necessary to determine whether a particular permit may be issued, including, but not necessarily limited to:

1. The applicant's full name, current address, telephone number, mailing address and proof of identity. The application shall also include a color photograph of the mobile food vehicle to which the permit will apply.
2. A brief description of the nature, character, and quality of foods to be offered for sale.
3. Site plan showing proposed location and distances in compliance with the location requirements outlined in subsection F(3) herein, including manufacturers specifications for decibel range of the generator used to provide power to the vehicle, if any.
4. Written express consent of the property owner to operate a mobile food vending business on the property.
5. A copy of a current State of Colorado Health Department Inspection Certificate for the subject vehicle.
6. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation of employment.
7. Make, year, model, color, and license number of the mobile food vehicle to which the permit shall apply.
8. Written approval from the City of Alamosa Zoning Administrator or Public Works Director.
9. A signed statement that the applicant shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers, and employees for any claims of property damage or injury to persons which may be occasioned by any activity carried out under the terms of the permit.
10. If the applicant will be operating on City property or rights of way in a designated Food Zone, the applicant shall also furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per accident or occurrence. The policy shall further provide that it shall not be cancelled except upon thirty (30) days written notice served upon the City of Alamosa, Office of the Director of Finance, 300 Hunt Avenue, Alamosa, Colorado 81101. A permit issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Director of Finance. Proof of insurance must be shown for each mobile food vehicle in operation.
11. Applicant shall pay that fee as adopted from time to time by the City Council at the time of application, application fees are non-refundable.
12. The applicant shall be notified in writing by the Finance Director or his/her designee of the City's decision to issue or deny the mobile vending permit not later

than ten (10) business days after the applicant has filed a completed application with the Finance Department.

13. Each permit shall show the name and address of the mobile vendor, the type of permit issued, the nature of the food to be sold, the cost of the permit, the date of issuance, the date of expiration, and a brief description of the mobile food vehicle.
14. Any permit issued by the Director of Finance or his/her designee shall be carried with the vendor whenever they are engaged in activities regulated under this permit and conspicuously displayed on the mobile food vehicle adjacent to the current State Health Inspection Certificate.

D. Expiration and Renewal

1. All mobile food vending permits expire annually at midnight on December 31st. A permit may be renewed, provided an application for renewal and permit fees are received by the City no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The Finance Director or his/her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit.

E. Exemptions

1. **Exempt Activities.** The provisions of this ordinance do not apply to:
 - a) Temporary sales to benefit non-profit organizations, schools, youth or youth groups and conducted on private property provided such sales last no longer than 2 consecutive days.
 - b) Ice Cream Trucks. All ice cream trucks are required to obtain a business license. An ice cream truck shall not be required to apply for a mobile food vending permit unless and except it wishes to operate in a designated food zone or mobile food vendor park^[LL1]. Except as herein provided, it shall be unlawful for any ice cream truck, while engaged in the business of selling, to stop or stand or permit or suffer any vehicle to do so upon any street of the city except during the actual sale of its ice cream product. In no event shall an ice cream truck be or remain upon any street or sidewalk longer than is reasonable to conduct a sale; such time not to exceed 5 minutes.
2. **Claims of Exemption.** Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to the Finance Director or his/her designee, the statute or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.

F. General Rules and Regulations

1. Mobile food vendors shall be permitted on all developed private property with a primary use (parking, retail, office, etc.) in areas of the city with underlying commercial and industrial zonings with written owner permission and all areas within the Downtown Design Overlay [District as depicted on the official zoning map of the City](#). Mobile food vendors shall not be permitted in any residential zoning unless the requested site has been designated a food zone by the City of Alamosa.
2. Mobile food vending shall not be permitted on undeveloped property lacking a primary use in any zoning district.
3. No mobile food vendor shall be permitted to operate in the following areas:
 - a) Within any residential zoning unless the proposed location has been designated a food zone by the City of Alamosa.
 - b) Outside of the required building setbacks as defined in Article V of the City of Alamosa Code of Ordinances.
 - c) Within 30 feet of any stop sign, street intersection, pedestrian crosswalk, driveway, or loading zone.
 - d) Within 50 feet of any primary building entrance or within 20 feet of an emergency or secondary entrance that is defined as a point of ingress or egress that is normally locked during business hours.
 - e) Within 15 feet of any fire hydrant
 - f) Within 15 feet of any parking space or access ramp designated for persons with physical disabilities.
 - g) Within any publicly owned parking lot unless that area has been specifically designated a food zone by the City of Alamosa.
 - h) Within 200 feet of a public entrance to a brick and mortar dining establishment not owned by the mobile food vendor unless permission in writing is obtained from the owner of record of the property and the operator of the establishment if other than the owner. Said 200 feet shall be measured in a straight line from the location of the mobile food vehicle to the nearest existing public entrance of the established restaurant.
 - i) Within any area that obstructs pedestrian traffic.
 - j) On any vacant or undeveloped property.
 - k) Within 200 feet of any primary or secondary school. 200 feet shall be measured to the nearest point on the lot line of the school property.
4. A developed property proposed for the siting of a mobile food vendor shall have 50 feet of minimum frontage adjacent to a dedicated public street, developed ingress and egress, and hard surface paving to a point that will contain the mobile

food vehicle behind the building setback line required by the underlying zoning and allow patrons to exit the property without backing into the public street.

5. Mobile Food Vending on private property shall in no way alleviate the compliance requirement for property owners to meet off street parking and loading requirements for the primary use of the property as provided for in Section 21-171 of the Code of Ordinances of the City of Alamosa.
6. Mobile Food Vendors shall provide for adequate solid waste receptacles and shall be responsible for the cleanliness and neat appearance of the sidewalks, roadways, and other spaces adjacent to their vending sites by keeping them clean and free of paper, peelings, and refuse of any kind generated from the operation of their business. The use of public trash receptacles shall be prohibited.
7. No person or entity authorized to engage in the business of mobile food vending under these regulations shall be permitted to do any of the following under any circumstances:
 - a) Unduly obstruct pedestrian or motor vehicle traffic
 - b) Obstruct traffic signals or signs
 - c) Stop, stand, or park any mobile food vehicle upon any street or public way for the purpose of selling unless that area has been designated a food zone by the City of Alamosa.
 - d) Operate any mobile food vehicle that when fully loaded and operating cannot be easily moved and maintained under control by the permittee, his employee or an attendant.
 - e) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.
 - f) Conduct his/her business in any way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay on any public street or travelled way, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - g) Install or erect any free-standing signage ~~not in full compliance with Chapter 21, Article X of the City of Alamosa Code of Ordinances.~~
 - h) Run hoses, electric cords, gas lines, or other apparatus to the mobile food vehicle ~~in any manner that presents an unsafe condition to pedestrians or the motoring public.~~ Any power required for the operation of the mobile food vehicle shall be generated on site shall be produced ~~self-contained with a~~ with a generation sound level not to exceed 80 decibels at the source.

8. Hours of operation shall be limited to the hours between 6:00 AM and 2:30 AM. When ~~unless~~ operating within 300 feet of an occupied residence, ~~then~~ hours will be limited to between 8 AM and 9 PM unless that residence is located in the Downtown Design Overlay in which case hours of operation will continue to be allowed between the hours of 6:00 AM 2:30 AM. Vendors shall be allotted 30 minutes set-up and 30 minutes breakdown before and after allowed hours of operation.
9. All locations are subject to the regulations and other requirements established by the Health Department.
10. Mobile food vending within a public street shall occur ONLY from the side of a vehicle that is parked abutting and parallel to the curb or edge of travelled way.
11. No mobile food vehicle shall have a drive through service.
12. Any mobile food vendor operating at any location not permitted by these regulations or outside of the allowable hours of operation shall be deemed to be operating without a permit in violation of this code and may be subject to enforcement.
13. Any new business that opens or moves near an existing mobile food vendor park, ~~or~~ established food zone, or historically occupied private property shall be deemed to have accepted the proximity of the existing use.

G. Temporary Food Zone Designation

1. A temporary food zone permit allows mobile food vendors the opportunity to serve specific events for the duration of the event so long as mobile food vending is not associated with said event. These permits are allowed only when the timing and place of said activity does not conflict with the City's desire to protect the safe and convenient use of public rights-of-way. It is the City's intent to control pedestrian and street congestion as it relates to the operation of mobile food businesses and the proximity to established brick and mortar businesses. This permit is primarily used to grant permission to operate in locations within public rights-of-way that have not been designated as food zones by the City of Alamosa.
2. Application Procedure:
 - a) The applicant must make application a minimum of thirty days in advance of the event for which the temporary food zone designation will apply.
 - b) Applicant must first possess a current mobile food vendor permit.
 - c) The temporary food zone permit shall only be issued for an event abutting a curb space in the right of way, it shall not apply to operation on private property.
 - d) The temporary food zone permit shall be subject to the same rules and regulations governing the primary permit.

- e) The permit application shall be reviewed by the Alamosa Police Department, the Department of Public Works, and the Department of Parks and Recreation.
- f) The following items will be considered prior to the issuance of the temporary food zone permit:
 - Public safety concerns
 - Access to entrances and exits to City parks and publicly owned facilities
 - Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the area
- g) Upon approval, the City shall provide the permittee evidence of its authorization for a temporary food zone. It shall be the responsibility of the permittee to secure any temporary zone that has been authorized by the permit. The City shall not be held liable for the failure of the permittee to secure the temporary zone once approval is provided.

H. Mobile Food Vendor Park Designation

Any property owner that wishes to make a single parcel available to more than two mobile food vendors simultaneously shall apply to the Department of Public Works for a mobile food vendor park designation. This is considered a Permitted Use by Special Review in all zoning districts and shall be obtained by the process outlined in Chapter 21, Article VI of the City of Alamosa code of Ordinances.

I. Suspension and Revocation of Permit

1. **Conditions for Suspension / Revocation of Permit.** Any permit issued under these regulations may be suspended or revoked for any of the following reasons:
 - a) Fraud, misrepresentation or knowingly providing a false statement in the application for the permit.
 - b) Fraud, misrepresentation or knowingly providing a false statement in the course of performing the activities regulated by this permit.
 - c) Conducting the operations regulated by this permit in any manner contrary to the conditions of the permit.
 - d) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare, or morals, or interfere with the rights of abutting property owners; or
 - e) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.

- f) The permittee or any of its principals has been convicted of any crime that involves any local, state, or federal law or regulation arising out of the operation of a similar business.
 - g) The permittee or any of its agents is in default on any payments owed to the City.
 - h) The permittee or any of its agents or employees interfere with an inspection of the mobile food vehicle by a health department inspector.
- 2. **Notification of Suspension or Revocation.** The City Finance Director or his/her designee shall provide written notice of the proposed suspension or revocation in a brief statement setting forth the complaint and the grounds for suspension or revocation. Such notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.
- 3. **Fine in Lieu of Suspension or Revocation.** The City may choose, at its sole discretion, to offer the permittee the opportunity to pay a fine in lieu of permit suspension or revocation. In that event, the mobile food vendor shall be subject to a fine of up to five hundred (\$500) dollars per violation. Each violation shall constitute a separate and distinct offense. Each day shall be considered a separate offense.
- 3. **Forfeiture of Fee.** If the City revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one (1) year from the date that the revocation took effect.

Section 6. General Repealer

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

Section 7. 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 8. 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 9. 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 ____ day of _____, 2015 and a public hearing hereon fixed for the ____ day of _____ 2015, at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing the _____ day of _____, 2015.

CITY OF ALAMOSA

By _____
Josef Lucero, Mayor

Attest: _____
Holly Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

First Reading, Ordinance No. 21-2015, An Ordinance Amending Chapter 10, Article VIII of the Code of Ordinances of the City of Alamosa, Colorado to Add Section 10-221 to Modify Existing Regulations and Establish new Regulations for Mobile Food Vendors

Recommended Action:

That Council approve on first reading Ordinance No. 21-2015 amending Chapter 10, Article VIII of the Code of Ordinances of the City of Alamosa and set the matter for public hearing on Wednesday, November 18, 2015.

Background:

Ordinance 10-2010 of the City of Alamosa Code of Ordinances included provisions that limit the annual period of operations for mobile food vendors to 180 days in any calendar year. In the spring of this year, Randy Wright, Executive Director of the Alamosa County Economic Development Corporation and Director of the Alamosa Chamber of Commerce 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 this 180-day limit would severely impact their operations. At that point staff committed to researching the issue.

What we uncovered is that across the nation, communities are reevaluating their stance on mobile food vending. The mobile vending market has made significant strides in quality, appearance, safety, public acceptance, and even has television shows dedicated to showcasing the best of the best. These industry developments have demanded much larger investments and personal commitments than previously required. Although typically smaller because of the limited size of the mobile food vending units, the investments made in many of the kitchens associated with these operations could easily compete with those of commercial kitchens found in the more traditional brick and mortar businesses. Additionally, it is becoming apparent that these types of mobile businesses are creating a higher level of vitality and pedestrian activity in their communities and have allowed entrepreneurs to enter the restaurant industry with a higher success rate.

However, the concerns about how this market would compete with brick and mortar businesses that have higher overhead costs remained a concern. In an effort to help cities identify these issues and develop ordinances and practices that protect the investments made in the community by traditional brick and mortar restaurants while at the same time recognizing that mobile food vendors are an emerging national trend and provide the useful service of fast, convenient, and varied dining options and can further a City's desire to encourage and provide the opportunities necessary to create and maintain a vibrant and economically sustainable community, the National League of Cities conducted a national study on the issue and produced best practices in relation to regulating mobile food vending. Staff reviewed and compiled several of these best practices and created a bullet list of potential considerations.

The ordinance presented tonight is what staff feels is a compromise after consideration of the concerns and suggestions made by the stakeholders involved in its creation. The original list of best practices was presented and discussed with the Planning and Zoning Commission who provided their concerns and input. These were incorporated into the list which was then presented to a group of local brick and mortar restaurant owners. Their comments and concerns were then used to create a draft ordinance that was presented to Council during a work session on October 14 of this year. Council's comments from the work session were then compiled and incorporated into the ordinance you see tonight. Since the work session the changes made have included:

- Wordsmithing changes and section additions were made by the City Attorney in an effort to make this new ordinance incorporate more seamlessly into our existing licensing scheme;
- We have included the provision of the requirement for a Mobile Vending Permit for each mobile food vehicle operated within the City, including multiple vehicles owned by the same owner;
- We have changed the signage clause to reference our existing sign ordinance to allow temporary signage so long as it fully complies with Chapter 21, Article X of our existing code;
- We have allowed the use of hoses, electric cords, gas lines, or other apparatus so long as it does not present an unsafe condition to pedestrians or the motoring public;
- And we have adjusted the hours of operation as per council's wishes.

Issue Before the Council:

Does council wish to approve Ordinance 21-2015 as presented and set it for public hearing on November 18th?

Alternatives:

Council may approve the ordinance as presented; Council may approve the ordinance with conditions; or Council may choose to deny the ordinance with or without providing staff further direction.

Fiscal Impact:

The provision of year round operations for mobile food vendors has the potential to increase tax revenue to the City.

Legal Opinion:

The City Attorney will be present for comment.

Conclusion:

This type of use can be beneficial for our commercial business areas by adding life and vitality to our downtown, but can also be detrimental if misused. 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.

ATTACHMENTS:

Description		Type
D	Ordinance 21-2015	Ordinance

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Pursuant to CRS 24-6-402 (4)(f) for Personnel Matters – Evaluation of City Manager