ALAMOSA CITY COUNCIL Regular Meeting Agenda

Council Chambers 300 Hunt Avenue, Alamosa, CO May 3, 2017

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 Aamosa 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, Aamosa, CO 81101.

Council Calendar

7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. AGENDA APPROVAL

IV. CITIZEN COMMENT

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

- A. Audience Comments
- B. Follow-Up

V. CEREMONIAL ITEMS

- A. Kids to Parks Day Proclamation
- B. Recognition of National Drinking Water Week
- C. Municipal Clerks Week Proclamation

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.

C.7.a. Approve Minutes of Meeting April 19, 2017

VII. REGULAR BUSINESS

- D. Business Brought Forward by City Staff
 - 1. Parks and Recreation
 - a. Award of Bid Rodeo Bucking Chutes

b. Motion to Approve the Nine Hole Expansion of the Disc Golf Course

2. City Manager/Legal

- a. Wildfire Academy Support
- b. Endorsement Letter Recommending Councilor Hensley to serve on the CML Executive Board.
- c. First Reading, Ordinance No. 11-2017, An Ordinance Approving an Intergovernmental Agreement Amongst Various San Luis Valley Local Government Entities for Continuation of a Regional Planning Commission for Transportation Planning

E. Committee Reports

F. Staff Announcements

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Decision, New Application, Beer and Wine License, JK, LLP d/b/a The Wet Paintbrush

COUNCIL COMMENT

EXECUTIVE SESSIONS

1. Executive Session pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Evaluation of City Clerk

ADJOURNMENT

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Council Calendar

ATTACHMENTS:

Description

D COUNCIL CALENDAR

Type Cover Memo

Alamosa City Council Meetings and Events Updated 4/28/2017

All events are held in Alamosa Colorado unless otherwise noted

CITY HALL IS LOCATED AT 300 HUNT						
Date	Time	Event	Location	Additional Information		
April 26, 2017	5:00 p.m.	Dinner Meeting with County Commissioners	County Admin Building	*		
May 3, 2017	6:00 p.m.	Work Session: Soltura Purchase	Council Chambers	*		
May 10, 2017	6:00 p.m.	Public Meeting RE: Marijuana Home Grow Regulations	Council Chambers	***		
May 16, 2017	Noon	CML Spring Outreach Meeting	Del Norte, CO	**		
May 17, 2017	6:00 p.m.	Work Session: Joint with Golf Board	Council Chambers	*		
May 31, 2017	6:00 p.m.	Work Session: Marijuana	Council Chambers	*		
June 20 - 23, 2017	All Day	CML Annual Conference	Breckenridge, CO	**		
July 26, 2017	4:30 p.m.	City Services Fair	Cole Park	***		
August 4 - 5, 2017	All Day	Annual Retreat	Trinchera	*		
* Work sessions are informal Council meetings for the purpose of discussion among Council members. No action is taken. The public is invited to attend, but public comment is generally not received unless otherwise noted.						
**Sponsored by outside entity. Council members have been invited to attend. Please check with originating entity for registration information						
*** Citizens are encouraged to attend this community event						
**** This is a purely social event and not open to the public						
*****This is a closed session and not open to the public						

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Kids to Parks Day Proclamation

ATTACHMENTS:

Description

L Kids to Parks Day Proclamation

Type Cover Memo WHEREAS, May 20th, 2017 is the seventh Kids to Parks Day organized and launched by the National Park Trust; and

OCLAMA

ds To Parks

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes, hypertension, and high cholesterol; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, it is important to introduce a new generation to our nation's parks and Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

NOW THEREFORE, I, Josef P. Lucero, Mayor of Alamosa, Colorado, by virtue of the authority vested in me do hereby proclaim May 20, 2017 as: Kids to Parks Day in the City of Alamosa, Colorado. Further, I encourage all Citizens to take the children in their lives to a neighborhood, state or national park not just once, but throughout the year and to participate in the monthly recreational opportunities offered by the City of Alamosa through the Alamosa Family Recreation Center and Parks Department.

Dated this 3rd day of May 2017

Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

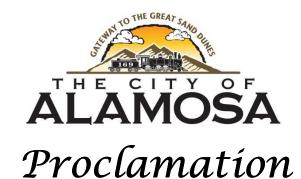
Recognition of National Drinking Water Week

ATTACHMENTS:

Description

Proclamation

Type Cover Memo



Drínkíng Water Week May 7 - 13, 2017

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our city is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

NOW THEREFORE, I, Josef P. Lucero, Mayor of Alamosa, Colorado, do recognize the week of May 7 through May 13, 2017, as Drinking Water Week, and

Further, I encourage all Citizens of the City of Alamosa to support the celebration and corresponding activities.

Given under my hand and the seal of the City of Alamosa this 3rd day of May, 2017

Josef P. Lucero, Mayor

Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

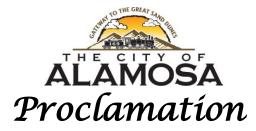
Municipal Clerks Week Proclamation

ATTACHMENTS:

Description

Municipal Clerks Week Proclamation

Type Cover Memo



Munícípal Clerks Week May 7 - 13, 2017

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, I, Josef P. Lucero, Mayor of Alamosa, Colorado, do recognize the week of May 7 through May 13, 2017, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks, Holly C. Martinez, Susanna Gallegos, and Lachelle Montano and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Further, I encourage all Citizens of the City of Alamosa to support the celebration and corresponding activities.

Given under my hand and the seal of the City of Alamosa this 3rd day of May, 2017.

Josef P. Lucero, Mayor

Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Approve Minutes of Meeting April 19, 2017

ATTACHMENTS:

Description

D Minutes of Meeting April 19, 2017

Type Backup Material

ALAMOSA CITY COUNCIL Regular Meeting Minutes

Council Chambers 300 Hunt Avenue, Alamosa, CO April 19, 2017

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.

6:00 PM - Executive Session Pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Review of Municipal Judge Contract

The meeting was called to order at 6:00 p.m. Present were Mayor Josef Lucero, Councilors Ty Coleman, Liz Hensley, Jan Vigil, and Charles Griego. Councilors Kristina Daniel and Michael Stefano previously requested to be excused. A quorum was declared Councilor Vigil moved, seconded by Councilor Griego to move into Executive Session pursuant to C.R.S. §24-6-402(f) for Personnel Matters - Review of Municipal Judge Contract. The motion carried unanimously.

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

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 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 Ty Coleman, Liz Hensley, Jan Vigil, and Charles Griego. Councilors Kristina Daniel and Michael Stefano previously requested to be excused. A quorum was declared. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Heather Brooks informed Council that the representatives of Community Energy Inc. requested that the item regarding a potential site lease for the development of solar projects be removed.

Councilor Vigil moved, seconded by Councilor Griego to approve the agenda amended and to excuse Councilors Daniel and 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

Dan McCann spoke in regards to veterans.

Counselor Schwiesow stated that the public comment cards in regards to the animal ordinance can be discussed during the public hearing set for that time.

Mandy Pittman and Diana Jones spoke in regards to the request of support for the Farmer's Market. Council asked Mandy questions about the Farmer's Market request. Council requested the agenda item be moved up so that they can make the motion to act on the support for the Farmer's Market. Counselor Schwiesow stated that this can be done.

B. 2017 Support for Alamosa Farmers' Market

Council further discussed this agenda item asking where the support money would be able to come from. Heather Brooks stated that although this would normally be an item that would come from outside funding, that funding has been already decided for 2017. However, there is \$20,000 in the Economic Development line item that can be used towards certain projects. The support for the Farmer's Market would be one that could be funded from this line item.

Councilor Vigil moved, seconded by Councilor Hensley to contribute \$1,000 to the Alamosa's Farmer's Market for the 2017 season. The motion carried unanimously.

C. Continued Audience Comments

Ankhzahra Sashatep spoke in support of the potential cannabis consumption club.

Sarah Gallegos spoke also in support of the cannabis consumption club.

Lorna Sowards spoke in opposition of the cannabis consumption club.

Robert Garcia spoke in support of the cannabis consumption club.

Joshua Hendren spoke in support of marijuana and the consumption club.

Darleen Patten spoke in also spoke in support of the cannabis consumption club.Farris Bervig spoke in opposition to the cannabis consumption club.

Melanie Garcia spoke spoke in support of the cannabis consumption club.

Francisco Cordova spoke in support of the request of Kolorado Creative Clouds Inc.

Taj Riddle spoke in regards to growing cannabis on one's own property.

Shanna Hobbs also spoke in regards to the cannabis growing regulations.

Sarah Ramirez and a group of individuals spoke support of the new liquor license applicants, The Wet Paintbrush.

D. Follow-Up

Counselor Schwiesow advised the citizens speaking in support of The Wet Paintbrush that statements made during the public comment period would not be part of the record for the consideration of the application, because that is done during the public hearing process, scheduled for later in the meeting, for which they were welcome to stay.

V.CEREMONIAL ITEMS

A. Arbor Week Proclamation

Marilyn Loser and Adam Moore, representatives of the Tree Board, presented information on this proclamation to Council.

Mayor Lucero read the proclamation and Council presented it to Mrs. Loser and Mr. Moore.

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 Griego made comments regarding the Parks and Cemetery Building award of bid and the street maintenance and partial street improvement program.

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 April 5, 2017
- C.8.a. Receive March 2017 Monthly Reports
- C.2.a. Receive March 2017 Financial Reports
- C.4.a. Award of Bid, 2017 Parks and Cemetery Building
- C.1.a. The Request of Jess Caton and the Alamosa Lumber Company for a Permitted Use to allow an Automotive Repair Facility (Use Group C-15) in a Commercial Business Zone.
- C.1.b. The request of My Honey's Home Cookin' for a Permitted Use by Special Review to allow outdoor dining in a commercial business district.

C.1.c. Award of Bid, 2017 Street Maintenance and Partial Street Improvement Program

VII. REGULAR BUSINESS

B. Business Brought Forward by City Staff

1. Public Works

a. Request of Kolorado Creative Clouds Inc. and Main Copy Source LLC for a Permitted Use by Special Review to allow the establishment of a private club for the purpose of marijuana consumption in a Commercial Business District.

Pat Steenburg presented information to Council. Section 21-116 of the municipal code of the City of Alamosa provides for the review of those proposed uses that are not allowed in a specific zoning district by right but not otherwise prohibited outright. This Permitted Use by Special Review process recognizes that although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this article to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this chapter. This process allows the Planning Commission and ultimately City Council to make a judgment call specific to certain uses in certain locations as to the degree of compatibility with surrounding land uses in the area of its proposed location and its consistency with the objectives and purposes of the City of Alamosa Zoning Code, Comprehensive Plan, and community desires. While not technically illegal because of the lack of sales on site and current state law, the unique nature of this use is undeniable; and it is the unique nature of the use and the fact that the use is not allowed by right that warrants the special review.

Section 21-118 further stipulates that no Special Review use application shall be approved unless the approving agency finds that the application is consistent with the objectives and purposes of this Chapter in Article I, and that the proposed use is designed to be compatible with surrounding land uses and the area of its location. Staff feels that the proposed use fails to meet either requirement for the following reasons:

Article I was adopted for the purpose of promoting a

- coordinated, harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic; the promotion of safety from fire, floodwaters, and other dangers; adequate provision for light and air; the promotion of healthful and convenient distribution of population; the promotion of good civic design and arrangement; wise and efficient expenditure of public funds; and the adequate provision of public utilities and other public requirements. The proposed location of this use fails to best promote health, safety, morals, order, convenience, prosperity, and general welfare of the community as required by ordinance. Staff feels that this key commercial corridor and very visible location is not in the best interest of the community, nor does it promote those goals as identified and promoted in the recently adopted Comprehensive Plan.
- Article I also requires that the proposed use be designed to be

compatible with surrounding land uses in the area of its location. Surrounding land uses include service, retail, indoor dining, professional service, and education. Staff feels that this use, a private club for the consumption of cannabis, lacks compatibility with surrounding land uses.

• Staff also has concerns specific to off street parking.

Councilor Griego asked Mr. Steenburg to clarify the parking requirements. Mr. Steenburg stated that the code requirement would be a parking requirement of 15 and the facility currently provides a total of 9 and they have not provided any information to meet the requirement of 15 parking spots.

Mayor Lucero asked what is required for the clean air. Mr. Steenburg informed Council of the requirements.

Councilor Coleman asked for clarification on why the planning commission recommended denial of the application. Mr. Steenburg stated that it is not a matter of what the application is for; it's a matter of location.

Councilor Griego moved, seconded by Councilor Coleman to deny the request of Kolorado Creative Clouds Inc. as per the unanimous recommendation of the Planning Commission. The motion carried unanimously..

b. Request of Regas Chefas and James Hsu for final plat approval for River Trece Two, Phase 6.

Mr. Steenburg presented information to Council. This is a logical and expected extension of River Trece Two – Phase 5 and is in substantial compliance with the previous preliminary approval. This subdivision is compatible with existing development in the area and will provide needed vacant residential lots in this area of the city. A subdivision improvement agreement has yet to be executed but will be before the recordation of the final plat.

Mayor Lucero opened the hearing at 8:39 p.m. and asked for those wishing to speak on this issue.

Dan McCann spoke in favor of this resolution.

Dan Russell spoke in support of this resolution.

There being no one else wishing to speak, the hearing closed at 8:42 p.m.

Councilor Griego moved, seconded by Councilor Vigil to approve the final plat of River Trece 2 Phase 6 by approving Resolution No. 12-

2017 as per the unanimous recommendation of the Planning Commission. The motion carried unanimously.

2. Fire

a. Award of Bid - 2017 Class A Fire Engine

Fire Chief Don Chapman presented information to Council. The replacement of Engine 1 has been in the Capital Improvement Plan (CIP) for several years. Recognizing that due to the cost of new apparatus, it was recommended to replace the Engine with the most hours of use first and then recommended Engine 2 in a few years to stagger the purchases of fire apparatus. The approved CIP included \$450,000 for this purchase in 2017. The Department formed a committee that developed specifications that would best serve the department and has a life expectancy of 25 to 30 years.

The committee chose Pierce Mfg. with a total price of \$449,217 with a pre-payment discount of \$19,000 for full payment of the apparatus within 30 days of contract signing bringing the cost down to \$430,217. There will be a performance bond provided to protect the City's payment in the event problems should arise with the manufacturer. Delivery of the apparatus will be approximately 11 months as it is custom built to the Department's specifications.

Councilor Griego moved, seconded by Councilor Hensley to approve the purchase of a 2017 Pierce Fire Engine utilizing HGACbuy, a governmental purchasing consortium in the amount of \$430,217. The motion carried unanimously.

3. City Manager/Legal

a. Public Hearing and Second Reading, Ordinance No. 9-2017, An ordinance extending the existing temporary moratorium on the placement of certain manufactured homes within the city of Alamosa other than in mobile home parks through September 30, 2017

Counselor Schwiesow reviewed this ordinance with Council.

Mayor Lucero opened the public hearing at 8:53 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:53 p.m. Councilor Griego asked how far along the ordinance is and if anybody is being held back because of this ordinance. Counselor Schwiesow confirmed that there were no applications for placement of a manufactured home affected by the current moratorium. Councilor Vigil moved, seconded by Councilor Hensley to finally adopt Ordinance No. 9-2017. The motion carried unanimously.

^{b.} Public Hearing and Second Reading, Ordinance No. 8-2017, an ordinance amending sec. 2-17 of the Code of Ordinances of the City of Alamosa to confirm the ability of Council to cancel meetings at which there will not be a quorum present and increasing the notice required for special meetings.

Counselor Schwiesow reviewed this ordinance with Council.

Mayor Lucero opened the public hearing at 8:56 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:56 p.m.

Councilor Hensley moved, seconded by Councilor Vigil to finally adopt Ordinance No. 8-2017. The motion carried unanimously.

Public Hearing and Second Reading, Ordinance 5-2017, an ordinance repealing and replacing chapter 3 of the Alamosa Code of Ordinances, governing animals, to introduce a spay, neuter, return program for four least a state of the state of th

feral cats, allow for burial of pets in yards, revise terms under which animal impoundments take place, and make other clarifying changes to the chapter

Heather Brooks reviewed this ordinance with Council.

Mayor Lucero opened the public hearing at 9:00 p.m. and asked for those wishing to speak on this ordinance.

Michele Wayland spoke in support of this ordinance.

Kris Steinburg also spoke in support of this ordinance.

Gene Gonzales spoke in opposition to this ordinance.

Jennifer Stoughten spoke in support of this ordinance.

Sheryl Abeyta spoke in support of this ordinance for Margaret Doell.

Lea Schell also spoke in support of this ordinance.

Sabrina Husmann also spoke in support of this ordinance and also spoke on behalf of Diana Hamilton, who also supported this ordinance.

There being no one else wishing to speak, the hearing closed at 9:25 p.m.

Councilor Vigil stated that he believes everyone is on the same page and thanked all those who worked on getting this ordinance to meet everyone's needs.

Councilor Griego and Councilor Hensley echoed Councilor Vigil's comments.

Councilor Vigil moved, seconded by Councilor Hensley to finally adopt Ordinance No. 5-2017. The motion carried unanimously.

d. Resolution 11-2017 Establishing the City of Alamosa's Public Art Program for 2017

Heather Brooks presented information to Council. City Council has discussed the new public art on loan program for the last several years and selected the first round of art pieces at its February 15, 2017 meeting. Staff has been working with CDOT through their Special Use Permit process in order to receive permission for those pieces located on Main Street and 6th Street. Part of that process includes a resolution from City Council pertaining to the project. Since the Special Use Permit process requires the information on each specific art piece, this was not a process that could have been completed prior to selection of the art pieces. The resolution identifies the City of Alamosa's ownership over the project, the resources City Council has already dedicated to the project, and attaches a map with the location of each piece.

Councilor Vigil gave Councilor Griego praise for pushing this program. Councilor Griego thanked him and thanked Ms. Brooks for all her work to get this program going.

Councilor Griego moved, seconded by Councilor Vigil to approve Resolution No. 11-2017. The motion carried unanimously.

e. Public Hearing and Second Reading, Ordinance No. 10-2017, An ordinance amending Sec. 20-83 of the *Code of Ordinances of the City of Alamosa* to recognize the ability of non-city haulers to haul commercial solid waste.

Heather Brooks reviewed this ordinance with Council.

Mayor Lucero opened the public hearing at 9:33 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 9:33 p.m. Councilor Vigil moved, seconded by Councilor Coleman to finally adopt Ordinance No. 10-2017. the motion carried unanimously.

f. Direction regarding potential Site Lease with Community Energy Inc. for the development of solar projects on the City of Alamosa Ranch

Item removed from the agenda.

C. Committee Reports

None.

D. Staff Announcements

Heather Brooks updated Council on the following upcoming meetings:

- Next week on Wednesday is dinner with the County Commissioners.
- On Thursday, the 27th at 5:30 p.m., the group that is working on a branding initiative will be unveiling potential logos. That will be held at the ASU campus in Carson Auditorium.

Ms. Brooks also updated Council on the following:

- The process for the Parks & Rec Director has been completed and Andy Rice has been selected as the succession into that position. And the City is also able to keep Heinz on during the transition months.
- Notification from the Railroad was received that this upcoming weekend there will be potentially movement of long cars and they are working on getting the information together to release to the public.

Holly Martinez informed Council that she received an application for temporary modification of premises from the San Luis Valley Brewery for their annual events but is going to approve them administratively since Council has delegated that authority to her. The events that they applied for the modifications for are: Rails & Ales, San Luis Valley Search & Rescue Fundraiser, Alamosa Round-Up Rodeo, and the Early Iron block party.

Heather Brooks also clarified some of the issues that have been of concern and topic with the County including:

The jail and the number of municipal offenders that are in there and how it is getting addressed to the public. She also addressed the billing statements that were put in the paper recently and clarified what is actually happening. • The untangling of the joint ownership of the airport property.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. Needs and Desires Hearing on the application of Krista Garcia, Javier Martinez; J.K. LLP d/b/a The Wet Paintbrush for a Beer and Wine License at 1307 Main St. Suite A.

Counselor Schwiesow gave an overview of the hearing procedure, and the licensee's obligation to affirmatively prove the needs of the neighborhood and the desires of the adult inhabitants of the neighborhood. The City's presumptive neighborhood is the city limits plus a one-mile radius. No request has been made to consider different boundaries, so this neighborhood will apply to this hearing.

The applicants are Krista Garcia and Javier Martinez, representing J.K. LLP d/b/a The Wet Paintbrush and located at 1307 Main Street, Suite A.

Mr. Martinez and Ms. Garcia presented the following information to Council:

- The applicants are bringing the first sip and paint art studio to the Valley. They have made numerous trips to the city to partake in a type of event like this.
- The applicants have leased the property which has been vacant for over three years.
- They are in the process currently of doing some remodeling in there and are making sure everything is up to code and what the City wants and needs. The building inspector actually went out today to inspect it.
 Both applicants have a business background with business degrees from
- Adams State and are both actively working at Valley Wide Health Systems.
- They are going to be accountable with all finances including the sales tax and never plan to be delinquent.
- From the time that they have painted their windows at the end of February, they have had around 10-15 people call to ask about scheduling for private events.
- They have previously held one event at a site in the County and had a really good turn out so they know there is an interest for this type of thing in the City.
- One of the walls in the building will be for local artists to display their work and they will also be employing local artists to teach the classes.
- The plan to be open Thursday night, Friday night and Saturday.

Counselor Schwiesow asked whether the petitions that were presented were done by the applicants. Mr. Martinez confirmed that the petitions were circulated by them and signatures collected in about two days, which there are a total of about 35 signatures on the petitions. The petitions were turned in along with the application. The petitions were marked as Exhibit A. The notice that was posted on the building is marked as Exhibit B. It was posted at the premise on March 10th through today and the legal notice was published in the Courier on April 5th. Counselor Schwiesow asked Council if they had any questions or comments for the applicants.

Councilor Coleman stated that he thinks this is a great idea. Councilor Vigil echoed Councilor Coleman's comments.

Councilor Griego asked for confirmation on the days that they plan to be open. Mr. Martinez stated that that was correct of them being only open three days to see how the demand goes. They would be open Thursday night between 6:30 -7:00

and the classes usually last about two hours and they would stay open for about 30 minutes to an hour after that. They would do the same thing on Friday night and have two classes scheduled on Saturday, one in the midmorning, one in the afternoon, and private events scheduled in the evening.

Councilor Hensley asked if this would be something that you can walk in and do or if you have to have a reservation. Mr. Martinez stated that they would take reservations online and if classes got full, they wouldn't be able to, but if not, they would offer the walk-in type of event.

Mayor Lucero stated this was a great idea and what Alamosa is all about.

Opened up for public hearing at 10:02 p.m.

Sarah Ramirez spoke in support of this application.

Adrian Ramirez also spoke in support of this application.

Tracy Vigil also spoke in support of this application.

Dan McCann spoke in support of this application.

The hearing closed at 10:04 p.m. Counselor Schwiesow informed Council of what the next step for them would be, which usually is directing him to prepare findings both to approve and deny the application and to present them at the next meeting at which Council would then make their decision. However, they could also decide to make a decision tonight if they chose to do so.

Councilor Coleman stated they should be uniform and allow Counselor Schwiesow to prepare findings of fact both in support and denial of this application. Counselor Schwiesow confirmed this direction and will have findings prepared for Council's next regularly scheduled meeting.

A. CONSENT CALENDAR B

The Consent Calendar allows multiple actions with one motion. Consent Calendar B 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 Griego to approve Consent Calendar B as presented. The motion carried unanimously.

1. Decision, New Application, Hotel/Restaurant License, Wize Apples/Linda Cade d/b/a Wize Apples Findings of Fact

COUNCIL COMMENT

Councilor Vigil expressed his condolences in regards to Mr. Jerry Reed. Councilor Coleman commented in regards to Heinz and Andy of the Parks & Rec department.

Councilor Griego thanked both the Fire Chief and Police Chief in regards to the fire that occurred at his sister's.

Mayor Lucero also expressed his condolences.

EXECUTIVE SESSIONS

Councilor Griego moved, seconded by Councilor Hensley (10:09 p.m.) to move into Executive Session pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Evaluation of the City Clerk. The motion carried unanimously.

After the executive session, Council moved back into Regular session and confirmed the executive session was held solely for the stated purpose.

 Executive Session pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Evaluation of City Clerk

ADJOURNMENT

The meeting adjourned immediately after the Executive Session.

Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Award of Bid - Rodeo Bucking Chutes

Recommended Action:

That Council approves the selection of W-W Manufacturing Company for the purchase of six bucking chutes in the amount of \$22,552.50.

Background:

The City released an Invitation for Bids (IFB) to replace all six rodeo bucking chutes at the City Fairgrounds. The existing chutes are in significant disrepair and in need of replacement both for functionality and safety. Every season, Parks staff has to re-weld joints, replace wood, and make other general repairs on the chutes that are well over 13 years old. Staff researched various brands available resulting in the approval of three brands for venders to bid on.

The City received three bids from three vendors.

 W-W Manufacturing Company (Oklahoma) Priefert Manufacturing Company (Texas) 	W-W Chutes Priefert Chutes	\$22,552.50 (padding included) \$23,274 (plus \$1,950 for
padding)		
3. Monte Vista Coop (Alamosa)	Tarter Chutes	\$28,813.98 (padding included)

While the local preference policy does not apply to this type of project, staff did evaluate the percentage difference between the low bidder and the local bidder. The 28% difference is far outside the adopted policy. W-W Manufacturing Company estimates the delivery date to Alamosa for the maroon bucking chutes to be June 1.

Issue Before the Council:

Does Council wish to award the bucking chutes purchase to the lowest responsive and responsible bidder W-W Manufacturing Company?

Alternatives:

While Council is free to select or develop any number of alternatives, those listed below are examples.

1. Award the bid to W-W Manufacturing Company for the purchase of six rodeo bucking chutes in the amount of \$22,552.50 using the 2017 SLVCOG Mini Grant (\$10,000) awarded to the City (grant attached) and 2017 budgeted capital funding from the Conservation Trust Fund (\$12,552.50).

- 2. Award the bid to one of the other firms.
- 3. Not award the bid and provide staff with further direction.

Fiscal Impact:

The 2017 capital budget approved in 2016 included \$25,000 for six new bucking chutes funded by the Conservation Trust Fund (CTF). In 2017, the City was awarded a SLVCOG Mini Grant of

\$10,000 to support this capital project. Staff requests using both sources of funding (\$10,000 COG grant and \$12,552.50 CTF) to purchase the bucking chutes.

Legal Opinion:

City Attorney will be present if there are any legal questions regarding this action.

Conclusion:

Replacement of the chutes will allow the continued use of the fairgrounds in a safe manner for all concerned: horses and bulls, riders, and workers loading the chutes. Ensuring that the facility is safe and up-to-date is vital to maintaining support for Alamosa Round-Up, Little Britches, and ASU Rodeo Club and their respective functions.

ATTACHMENTS:

	Description	Туре
D	W-W Bucking Chute Info Flyer	Cover Memo
D	2017 Alamosa SLVCOG Mini Grant	Cover Memo







Bucking Chutes 5331-100-000

- America's #1 selling bucking chute.
- Super heavy duty, yet safer for animals and cowboys.
- All W-W bucking chutes come standard with rolling door safety pads.
- Rolling doors feature unbreakable Selectforce[®] plastic boards.
- Available with full 4' metal catwalk decking or 2' and 4' folding catwalk for portability.
- Powder coated gunmetal gray or your favorite custom color.



- Same design concept as the big boy bucking chutes, scaled down for our wooly friends.
- Come in sets of two.
- Gates on front & back to make loading much faster and easier.
- Easily moved by hand or can be made portable with removable wheel kit.
- Great crowd appeal and will definitely increase ticket sales!







San Luis Valley Council of Governments PO Box 300 Alamosa, CO 81101

THIS CONTRACT, made by and between the San Luis Valley Council of Governments, 610 State Avenue, Suite 200, Alamosa, CO 81101 hereinafter referred to as the SLVCOG, or the Department, and <u>City of Alamosa</u> hereinafter referred to as the Contractor.

WHEREAS, authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for encumbering and subsequent payment of this Contract in EAIF #8335 – Region 8 Community Development '17; and

WHEREAS, required approval, clearance and coordination have been accomplished from and with appropriate executive board members; and

WHEREAS, the Contractor, an SLVCOG member, is eligible to receive SLVCOG Mini Grant funding, has applied to SLVCOG for assistance with an economic and community development project, as further described in the attached Exhibit A, herein referred to as the "Project"; and

WHEREAS, the Executive Director wishes to provide assistance in the form of a grant from the SLVCOG Mini Grant Program to the Contractor for the Project upon mutually agreeable terms and conditions as hereinafter set forth;

NOW THEREFORE, in consideration of and subject to the terms, conditions, provisions and limitations contained in this Contract, the SLVCOG and the Contractor agree as follows:

1. Scope of Services. The Contractor shall do, perform, and carry out, in a satisfactory and proper manner, as determined by the SLVCOG, all work elements as indicated in the "Scope of Services" section of Exhibit A, attached hereto and incorporated by reference herein.

2. Responsible Administrator. The performance of the services required hereunder shall be under the direct supervision of <u>Heather Brooks</u>, an employee or agent of the Contractor who is hereby designated as the "Responsible Administrator" of the Project. At any time, the Contractor may propose, in writing, and seek SLVCOG's approval of a replacement Responsible Administrator. The SLVCOG, in its sole discretion, may direct that Project work be suspended in the event the current Responsible Administrator ceases to serve as such prior to the approval by the SLVCOG of a replacement Responsible Administrator.

3. Time of Performance. This Contract shall become effective upon approval by the SLVCOG or designee (the "Effective Date") and extend through the completion date set forth in the "Time of Performance" section of Exhibit A.

Performance of this Contract shall commence as soon as practicable after the Effective Date of this Contract; provided however, that the Contractor shall not be entitled to payment for any performance rendered before the Effective Date and shall not be eligible for reimbursement of any expenses incurred before the Effective Date. The Contractor shall undertake and perform its obligations hereunder as set forth in Exhibit A. The Contractor agrees that time is of the essence in the performance of its obligations under this Contract.

4. Authority to Enter into Contract and Proceed with Project. The Contractor represents and warrants that it possesses the legal authority to enter into this Contract and has taken all actions required to exercise such authority and to lawfully authorize its undersigned signatory to execute this Contract and to bind the Contractor to its terms. The person signing and executing this Contract on behalf of the Contractor does hereby warrant and guarantee that he/she has full authorization to execute this Contract. In addition, the Contractor represents and warrants that it currently has the legal authority to proceed with the Project.

Furthermore, if the nature or structure of the Project is such that a decision by the electorate is required, the Contractor represents and warrants that it has held such an election and secured the voter approval necessary to allow the Project to proceed.

5. Payment of Funds: Grant. In consideration for the work and services to be performed hereunder, SLVCOG agrees to provide to the Contractor a grant from the SLVCOG Mini Grant program (EAIF #8335 – Region 8 Community Development '17) in an amount not to exceed <u>Ten Thousand Dollars</u> (**\$10,000.00**). The method and time of payment of such grant funds to the Contractor shall be made in accordance with the "Distribution Schedule" set forth in Exhibit A.

The Contractor shall use the funds provided by the SLVCOG under this Contract solely for the purposes set forth in Exhibit A.

6. Financial Management and Budget. At all times from the Effective Date until completion of the Project, the Contractor shall maintain properly segregated accounts of SLVCOG funds, matching funds, and other funds associated with the Project. All receipts and expenditures associated with the Project shall be documented in a detailed and specific manner, in accordance with the "Budget" section of Exhibit A. The Contractor may adjust individual budgeted expenditure amounts without approval of SLVCOG; provided that cumulative budgetary line item changes do not exceed ten percent (10%) of the total budgeted amount. All other budgetary modifications must be approved by the SLVCOG. Matching funds shall be expended by the Contractor on the Project in accordance with the "Budget" section of Exhibit A.

7. Contract Termination. This Contract may be terminated as follows:

a) Termination Due to Loss of Funding. The Parties hereto expressly recognize that the Contractor is to be paid or reimbursed with funds provided to the SLVCOG for the purposes set forth herein, and therefore, the Contractor expressly understands and agrees that all its rights, demands and claims to payment or reimbursement arising under this Contract are contingent upon receipt of such funds by the SLVCOG. In the event that such funds or any part thereof are not received by the SLVCOG, the SLVCOG may immediately terminate or amend this Contract.

b) Termination for Cause. If, for any reason, the Contractor shall fail to fulfill in a timely and proper manner its obligations under this Contract, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Contract, the SLVCOG shall give written notice to the Contractor of such delay or non-performance. If the Contractor fails to promptly correct such delay or non-performance within the time specified in the notice or twenty (20) days from the date of such notice, whichever is greater, the SLVCOG shall have the right, at its sole option, to terminate this entire Contract, or such part of this Contract as to which there has been delay or failure to properly perform, for cause. If the SLVCOG terminates this Contract for cause, the SLVCOG shall reimburse the Contractor for only eligible expenditures made up to the date of termination. Notwithstanding the above, the Contractor shall remain liable to the SLVCOG for any damages sustained by the SLVCOG by virtue of any breach of this Contract by the Contractor, and the SLVCOG may withhold any payments to the Contractor for the purpose of offset until such time as the exact amount of damages due the SLVCOG from the Contractor is determined.

c) Termination for Convenience. When the interests of the SLVCOG so require, the SLVCOG may terminate this Contract in whole or in part for the convenience of the SLVCOG. The SLVCOG shall give

2017 SLVCOG Mini Grant Program – City of Alamosa

written notice of termination to the Contractor specifying the termination of all or a part of this Contract and the effective date thereof, at least twenty (20) days before the date of termination. Exercise by the SLVCOG of this termination for convenience provision shall not be deemed a breach of contract by the SLVCOG. Upon receipt of written notice, the Contractor shall incur no further obligations in connection with the terminated work and, on the date set in the notice of termination, the Contractor shall stop work to the extent specified. The Contractor also shall terminate outstanding orders and subcontracts as they relate to the terminated work.

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR¹ By: HEATHER BROOK

Effective Date: <u>3-13-17</u>

San Luis Valley Council of Governments

By: KEVIN WILKINS

Effective Date: _____

2017 SLVCOG Mini Grant Program - City of Alamosa

¹ Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.

EXHIBIT A SCOPE OF SERVICES

1. PROJECT DESCRIPTION, OBJECTIVES AND REQUIREMENTS

The Fairgrounds are used for the week-long Alamosa Round-Up, youth Little Britches, and the ASU Rodeo Club. The six existing chutes are in significant disrepair and in need of replacement both for functionality and safety. Every season, Parks staff has to re-weld joints, replace wood, and make other general repairs on the chutes, which are at least 13 years old. Replacement of the chutes will allow the continued use of the Fairgrounds in a safe manner.

Based on 2015 numbers, the Alamosa Round-Up generates an annual \$932,877 direct economic impact to Alamosa and an annual \$1,608,491 total impact taking into account multipliers. The Honeycutts have grown and perfected the week-long event and it pulls from outside the Valley.

Ensuring that the facility is safe and up-to-date is vital to maintaining support for these groups and functions. Replacement of the chutes will allow for the continued use of the facility. The result of this project is six new chutes.

The project fits as a small capital project (ii) to help sustain a facility that provides an economic benefit to the community (i).

The goal would be to replace the chutes prior to the rodeo in June 2017.

Eligible expenses include:

Copies of any and all contracts entered into by the Contractor in order to accomplish this Project shall be submitted to the San Luis Valley Council of Governments upon execution, and any and all contracts entered into by the Contractor or any of its subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

The Contractor agrees to acknowledge the San Luis Valley Council of Governments in any and all materials or events designed to promote or educate the public about the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

2. TIME OF PERFORMANCE

The Project shall commence upon the Effective Date and shall be completed on or before December 31, 2017.

3. BUDGET

The project budget is estimated at \$25,000.

	Grant Application Amount	Matching/In Kind Amount (if any)	Total Amount
6 Bucking Chutes	\$10,000	\$15,000	\$25,000
Total Project Cost	\$10,000	\$15,000	\$25,000

2017 SLVCOG Mini Grant Program – City of Alamosa

4. SLVCOG ADDRESS: P.O. BOX 300, Alamosa, CO 81101

City of Alamosa (Contractor): 300 Hunt Avenue, Alamosa, CO 81101

5. PAYMENT PROCEDURE

The SLVCOG shall establish billing procedures and pay the Contractor for actual expenditures made in the performance of this Contract based on the submission of SLVCOG documents in the format prescribed by the SLVCOG. The Contractor shall submit requests for reimbursement, setting forth a detailed description of the amounts and types of reimbursable expenses.

Payments pursuant to this Contract shall be made, in whole or in part, from available funds encumbered for the purposes of this Contract. The liability of the SLVCOG, at any time, for such payments shall be limited to the amount remaining of such encumbered funds. In the event this Contract is terminated, final payment to the Contractor may be withheld at the discretion of the SLVCOG until completion of final audit. Incorrect payments to the Contractor due to omission, error, fraud, or defalcation shall be recovered from the Contractor by deduction from subsequent payment under this Contract or other contracts between the SLVCOG and the Contractor, or by the SLVCOG as a debt due to the SLVCOG.

6. CONTRACT MONITORING

The SLVCOG shall monitor this Contract on an as-needed basis, as determined by the SLVCOG in its sole discretion. The SLVCOG or any of its duly authorized representatives shall have the right to enter, inspect and examine the Project upon twenty-four (24) hours advance written notice to the Responsible Administrator.

7. REPORTING SCHEDULE

At the time the Contractor submits quarterly payment requests, the Contractor shall submit, on a quarterly basis, financial and narrative status reports detailing Project progress and properly documenting all to-date expenditures of SLVCOG Mini Grant funds. The form and substance of such status reports shall be in accordance with the procedures developed and prescribed by the SLVCOG. The preparation of reports in a timely manner shall be the responsibility of the Contractor and failure to comply may result in the delay of payment of funds and/or termination of this Contract.

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Motion to Approve the Nine Hole Expansion of the Disc Golf Course

Recommended Action:

Staff recommends that Council approve the request by SLVDGA to expand the disc golf course by nine holes at the Oxbow Recreation Area.

Background:

Justin Davis (SLV Disc Golf Association) presented the Recreation Advisory Board with a proposed expansion to the disc golf course (two maps attached).

- The added 9 holes would be to the north of the existing course and designed for beginners but it would be a little more advanced.

- Front Nine: 2,285 yards, 254 average yards per hole

- Back Nine: 2,425 yards, 269 average yards per hole

- Expansion: 3,000 yards, 333 average yards per hole

- Worked with a Soil Geologist from the Department of Agriculture to determine the layout and have the least amount of impact on the ecosystem.

- Larger course could bring in PDGA sanctioned tournaments and create a more efficient flow of players.

- Leaves alone the existing trails and sites for birdwatchers.

- Design allows players to be closer to the Rio Grande and see the river from where they are playing.

- Course would flow in a circle to allow players to walk back out to the parking lot.

Other than the land, expansion would need nine additional baskets which will come to about \$3,000. SLVDGA already has half that amount in their budget from collecting on tournament fees that they were saving for the expansion. Additionally, they have volunteers that are willing to do brush cleanup and anything else that would be needed to move forward.

The Rec Advisory Board at their April 11, 2017 meeting unanimously expressed their support of staff and SLVDGA pursuing with City Council the prospect of expanding the current disc golf course by nine holes.

Issue Before the Council:

Does Council wish to approve the expansion of the disc golf course as presented?

Alternatives:

While Council is free to select or develop any number of alternatives, those listed below are examples.

- Approve the proposed nine hole disc golf course expansion as presented.
- Approve the expansion with conditions and/or changes.
- Decline to act at this time and give staff further direction.

Fiscal Impact:

New signage (\$1,000) and half of the baskets (\$1,500) are able to be funded by the Parks & Rec Department using savings realized in the Conservation Trust Fund.

Legal Opinion:

City Attorney will be present if there are any legal questions regarding this action.

Conclusion:

As this is the 7th year the disc golf course has been open, allowing the addition of nine holes to this very popular recreation activity is a natural progression that will enhance our citizen's quality of life and recreational opportunities.

ATTACHMENTS:

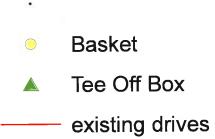
	Description	Туре
۵	Oxbow Recreation Area Overview Map	Backup Material
D	Disc Golf Expansion Map	Backup Material

Oxbow Recreation Area Overview Map

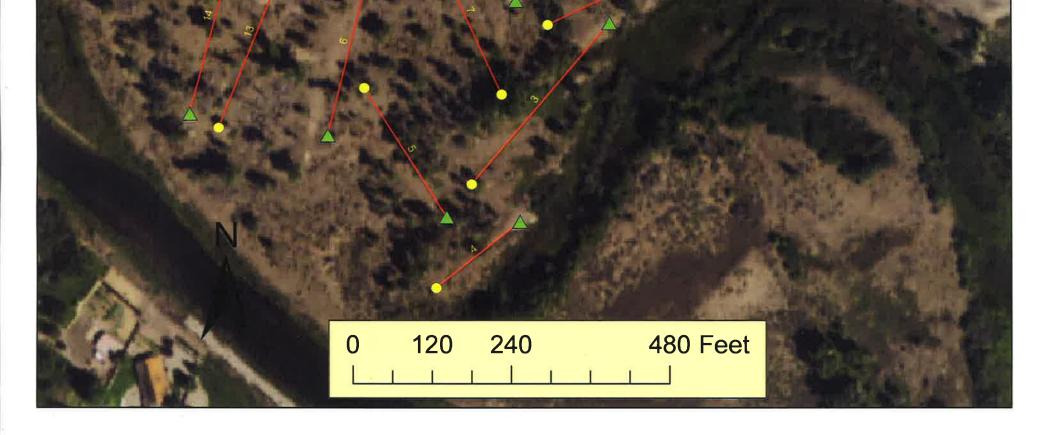


Disc Golf Extension- 2017

Legend



proposed drives



19 (332 feet

Subject/Title:

Wildfire Academy Support

Recommended Action:

Staff recommends that City Council consider sponsoring the meal cost for the Wildfire Academy train ride estimated at \$500-\$1,000.

Background:

The Wildfire Academy brings 200-250 firefighters and family to Alamosa. The Academy fills up the hotels and businesses see an increase during this time. The Academy will be here the week of June 5th. The last time Alamosa hosted the event, the Marketing District sponsored a train ride for participants that was very popular and most likely a draw in bringing them back to Alamosa. The Marketing District would once again like to provide a train ride and is soliciting support from partners to make it feasible. Ms. Greeman has shared that the cost of the meal on the train ride will run between \$500-\$1,000. Ms. Greeman will be present at the meeting to answer any questions.

Issue Before the Council:

Does Council wish to sponsor the meal portion of the Wildfire Academy train ride?

Alternatives:

Council can decide to sponsor the meal portion of the academy, sponsor at a higher or lower level, or decline on sponsoring the academy entirely.

Fiscal Impact:

The 2017 Annual Budget includes \$10,000 in the Sponsorship line item in the Non-Departmental budget. Historically, \$5,000 was provided to the Beat the Heat BBQ and \$5,000 was provided to the Alamosa Round Up. Thus far, City Council has committed \$4,000 to the Alamosa Round Up in 2017. Should Council keep their support the same for the Beat the Heat BBQ, \$1,000 would remain in the fund for sponsorship.

Legal Opinion:

The City Attorney will be present for questions.

Conclusion:

Support of the Wildfire Academy train ride will help highlight the positive attributes of Alamosa and hopefully bring the academy back in the future.

Subject/Title:

Endorsement Letter Recommending Councilor Hensley to serve on the CML Executive Board.

Recommended Action:

Authorize the Mayor to sign the endorsement letter recommending Councilor Hensley to serve on the CML Executive Board.

Background:

In July of 2017, City Council voted to endorse Councilor Hensley's interest in serving on the CML Executive Board through a vacancy created by a resignation for the population category of 8,000 - 60,000. The position was a one-year term and Councilor Hensley is now running again for election to the Board in June at the CML Conference in Breckenridge. Requirements to apply for this position include a formal endorsement from the city or town.

There is no compensation for board service or travel reimbursement. There is the ability to conference call in as well as Skype through Google Hangout.

Issue Before the Council:

Does Council wish to authorize the Mayor to sign the endorsement letter recommending Councilor Hensley to serve on the CML Executive Board?

Alternatives:

- 1. Council can authorize the Mayor to sign the endorsement letter recommending Councilor Hensley.
- 2. Council can choose not to recommend Councilor Hensley and recommend another Councilor.
- 3. Make no recommendation.

Fiscal Impact:

None

Legal Opinion:

The City Attorney will be available at the meeting for comment.

Conclusion:

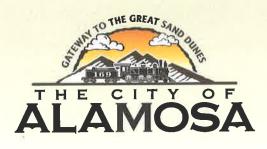
Councilor Hensley has expressed interest in keeping her CML Executive Board position to represent the San Luis Valley.

ATTACHMENTS:

Description

D Letter

Type Backup Material



Alamosa City Council 300 Hunt Avenue PO Box 419 Alamosa, CO 81101 Phone (719) 589-2593 Fax (719) 589-9454

May 3, 2017

CML Nominating Committee 1144 Sherman Street Denver, Colorado 80203

Dear Committee Members,

The Alamosa City Council endorses the application of Liz Hensley to serve on the Colorado Municipal League's Executive Board. Councilor Hensley has served in this role just shy of one year and the City Council feels she has done an amazing job representing the San Luis Valley, the City of Alamosa, and the Colorado Municipal League Executive Board.

Sincerely,

Josef P. Lucero Mayor

Subject/Title:

First Reading, Ordinance No. 11-2017, An Ordinance Approving an Intergovernmental Agreement Amongst Various San Luis Valley Local Government Entities for Continuation of a Regional Planning Commission for Transportation Planning

Recommended Action:

Staff recommends that Council approve the attached Ordinance approving and IGA establishing the Regional Transportation Planning Commission on first reading and set it for a public hearing on May 17, 2017 at 7:00 p.m. or as soon thereafter as the matter may be heard.

Background:

Over 20 years ago the communities in the valley signed an IGA that created the Regional Transportation Planning Commission. Each county and municipality is asked to be a part of the planning commission and participate in meetings. There is no financial commitment required. The attached IGA is simply updated since the one adopted 20 years ago.

Issue Before the Council:

Does Council wish to enact an ordinance approving the IGA establishing the Regional Transportation Planning Commission?

Alternatives:

Council can approve the attached ordinance on first reading, request changes to the IGA or provide further direction to staff.

Fiscal Impact:

none

Legal Opinion:

The City Attorney will be present for questions.

Conclusion:

The attached IGA is updated from the one adopted approximately 20 years ago and simply establishes the Regional Transportation Planning Commission for purposes of transportation planning.

ATTACHMENTS:

	Description	Туре
l	Ordinance approving RPC IGA	Ordinance
I	2017 Regional Planning Commission IGA	Backup Material

ORDINANCE NO. _ - 2017

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT AMONGST VARIOUS SAN LUIS VALLEY LOCAL GOVERNMENTAL ENTITIES FOR CONTINUATION OF A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually, and;

WHEREAS, Section 43-1-1101 C.R.S. recognizes Regional Planning Commissions as the proper forum for transportation planning, and;

WHEREAS, Section 43-1-1102(5) C.R.S. requires that Regional Planning Commissions formed for the purpose of transportation planning must be formed pursuant to Section 30-28-105 C.R.S., and;

WHEREAS, the parties to this Agreement desire to cooperate in developing and maintaining a long range Regional Transportation Plan, the purpose of which is to identify the mobility needs of the San Luis Valley Transportation Planning Region, and prepare a plan for addressing the needs, and;

WHEREAS, Section 43-1-1103 C.R.S. requires that any Regional Planning Commission formed for the purpose of transportation planning is responsible for regional transportation planning for said region, and;

WHEREAS, the San Luis Valley Transportation Planning Region, consisting of the areas within the counties of Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache was designated in the Rules for the Statewide Transportation Planning Process (2 CCR 604-2) as adopted by the Transportation Commission of Colorado and effective December 15, 2012, and;

WHEREAS: Article XIV, Section 18 of the Colorado Constitution; C.R.S. Section 29-1-201, *et seq.*, and Art. III, Sec. 21 of the Charter of the City of Alamosa encourage, permit and authorize intergovernmental agreements to accomplish mutually beneficial objectives such as the transportation coordination envisioned by the San Luis Valley Regional Planning Commission,

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

Section 1. <u>Approval of Intergovernmental Agreement</u>. The Intergovernmental Agreement between and amongst the governmental entities named in the Agreement attached to

this Ordinance is hereby adopted and approved, and the Mayor is directed to execute Agreement on behalf of the City of Alamosa, with a retroactively effective date of May 4, 2017;

Section 2. <u>General Repealer</u>. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 3. <u>Recording and Authentication</u>. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 4. <u>Publication and Effective Date</u>. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 5. <u>Declaration of Public Interest</u>. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND APPROVED on first reading the 2nd day of November, 2016, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 16th day of November, 2016, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 17th day of May, 2017.

CITY OF ALAMOSA

By_

Josef P. Lucero, Mayor

ATTEST:

Holly C. Martinez, City Clerk

INTERGOVERNMENTAL AGREEMENT FOR A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING San Luis Valley Transportation Planning Region

THIS AGREEMENT made this 4th day of May, 2017, by and among the following local governments in the San Luis Valley Transportation Planning Region:

Alamosa County	Town of Blanca	City of Monte Vista
Chaffee County	Town of Buena Vista	Town of Poncha Springs
Conejos County	Town of Center	Town of Romeo
Costilla County	Town of Creede	Town of Saguache
Mineral County	Town of Crestone	City of Salida
Rio Grande County	Town of Del Norte	Town of San Luis
Saguache County	Town of Hooper	Town of Sanford
City of Alamosa	Town of La Jara	Town of South Fork
Town of Antonito	Town of Manassa	
Town of Bonanza	Town of Moffat	

Participation in this agreement by each aforementioned party is made only upon execution of a Certificate of Participation.

This Agreement is thereby executed in multiple Certificates of Participation, each of which shall constitute an original, but all of which, taken together, shall constitute the same document.

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually, and;

WHEREAS, Section 43-1-1101 C.R.S. recognizes Regional Planning Commissions as the proper forum for transportation planning, and;

WHEREAS, Section 43-1-1102(5) C.R.S. requires that Regional Planning Commissions formed for the purpose of transportation planning must be formed pursuant to Section 30-28-105

C.R.S., and;

WHEREAS, the parties to this Agreement desire to cooperate in developing and maintaining a long range Regional Transportation Plan, the purpose of which is to identify the mobility needs of the San Luis Valley Transportation Planning Region, and prepare a plan for addressing the needs, and;

WHEREAS, Section 43-1-1103 C.R.S. requires that any Regional Planning Commission formed for the purpose of transportation planning is responsible for regional transportation planning for said region, and;

WHEREAS, the San Luis Valley Transportation Planning Region, consisting of the areas within the counties of Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache was designated in the Rules for the Statewide Transportation Planning Process (2 CCR 604-2) as adopted by the Transportation Commission of Colorado and effective December 15, 2012, and;

WHEREAS, the parties to this Agreement are governing bodies or officials having charge of public improvements within their jurisdictions in San Luis Valley Transportation Planning Region.

NOW THEREFORE, the parties hereby mutually agree as follows:

- 1. Designation of Regional Planning Commission. The parties to this Agreement shall have one representative each on the Regional Planning Commission for the San Luis Valley Transportation Planning Region.
- 2. Responsibilities of Regional Planning Commission. The Regional Planning Commission shall be responsible, in cooperation with the state and other governmental agencies, for carrying out necessary continuing, cooperative, and comprehensive transportation planning for the San Luis Valley Transportation Planning Region; for creating, amending and updating Regional Transportation Plans pursuant to all applicable federal and state laws and rules or regulations including public participation provisions; for recommending the priority for any transportation Improvements planned for the region; and for participating in the State Transportation Improvement Program development process. The Regional Planning commission shall keep records of its resolutions, transactions, contractual undertakings, findings, and determinations, which records shall be public records.
- 3. Chairperson and Officers. The Regional Planning Commission shall elect its Chairperson, whose term shall be one year, with eligibility for reelection. The Chairperson, or their designee, shall be the representative of the San Luis Valley Transportation Planning Region on the State Transportation Advisory Committee.
- 4. Contracting. The Regional Planning Commission may, with the consent of the parties to this Agreement, contract the services of other eligible individuals or entities to carry out all or any portion of the responsibilities assumed by the Regional Planning Commission under this Agreement.

- 5. Distribution of state or federal funds. The Regional Planning Commission may, through contracts or Memoranda of Agreement, receive and expend state or federal funds designated for regional transportation planning.
- 6. Terms of this Agreement. This Agreement shall remain in full force and effect for so long as the parties to this Agreement consider necessary to complete and maintain Regional Transportation Plans for the San Luis Valley Transportation Planning Region and for periodic updates or amendments as may be required. Any party to this Agreement may, however, terminate its participation in this Agreement six months after providing written notice of such termination to the other parties of this Agreement. This Agreement may be terminated at any time by agreement of all parties to this Agreement unless a grant contract is in effect with the State. In this case, the State must approve such termination and arrangements for completing the project.
- 7. Modification and Changes. The terms of this Agreement may be modified at any time by agreement of all parties to this Agreement.

CERTIFICATE OF PARTICIPATION IN THE INTERGOVERNMENTAL AGREEMENT FOR A REGIONAL PLANNING COMMISSION FOR TRANSPORTATION PLANNING San Luis Valley Transportation Planning Region

THIS is to certify that the City of Alamosa, Colorado, has agreed to participate in this Intergovernmental Agreement for the San Luis Valley Regional Planning Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above on page 1.

Josef P. Lucero, Mayor City of Alamosa Date: _____

ATTEST:

Date: _____

Holly C. Martinez, City Clerk

Seal:

Subject/Title:

Decision, New Application, Beer and Wine License, JK, LLP d/b/a The Wet Paintbrush

Recommended Action:

Consider the evidence presented at the needs and desires hearing on the application of The Wet Paintbrush and the proposed findings and conclusions prepared by the City Attorney, and either grant or deny the license.

Background:

Council must adopt written findings and conclusions when it takes action on a liquor license application. J.K. LLC, d/b/a presented its application for a Hotel/Restaurant License at 1307 Main Street, Suite A, on April 19, 2017. Based on matters presented at the hearing, the City Attorney has prepared drafts of findings and conclusions for Council's consideration, one granting and one denying the license.

Issue Before the Council:

Does Council determine that the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood support issuance of the requested license, and that the applicant is of sound character?

Alternatives:

- 1) Adopt the proposed findings granting the license, with or without modification.
- 2) Adopt the proposed findings denying the license, with or without modification.
- 3) Reopen the hearing for further evidence

Fiscal Impact:

None

Legal Opinion:

The City Attorney will be available for comment.

Conclusion:

After the hearing is concluded, Council generally adopts its findings granting or denying the license at the following meeting. It must act within 30 days of the hearing.

ATTACHMENTS:

	Description	Туре
D	Wet Paintbrush Grant	Backup Material
D	Wet Paintbrush Deny	Backup Material

FINDINGS OF FACT AND CONCLUSIONS; GRANT OF LIQUOR LICENSE APPLICATION

In Re the Matter of the Public Hearing Concerning: The Application of J.K., LLP d/b/a The Wet Paintbrush for a Beer and Wine License at 1307 Main Street Suite A.

I. THE HEARING

This matter came on for public hearing at a regularly scheduled meeting of the Alamosa City Council sitting as the Local Licensing Authority (the Authority) on April 19, 2017. Notice of the hearing was given pursuant to §12-47-311, C.R.S. All members of Council were present except for Councilors Stefano and Daniel, who were excused.

A. Preliminary Issues.

The Authority considered the contents of the application and the results of its own investigation as part of the hearing record.

By virtue of a resolution that has been in effect for approximately twenty years, the Authority has established a presumptive neighborhood applicable to any liquor license application to be the entire City of Alamosa, plus a one-mile radius surrounding the City's perimeter. An applicant or any opponent to an application may rebut the presumption as to the definition of the applicable neighborhood by providing evidence that another definition of neighborhood applies to the particular application. No party proposed a different definition of the neighborhood for this application.

The poster giving notice of the application was introduced as Exhibit B and the Clerk confirmed it was posted on March 10, 2017, and remained posted through the date and time of the hearing. The notice was published in the Valley Courier on April 5, 2017. Exhibit A, consisting of petitions containing approximately 36 signatures in support of the application filed with the Clerk and presented at the hearing.

The Authority takes administrative notice of the existence and location of the 2 beer/wine licenses granted by the Authority for premises within the City, and of the total of 43 liquor licenses of all types granted by the Authority for premises within the City. The Authority takes administrative notice that the central commercially zoned corridor in Alamosa generally runs from east to west, one block north and south of Main Street; that additionally there is an intermittent (i.e. mixed zoning) corridor north and south along U.S. Highway 285, and along State Avenue.

B. Applicant. Applicant, J.K., LLP appeared through its partners, Krista Garcia and Javier Martinez.

C. Documentary Evidence. The Applicant presented a petition containing three pages and approximately 36 signatures in support of the application. Each page of the petition contained a statement that the signer owned property, lived, or was engaged in a job or business within the neighborhood, and an indication that the signers were at least twenty-one

years of age. Applicant indicated it could have obtained many more signatures, but wanted to get the petition turned in, and only took three days to obtain the 36 signatures. No verification was done with respect to the addresses, as to whether or not the signatories were inhabitants within the definition in the *Colorado Liquor Code*, Section 12-47-103(12) C.R.S., or parties in interest, as defined in Section 12-47-311(5) C.R.S. No Petitions opposed to the Application were presented. The Authority takes into account the infeasibility of it verifying the signatures, and the lack of verification tendered as part of the Exhibit, when it considers the weight to be given the petitions.

D. Witnesses. The applicant provided Council with a brief background. This is a type of event that has become very popular on the front range in recent years, and Applicant has conducted an activity at a different location that was very well received. Applicant believes there is a desire for this type of activity.

Prior to opening the public hearing, Council questioned the applicant concerning the nature of the business, including days of operation and how the business works. Council notes that numerous people addressed council at the public comment portion of the regular meeting, and that many of those remained in attendance so that their comments could be received as part of the record at the public hearing, held at the end of the public meeting more than two hours later. At the public hearing, Sarah Ramirez, Adrian Ramirez, Tracy Vigil, and Dan McCann all spoke in favor of granting the license.

II. APPLICABLE LAW

A beer and wine liquor license, under the *Colorado Liquor Code*, may be issued to persons selling only malt and vinous liquors in the place where such liquors are to be consumed. In addition, a licensee shall also have sandwiches and light snacks available for consumption during business hours. C.R.S. § 12-47-409(1).

Before entering any decision approving or denying the application for a liquor license, the Local Licensing Authority shall consider the reasonable requirements of the neighborhood for the type of license for which the application has been made and the desires of the adult inhabitants of the neighborhood (as evidenced by petitions, testimony, or otherwise), and all reasonable restrictions that are or may be placed upon the new district. §12-47- 301(2), C.R.S.

Whether a license should be granted or denied is a matter resting within the discretion of the licensing authority. *Harvey v. Schooley*, 383 P2d 189 (Colo. 1963). The burden is on the applicant to establish a *prima facie* showing of facts which satisfy the requirements of the liquor code. *Geer v. Hall*, 333 P.2d 1040 (Colo. 1959). The local licensing authority has no authority to regulate the sale of alcohol, but only to grant, deny, suspend, or revoke licenses as provided in the liquor code. *Gettman v. Board of County Commissioners*, 221 P.2d 363 (Colo., 1950). A city council may not prejudge any application by trying to legislate a limitation of the number of licenses based on population. Each application must be considered on its own merits. *City of Colorado Springs v. Graham*, 352 P.2d 363 (Colo. 1950). Unless a second or additional license is applied for by the same licensee, no consideration of the effect on competition of the granting or disapproving of the license shall be made. *See* C.R.S. § 12-47-301(2).

Pursuant to Colorado liquor regulation 47-310(E), when considering whether or not an applicant is of good moral character, the licensing authority may consider, among other factors, whether the applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions. Furthermore, if criminal history is considered, then pursuant to C.R.S. § 24-5-101, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

III. FINDINGS

The location of the premises for which the license is sought is 1307 Main Street, Suite A, in Alamosa, Colorado. This location is within the Alamosa City Limits and falls under the jurisdiction of the Alamosa City Council sitting as the Local Licensing Authority.

In the two years preceding the date of application acceptance, there has not been a denial of a Beer and Wine License application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

It appears from the application documents that Applicant is entitled to possession of the premises where it proposes to exercise the license applied for, and that the possession will continue throughout the initial term of the license, if granted.

The sale of liquor on the proposed premises is not a violation of City of Alamosa zoning, building, and fire laws or regulations.

The premises, 1307 Main Street, Suite A, is not within 500 feet of a school.

The evidence presented at the public hearing supports the proposition that there is a need and desire for the issuance of this liquor license.

IV. CONCLUSIONS

Applicant has satisfied Council that there is a need and desire in the neighborhood for the issuance of the beer and wine liquor license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby GRANTS the Application submitted by J.K., LLP d/b/a The Wet Paintbrush for a Beer and Wine License at 1307 Main Street Suite A.

Dated this 3rd day of May, 2017.

Mayor Josef P. Lucero

City of Alamosa Local Licensing Authority

Attest: (SEAL)

Holly C. Martinez, City Clerk

FINDINGS OF FACT AND CONCLUSIONS; DENIAL OF LIQUOR LICENSE APPLICATION

In Re the Matter of the Public Hearing Concerning: The Application of J.K., LLP d/b/a The Wet Paintbrush for a Beer and Wine License at 1307 Main Street Suite A.

I. THE HEARING

This matter came on for public hearing at a regularly scheduled meeting of the Alamosa City Council sitting as the Local Licensing Authority (the Authority) on April 19, 2017. Notice of the hearing was given pursuant to §12-47-311, C.R.S. All members of Council were present except for Councilors Stefano and Daniel, who were excused.

A. Preliminary Issues.

The Authority considered the contents of the application and the results of its own investigation as part of the hearing record.

By virtue of a resolution that has been in effect for approximately twenty years, the Authority has established a presumptive neighborhood applicable to any liquor license application to be the entire City of Alamosa, plus a one-mile radius surrounding the City's perimeter. An applicant or any opponent to an application may rebut the presumption as to the definition of the applicable neighborhood by providing evidence that another definition of neighborhood applies to the particular application. No party proposed a different definition of the neighborhood for this application.

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B. Applicant. Applicant, J.K., LLP appeared through its partners, Krista Garcia and Javier Martinez.

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years of age. Applicant indicated it could have obtained many more signatures, but wanted to get the petition turned in, and only took three days to obtain the 36 signatures. No verification was done with respect to the addresses, as to whether or not the signatories were inhabitants within the definition in the *Colorado Liquor Code*, Section 12-47-103(12) C.R.S., or parties in interest, as defined in Section 12-47-311(5) C.R.S. No Petitions opposed to the Application were presented. The Authority takes into account the infeasibility of it verifying the signatures, and the lack of verification tendered as part of the Exhibit, when it considers the weight to be given the petitions.

D. Witnesses. The applicant provided Council with a brief background. This is a type of event that has become very popular on the front range in recent years, and Applicant has conducted an activity at a different location that was very well received. Applicant believes there is a desire for this type of activity.

Prior to opening the public hearing, Council questioned the applicant concerning the nature of the business, including days of operation and how the business works. Council notes that numerous people addressed council at the public comment portion of the regular meeting, and that many of those remained in attendance so that their comments could be received as part of the record at the public hearing, held at the end of the public meeting more than two hours later. At the public hearing, Sarah Ramirez, Adrian Ramirez, Tracy Vigil, and Dan McCann all spoke in favor of granting the license.

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Before entering any decision approving or denying the application for a liquor license, the Local Licensing Authority shall consider the reasonable requirements of the neighborhood for the type of license for which the application has been made and the desires of the adult inhabitants of the neighborhood (as evidenced by petitions, testimony, or otherwise), and all reasonable restrictions that are or may be placed upon the new district. §12-47- 301(2), C.R.S.

Whether a license should be granted or denied is a matter resting within the discretion of the licensing authority. *Harvey v. Schooley*, 383 P2d 189 (Colo. 1963). The burden is on the applicant to establish a *prima facie* showing of facts which satisfy the requirements of the liquor code. *Geer v. Hall*, 333 P.2d 1040 (Colo. 1959). The local licensing authority has no authority to regulate the sale of alcohol, but only to grant, deny, suspend, or revoke licenses as provided in the liquor code. *Gettman v. Board of County Commissioners*, 221 P.2d 363 (Colo., 1950). A city council may not prejudge any application by trying to legislate a limitation of the number of licenses based on population. Each application must be considered on its own merits. *City of Colorado Springs v. Graham*, 352 P.2d 363 (Colo. 1950). Unless a second or additional license is applied for by the same licensee, no consideration of the effect on competition of the granting or disapproving of the license shall be made. *See* C.R.S. § 12-47-301(2).

Pursuant to Colorado liquor regulation 47-310(E), when considering whether or not an applicant is of good moral character, the licensing authority may consider, among other factors, whether the applicant or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson, kidnapping, sexual assault, illegal drugs or narcotics convictions. Furthermore, if criminal history is considered, then pursuant to C.R.S. § 24-5-101, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack of parole or probation violations since the date of last conviction. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

III. FINDINGS

The location of the premises for which the license is sought is 1307 Main Street, Suite A, in Alamosa, Colorado. This location is within the Alamosa City Limits and falls under the jurisdiction of the Alamosa City Council sitting as the Local Licensing Authority.

In the two years preceding the date of application acceptance, there has not been a denial of a Beer and Wine License application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

It appears from the application documents that Applicant is entitled to possession of the premises where it proposes to exercise the license applied for, and that the possession will continue throughout the initial term of the license, if granted.

The sale of liquor on the proposed premises is not a violation of City of Alamosa zoning, building, and fire laws or regulations.

The premises, 1307 Main Street, Suite A, is not within 500 feet of a school.

The evidence presented at the public hearing is insufficient to support the proposition that there is a need and desire for the issuance of this liquor license. Although four people spoke in favor of granting the license, and although petitions containing 36 signatures in favor of the license were presented, Council is not persuaded that liquor is the defining feature the proponents favored. Rather, it appears they favored a venue for the art aspect of the business.

IV. CONCLUSIONS

Applicant has not satisfied Council that there is a need and desire in the neighborhood for the issuance of the beer and wine liquor license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby DENIES the Application submitted by J.K., LLP d/b/a The Wet Paintbrush for a Beer and Wine License at 1307 Main Street Suite A.

Dated this 3rd day of May, 2017.

Mayor Josef P. Lucero City of Alamosa Local Licensing Authority

Attest: (SEAL)

Holly C. Martinez, City Clerk