

ALAMOSA CITY COUNCIL
Wednesday, May 1, 2013
Minutes of the Meeting

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Kathy Rogers at 7:00 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Rogers, Councilors Greg Gillaspie, Charlie Griego, Rusty Johnson, Josef Lucero, and Leland Romero. Councilor Marcia Tuggle previously requested to be excused. A quorum was declared. Also present: Interim City Manager Craig Dodd, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

AGENDA APPROVAL. It was moved by Councilor Lucero and seconded by Councilor Griego to approve the agenda as presented and to excuse Councilor Tuggle. The motion carried unanimously.

CITIZEN COMMENT

A. Audience Comments

Leon Moyer:

- Pointed out the protest he filed regarding the Ride the Rockies special event, and reviewed the elements of his protest.
- Opined that the minors involved in the compliance checks are violating the law.
- Believes that payment of a fine in lieu of suspension does not accomplish the discipline that Council intends.

B. Follow-Up None.

CEREMONIAL ITEMS

A. Municipal Clerks Week Proclamation

Mayor Rogers read the proclamation and presented it to Judy Egbert, Sharon DeHerrera and Holly Martinez.

B. Knowledge Bowl Proclamation

Mayor Rogers read the proclamation and presented it to Jerry Reed, Ericha Henderson, and numerous students in attendance.

C. Better Hearing and Speech Month Proclamation

Mayor Rogers read the proclamation and presented it to Patricia Miller and Linda Vaughn.

CONSENT CALENDAR A. It was moved by Councilor Johnson and seconded by Councilor Gillaspie to approve Consent Calendar A as presented. The motion carried unanimously.

Items:

C. 7. a. Approve Minutes of Regular Meeting April 17, 2013

REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Public Works

a. Naranjo Annexation 2013

1. Eligibility Hearing

Don Koskelin reviewed the process for this annexation. This hearing is for the purpose of addressing eligibility.

Mayor Rogers opened the hearing at 7:30 p.m. and asked for those wishing to speak on this issue. Sandy Ortega, a resident in the neighborhood of the annexation, spoke in favor of annexation. There being no one further wishing to speak, the hearing closed at 7:31 p.m.

2. Resolution No. 8, 2013, A Resolution Finding Property Subject to the 2013 Naranjo Petition for Annexation to be Eligible for Annexation

Councilor Griego moved, seconded by Councilor Romero to adopt Resolution 8, 2013. The motion carried unanimously.

b. Approve Proposal for Engineering Services for SCADA System

Don Koskelin reviewed the history of the current SCADA system and its limitations. In pursuing developing an RFP for a new system, it became clear that the City needed assistance. He went on to describe the specific issues with the current situation.

Councilor Romero moved, seconded by Councilor Johnson to accept the proposal from SGM in an amount not to exceed \$19,500. The motion carried unanimously.

8. City Manager/Legal

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

Erich Schwiesow reviewed the history of the need for this ordinance, saying that it is a balance between public safety needs and first amendment rights. There are a couple of minor changes that will be made prior to public hearing.

Councilor Griego moved seconded by Councilor Gillaspie that Ordinance No. 4, 2013 be approved on first reading and to set a public hearing thereon for May 15, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

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

Erich Schwiesow reviewed the ordinance. He encouraged Council to discuss the option of a "no solicitation" list that citizens could sign up for, or simply state that a "no solicitation" sign is sufficient. The draft includes the list option. Staff has recommended removal of that provision

in the ordinance. Another consideration is defining a difference between commercial and non-commercial solicitation.

Councilor Gillaspie moved seconded by Councilor Lucero that Ordinance No. 5, 2013 be approved on first reading with removal of the reference to a "no solicitation" list, and to set a public hearing thereon for May 15, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard. On discussion, Counselor Schwiesow clarified that under the current language a "no solicitation" sign would mean that no solicitation of any type would be allowed, whether commercial, charitable, religious, etc. This ordinance does not make that distinction. The motion carried unanimously.

E. Committee Reports

Councilor Johnson reported on the Tree Board meeting today.

F. Staff Announcements

Craig Dodd asked Council when they preferred to schedule the airport tour mentioned in tonight's work session. Council chose May 13 at 5:00. This will be confirmed with the County.

Andy Rice reported on today's Hershey Track Meet.

Ms. Ebert reported on the status of applications for seats on various boards and commissions, and asked Council to set a date for interviews. May 29 at 5:30 p.m. was chosen.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Consent Calendar B

Ms. Egbert noted the need to remove Item B.1. from the Consent Calendar due to a public objection.

Councilor Lucero moved, seconded by Councilor Griego to remove the Kiwanis Special Events Permit application from the Consent Calendar. The motion carried unanimously.

Ms. Egbert pointed out that the stipulation agreement for Weekends was not yet signed, but had been agreed to verbally. If the licensee doesn't sign, it will come back to Council as a hearing.

Councilor Johnson commented that compliance checks are not done as a means of making money. Weekends violated a stayed suspension from within a year, so will be serving those days in addition to the penalty for the new violation.

At Council's request, Chief Dodd responded to Mr. Moyer's concerns.

It was moved by Councilor Gillaspie and seconded by Councilor Griego to approve Consent Calendar B as amended. The motion carried five to one, with Councilor Lucero casting the no vote. Items:

B. 2. Accept Stipulation Agreement for Compliance Check Violations:

- a. Safeway
- b. Chief Liquor
- c. Atencio's
- d. Weekends

B. Liquor Licensing Items.

1. Special Events Permit Application by Alamosa Kiwanis Club for Ride the Rockies June 12, 2013.

Ms. Egbert reviewed the protest filed by Leon Moyer and told Council that the first action needed is to decide whether or not sufficient grounds appear to exist to deny the application. If a hearing is warranted, it may be held immediately, as notice has been given for a hearing at this time and date.

Ms. Egbert reviewed the complaint, read the appropriate statutes to Council, and provided an assessment of how each of the three elements of the complaint applied to the statute.

Council discussed that his event, this location, and this applicant all have a positive track record in hosting events that are in compliance and good for the community.

Councilor Lucero moved, seconded by Councilor Romero, to determine that no hearing was needed, and to approve the Special Events Permit application submitted by the Alamosa Kiwanis Club for the Ride the Rockies event.

COUNCIL COMMENT

Councilor Gillaspie thanked those involved with tree planting on Cascade.

Councilor Gillaspie asked to be excused from the rescheduled June 26 meeting.

Council questioned the banners on the north side of the golf course containing private advertising. Mr. Koskelin will look into this.

Councilor Johnson added that there is an abundance of temporary signs with alcohol advertising and asked Mr. Koskelin to look into whether or not these need a sign permit.

Mayor Rogers asked to be excused from the June 5 meeting.

ADJOURNMENT. The meeting adjourned at 8:25 p.m.

Judy A. Egbert, City Clerk

Kathleen J. Rogers, Mayor