

ALAMOSA CITY COUNCIL
Wednesday, August 7, 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 7:03 p.m. The Pledge of Allegiance was recited. Present at roll call: Mayor Rogers, Councilors Charlie Griego, Rusty Johnson, Josef Lucero, Leland Romero, and Marcia Tuggle. Councilor Greg Gillaspie previously requested to be excused. A quorum was declared. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Judy Egbert.

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

CITIZEN COMMENT

A. Audience Comments

Darrell Cooper announced his candidacy for the Ward 2 Council seat.

B. Follow-Up None.

CEREMONIAL ITEMS

A. National Health Center Week Proclamation

Mayor Rogers read the proclamation and presented it to Ben Duarte, who spoke about the event.

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

- C. 7. a. Approve Minutes of Regular Meeting July 17, 2013
- C. 7. b. Approve Minutes of Special Meeting July 31, 2013

REGULAR BUSINESS

C. Business Brought Forward by City Staff

1. Public Works

a. Resolution No. 16 2013, A Resolution Finding Substantial Compliance of the People's Place Addition No. 2 Annexation 2013 Petition For The Annexation of a Tract Located in the SE ¼ Section 9 Township 37 North, Range 10 East New Mexico Principal Meridian, Alamosa County, Colorado; And Setting Forth Details In Regards Thereto; and Setting a Date for a Public Hearing to Consider Said Petition

Mr. Koskelin reviewed the petition and described the location. This is the area that includes the County facilities. This is the first step in the annexation process, and sets an eligibility hearing for September 18, 2013.

Council questioned why the Mental Health property is not included. Mr. Koskelin noted that the annexation request did not include this property.

Councilor Johnson moved, seconded by Councilor Griego to adopt Resolution No. 17, 2013. The motion carried unanimously.

b. Public Hearing Ordinance No. 11, 2013, An Ordinance Approving An Intergovernmental Agreement with Alamosa County for Mutual Aide in the Provision of Emergency Food Assistance

Mayor Rogers opened the hearing at 7:25 p.m. and asked for those wishing to speak on this ordinance. There being none, the hearing closed at 7:26 p.m.

Councilor Lucero moved, seconded by Councilor Romero to finally adopt Ordinance No. 11, 2013. On discussion, Councilor Romero supported the action. The motion carried unanimously.

4. Parks/Recreation/Library

a. Award of Bid – Carroll Park Tennis Courts Resurfacing

Heinz Bergann reviewed the bids received for this project. The lowest bid is over budget, due to the budgeted amount not anticipating the cleaning portion of the project that is necessary prior to surfacing.

Councilor Johnson moved, seconded by Councilor Lucero to award of the bid to Evergreen Tennis Courts in the amount of \$25,075. On discussion, Mr. Bergann reviewed the qualifications of the bidder. The motion carried unanimously.

b. Discussion – Park Name

Mr. Bergann presented results of the survey soliciting recommendations for naming the new park that includes the disc golf area. There were thirteen separate names recommended. The Recreation Board brought six forward for Council's consideration: Cottonwood Park, Endurance Park, Oxbow Recreation Area/Oxbow Park, Quentin Garcia Park, Riverside Park, Riverside Commons.

Councilor Tuggle moved, seconded by Councilor Lucero to select the name of Oxbow Recreation Area. On discussion, Council questioned the opportunity to honor Quentin Garcia through a monument in the area. The motion carried five to one, with Councilor Griego casting the no vote.

Mr. Bergann noted that there will be other naming opportunities for items within the park to honor Quentin Garcia and Joe Vigil.

Councilor Romero moved, seconded by Councilor Lucero to erect a plaque or boulder in the new park honoring Quentin Garcia and Joe Vigil for their contributions to our community. On discussion, Councilor Lucero questioned the wording to be used. Mr. Bergann suggested that final wording can be prepared by staff and presented to Council for approval. Councilor Tuggle suggested tabling action until the park is developed. Council clarified that staff could develop the mechanisms to honor these two people. The motion carried unanimously.

7. City Clerk/Municipal Court

a. First Reading Ordinance No. 12, 2013 An Ordinance Approving An Intergovernmental Agreement With Alamosa County For Conduct Of The November 5, 2013 Coordinated Election

Ms. Egbert presented the IGA, saying that it contains the same terms as in past elections.

It was moved by Councilor Tuggle and seconded by Councilor Lucero to pass Ordinance No. 12, 2013 on first reading and set a public hearing for Wednesday August 21, 2013 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

b. Resolution No. 13, 2013, A Resolution To Conduct The Regular City Election Scheduled For November 5, 2013, Pursuant To The Uniform Election Code Of 1992, Articles 1 To 13 Of Title 1, C.R.S., In Lieu Of The Municipal Election Code Of 1965, In Order To Participate In A Coordinated Election In Alamosa County On November 5, 2013

This resolution adopts the election code necessary to conduct the November 5 election as a coordinated election with Alamosa County.

It was moved by Councilor Griego and seconded by Councilor Johnson to adopt Resolution No. 13, 2013. The motion carried unanimously.

8. City Manager/Legal

a. Public Hearing Ordinance No. 10, 2013, An Ordinance Prohibiting Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores Within the City of Alamosa, Colorado

Counselor Schwiesow reviewed the elements of this ordinance. If Council chooses not to pass this ordinance, it will be necessary to develop a regulatory structure in the immediate future. A short term moratorium would likely be necessary to allow time to develop the regulatory structure.

Mayor Rogers opened the hearing at 8:03 p.m. and asked for those wishing to speak on this ordinance.

Adrian Mestas, of San Luis, stated that the need for medical marijuana is being served, and encouraged a one year moratorium on recreational marijuana to allow more time to research the issue.

Ted McNeilsmith, a City resident, told Council that in his experience as a college professor the issue of marijuana comes up in the context of political, medical, and social issues. He equated it to alcohol, saying that if Council does not allow marijuana, it should eliminate all liquor licenses.

Ruth Brown noted that the voters approved the amendment. She said that she has many customers in her store buying potting soil for medical marijuana purposes, and encouraged Council to allow both recreational and medical marijuana. Operation of these facilities should be the decision of the business owners who go into this industry. She said that the real drug

issues should be addressed, such as the drug sales happening near her business. She believes that allowing marijuana businesses would contribute to the economy. If a moratorium is needed, make it short and get the rules in place.

Susan Wolfrey, a City resident, said that she had lived in Amsterdam and encouraged Council to allow marijuana facilities.

Andrew Hobbs, a County resident, told of his health problems. He had been taking multiple pharmaceuticals that did not have a good result. He discovered marijuana and has had success. He encouraged allowing marijuana and regulating it similar to alcohol.

Tec McNeilsmith added that he does not smoke, but might eat a brownie.

Jana Hobbs, a County resident, said that she had researched marijuana's medical use and her mother is coming here so that she can use it as treatment for cancer. It would be helpful to have retail stores available so as to avoid having to go through the process of obtaining a medical card. She added that it would be good for the business economy.

Dan McCann, a City resident, noted that he is not opposed to medical marijuana, although that is not a point for this hearing. Elected officials must make decisions that aren't necessarily based on what the majority wants. He encouraged parents to be responsible in keeping drugs and alcohol away from children.

Susan Wolfrey added that she has known people who transitioned from alcohol to marijuana.

There being no one further wishing to speak, the hearing closed at 8:23 p.m.

Council asked Chief Dodd to speak about the issue. He reviewed his comments from the last meeting. Alamosa has one of the highest crime rates, and believes that marijuana will add to the criminal activity. He voted for the amendment with the knowledge that it contained an opt-out option. He does not support retail facilities. The state division charged with overseeing the regulation of marijuana is not prepared to deal with the regulatory structure.

Councilor Lucero stated that he is not opposed to marijuana. Alcohol makes people more aggressive, while marijuana makes them more loving. He favored a moratorium.

Councilor Tuggle said that she is not in favor of cultivation or manufacturing facilities because these are realistic within the City limits. She does support retail sales.

Councilor Johnson agreed that he is not comfortable with the regulations in place at the state level.

Councilor Griego noted that he has talked to lots of people that are against retail outlets.

Mayor Rogers commented that she also voted for the amendment, but there are many unknowns. Most municipalities are opting out. There is a lot of work to do before bringing retail into the City, and she respects Chief Dodd's opinion. There is also the issue that it remains illegal under federal law.

Councilor Tuggle moved to decline to adopt Ordinance No. 10, 2013 and enter into a six month moratorium. The motion died for lack of second.

Councilor Lucero moved, seconded by Councilor Johnson to finally adopt Ordinance No. 10, 2013. The motion carried five to one with Councilor Tuggle casting the no vote.

b. Property Purchase, Firearms Range, 15002 County Road 6 South, Alamosa County

Ms. Brooks presented the request to purchase the firearms range. The City has been leasing the property. A grant has been obtained to assist with the purchase.

Councilor Romero moved, seconded by Councilor Tuggle to approve the purchase of the firearms range property in the amount of \$70,000 plus closing costs. The motion carried unanimously.

c. Fireball Run Sponsorship

The Alamosa Convention and Visitors Bureau has offered the opportunity to participate as a sponsor for the Fireball Run Event. Sponsorships are available in the amount of \$500 or 1000. Ms. Brooks recommended the \$1000 level as the best advertising value.

Councilor Lucero moved, seconded by Councilor Johnson to sponsor the Fireball Run in an amount of \$1000. The motion carried.

E. Committee Reports

Councilor Johnson reported on today's Tree Board meeting.

Councilor Griego reported on a recent Action 22 economic development workshop regarding the aerospace industry.

F. Staff Announcements

Ms. Brooks:

- Reported that a work session has been set for August 21 to review a potential Special Improvement District
- The Xeriscape planning is underway and may need some work session time.
- Budget sessions will begin in September.
- The hookah lounge has moved to a new location that meets the standards of a private location.
- The golf course clubhouse HVAC system is still not functioning. She asked for direction regarding an option to purchase a window unit as a short term fix. The system will still need a long term solution, starting with evaluation by a consultant. Mr. Koskelin added that the window unit would not be directed into the affected area. He suggested exploring ways to cool the building overnight within the existing system. Next year's budget will need to include the long term fix in the amount of \$80,000 to \$85,000. Council agreed by consensus to defer to staff to find an acceptable solution. Council recognized citizen Gene Rocastle, who opined that the likely problem is fans pulling in the hot air from outdoors.

Mr. Koskelin reported that street construction has been delayed with the rainy weather.

Mr. Bergann reported

- The fall/winter programs at the Recreation Center are underway.

- The power failure last week destroyed eight of the library public computers. These will be replaced by shifting funds from the deferred InCode upgrade.

Ms. Egbert reported on the candidate orientation session, noting that the video and materials are available online.

LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

B. Liquor Licensing Items.

1. Request for Show Cause Hearing – Spuddy's

Ms. Egbert relayed the request from the Police Department to call for a Show Cause hearing for disturbances at Spuddy's

Councilor Lucero moved, seconded by Councilor Johnson to set a Hearing to Show Cause for Spuddy's on August 26, 2013 at 5:30 p.m. The motion carried four to two, with Councilors Tuggle and Romero voting against the motion.

COUNCIL COMMENT

Councilor Johnson:

- Announced his candidacy for the Ward 2 seat.
- Thanked Don for street work.

Councilor Griego:

- Commented on the passing of former Councilor Quentin Garcia.
- Announced his candidacy for Mayor.
- Commended Amanda Valdez and other staff for good fiscal management.

Councilor Tuggle:

- Commended staff for work on the Services Fair
- Encouraged citizens to consider running for office.

Councilor Lucero:

- Commended staff for a successful audit.

Mayor Rogers:

- Offered the opportunity to volunteer in helping college students to move into the dorms. This is a Rotary project.

ADJOURNMENT. The meeting adjourned at 9:28 p.m.