

ALAMOSA CITY COUNCIL

Special Meeting Agenda

Council Chambers
August 24, 2016

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 - Work Session: Utility Rate Assessment

8:00 PM - Special Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Special Meeting of the Alamosa City Council was called to order on the above date by Mayor Josef Lucero at 8:07 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Josef Lucero, Councilors Charles Griego, Michael Stefano, Jan Vigil, Kristina Daniel, Ty Coleman, and Liz Hensley. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Counselor Schwiesow recommended to Council to have citizens comment on marijuana during the regular item related to it rather than at this time as there are a number of citizens wishing to speak.

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

IV. CITIZEN COMMENT

Dan McCann spoke in regards to seat-belt safety and commented in regards to water.

1. Business

- a. Consideration of resolutions setting ballot language on marijuana questions.

Counselor Schwiesow reviewed this issue with Council. At the City Council work session on August 10th, issues were discussed whether or not to put questions concerning allowing marijuana facilities within city limits on the ballot. The work session was prompted in part because of a petition being circulated to place a question on the November 8th ballot. The petition did not garner sufficient signatures and the question then became whether Council wanted to refer to the voters questions concerning allowing marijuana in City limits.

Currently, marijuana is prohibited except for marijuana testing facilities. All other types of marijuana facilities are prohibited within city limits pursuant to Ordinance of Council.

After the work session, Counselor Schwiesow prepared two types of different draft resolutions that would present those questions to the voters. Each of those resolutions addresses a separate question for each type of facility. There are six types of facilities as the marijuana statute breaks them down. One resolution is drafted with a tax associated with every kind of facility. A vote to allow that type of marijuana facility would also be a vote to allow the tax related to that facility. The second resolution would pull the tax question out as a separate question. Counselor Schwiesow also stated that he attached definition of which each type of facility is as well as included a list from CML of various taxation questions that have been presented since 2013.

Council discussed this issue amongst themselves before opening up the issue for discussion to the public.

Councilor Coleman thanked the citizens and residents in attendance and stated that it will be a challenge for Council to make a decision on the direction that they would go. He stated that the situation is challenging but clear to a certain point. Council has a procedure in place in order to get certain things on the ballot. He feels that Council needs to follow and maintain that practice so a bad precedent isn't set for the community when there are other issues that may need to be placed on the ballot. Councilor Coleman stated he is not in favor of placing the question on the ballot right now as it feels rushed but would be in favor of it being placed on the ballot next year after there has been time to process it.

Mayor Lucero opened up discussion on this issue to the public. The following spoke:

1. Terry Wiley spoke about the social costs that are related to marijuana.
2. Dan McCann addressed concerns related to the edibles related to marijuana but states that people need to be responsible.
3. Julie Mordecai spoke in support of the issue and would like to see it normalized.
4. Daniel Wood spoke in support of marijuana for medical usage.
5. Andrew Hobbs spoke in support of those individuals in the City being allowed to vote on whether marijuana is to be allowed within the city.
6. Farris Bervig stated that since the group to obtain the signatures did not obtain enough, it shows that the community is not interested in recreational; however, medical is different.
7. Chester Jones stated that Pueblo will have a question on their ballot this year to take away the recreational marijuana. He is in opposition to recreational.
8. Danny Ledonne stated that he does not see why there should be a question that

is based on what an individual should put into their bodies as this country is land of the free.

9. Jason Kelly spoke and stated that there is a process to put the question on the ballot and that process was not followed and the group failed. He also stated that the issue was voted on three times and failed.
10. John Harr stated that the number one denominator is drugs and addictions. He does not support marijuana being allowed in the city.
11. Shanna Hobbs stated that there were barriers that prevented the group circulating the petition to obtain the proper amount of signatures. She spoke in support of putting a question to the voters to allow the marijuana.
12. Andria Gay echoed Councilor Coleman's statements related to the process.
13. Karl Wright stated that data has come in to the effects of the recreational use and sees it as a way for leadership to take role and protect those in the city.
14. Susan Robinson spoke regarding the impacts marijuana has related to minors.
15. David Reschke spoke in regards to the business aspects and the impact of criminals in the city that steal to help their addictions. He stated that there are thousands of dollars that affect it and also mentioned the empty storefronts downtown.
16. Carol Baer spoke in regards to the appearance and image of the city if marijuana is to be legalized. She does not think recreational use of marijuana is what citizens want in their town.
17. Karrie Kooman spoke and is in not supportive of the allowance of marijuana as she feels it is a gateway drug.
18. Terry Smith stated that Council need to follow the procedures that are in place. He stated people in the community do not want marijuana.
19. Delbert L-Gay spoke regarding the costs that the use of marijuana is causing for communities. He stated that marijuana is a hardcore drug but agrees with the use of it for medical purposes. However, it should be regulated. He is not in favor of recreational marijuana and does not support a question being put on the ballot since there were not enough signatures obtained.
20. Micah Jackson spoke in regards to the business aspect. She stated that is has become difficult to hire people due to the use of drugs, etc.
21. Judith Gritz stated that there are laws to protect individuals and communities and that the allowance of marijuana will cause even more of a burden than is already there.
22. Carol Hermonson echoed comments made by teachers and others in the audience that are not in support of the allowance of marijuana.
23. Amy Ortega spoke and does not support allowance, stating that there is already an avenue for those who need it for medical reasons.
24. Andy Lavier also stated there is way for those that need it for medical reasons to get it and also stated that stigma affects even those that don't smoke it by being around it.
25. Cynthia Walsh spoke mentioning how the community of Pueblo West has changed because of the allowance of recreational marijuana.
26. Andrea Oakes-Jaramillo spoke and acknowledged the fact that the petition did not go through. She also pointed out the costs of the questions on the ballot this year as opposed to a special election. She also stated facts related to the benefits of the legalization of marijuana.
27. Adrian Maestas spoke agreeing with Councilor Coleman that there is due process

and that is what should be followed.

There being no one else wishing to speak, the issue was brought back to Council and discussed amongst themselves again.

Councilor Daniel asked for clarification of the process for the special election. Counselor Schwiesow clarified the Charter procedures related to the special election and clarified the timelines. He also stated that tax questions are controlled by TABOR and are only allowed on November elections.

Councilor Hensley stated that she was glad to see the turnout of citizens at the meeting. She stated that she supports the basics and feels the issue should go through the process and feels the signatures will be obtained.

Councilor Vigil stated that it is City Council's decision and that they shouldn't have to take it to a vote. He read the numbers of past election questions related to marijuana and would like to see medical marijuana go through to being put on the ballot.

Councilor Stefano stated that he would also like to see the process followed and does not feel it should be allowed as it will also be taking funds away from other counties.

Councilor Griego appreciates the turnout and also stated that they need to follow the process. He states that If the petition comes, it does and if it doesn't, it doesn't but the process needs to be followed.

Councilor Daniel thanked those for coming out to speak and stated her viewpoints. She also feels that the process needs to be followed.

Councilor Vigil ask for clarification again related to the questions if it goes to a special election. Counselor Schwiesow and Heather Brooks clarified the process again. Council further discussed the issue.

Mayor Lucero stated that they are officials elected to do a job and follow certain policy and procedure. Council has a say or not but feels they need to let the citizens decided on whether they want marijuana allowed or not.

Councilor Vigil moved, seconded by Councilor Daniel to not put any language on the November 8, 2016 ballot related to marijuana. The motion carried unanimously.

b. Discussion Regarding Placing a Question on the November 8th Ballot Pertaining to Council Compensation

Councilor Coleman questioned why at the last meeting there was a consensus of 4-3 to not put an issue on the ballot for council compensation and then the next day, there is an e-mail stating the consensus has changed. Heather Brooks explained that Councilor Stefano approached her after the meeting stating that he misunderstood the question and that he was in fact in favor of wanting to look at the consideration of it.

Councilor Stefano explained that at the beginning he did not understand the question

and he was misconstrued that he made a gesture that was taken as a motion that he was not in favor of it. Councilor Coleman thanked Councilor Stefano for clarifying what happened but stated that he just doesn't want a perception of them doing things after they have a public discussion to set what the Council does in the future.

Counselor Schwiesow stated that in the draft policies there will be a section on motions and re-considerations, etc. for Council to have. Mayor Lucero clarified that is was not a motion that was made, just a consensus.

Council discussed the issue of placing a question related to council compensation on the November ballot.

Councilor Griego reviewed a history of the council compensation stating that the last time council received an increase was about 20 years ago and the change has to be done through a charter change.

Mayor Lucero asked if this question would be the only one that would go on the ballot.

Ms. Brooks stated that what has changed since Council's interest has peaked again is that if there was going to be a question on the November ballot, it would have been an advantage to place this question on there as well. Since there will not be another question on the ballot, if Council chose to do so, they would be paying to have just this one question on the ballot. She stated she feels it is a reasonable discussion to have and if there is a regular election, as there is in 2017, it would allow time to process and evaluate.

Council further discussed the issue and agreed that it is best not to place this question on the 2016 November ballot as they feel it would be totally inappropriate.

Councilor Vigil moved, seconded by Councilor Daniel to not put any language on the November 8, 2016 ballot related to council compensation. The motion carried unanimously.

- c. Public Hearing and Second Reading, Ordinance No. 15-2016; An Ordinance Approving an Intergovernmental Agreement with Alamosa County for Conduct of the November 8, 2016 Coordinated Election for Presentation of Ballot Issues Relating to Marijuana and Marijuana Taxation

Counselor Schwiesow stated that this item is now mooted because there is no language that will be placed on the November ballot.

ADJOURNMENT

The meeting adjourned at 10:32 p.m.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor