# ALAMOSA CITY COUNCIL Regular Meeting Agenda

Council Chambers and Zoom Video Webinar 300 Hunt Avenue, Alamosa, CO May 7, 2025

# Mission Statement: We are committed to providing balanced, effective and efficient public services for our residents, visitors and businesses by cultivating a vibrant, resilient and livable city.

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.

Zoom Webinar Link: https://us02web.zoom.us/j/84807040356

Dial-In Number: +1 719 359 4580 US | Webinar ID: 848 0704 0356

#### 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. Proclamation: Municipal Clerk's Week
- B. Proclamation: Police Week 2025
- C. Proclamation: National Nursing Home Week
- D. Proclamation: Historic Preservation Month
- E. Proclamation: Mental Health Month
- F. Introduction of Lexi Harrod, Executive Legal Assistant

#### **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.3.a. First Reading, Ordinance No. 13-2025, an ordinance approving a Memorandum of Understanding between Colorado State Patrol BATTLE (Beat Auto Theft Through Law Enforcement) and the City of Alamosa Police Department for assistance with organized auto theft investigations.

- C.7.a. Approve Minutes of Meeting April 16, 2025
- C.7.b. Endorsement Letter for Councilor Hensley to serve on the CML Executive Board
- C.11.a First Reading, Ordinance No. 12-2025, An Ordinance Setting the Timing for the Payment of the Building Permit Use Tax

#### VII. REGULAR BUSINESS

#### G. Business Brought Forward by City Staff

#### 1. Parks and Recreation

- a. Public Hearing and Second Reading, Ordinance No. 10-2025, an Ordinance prohibiting long guns at all City of Alamosa Parks, Trails, Open Space and Recreational Facilities.
- b. Public Hearing and Second Reading, Ordinance No. 11-2025, An Ordinance Authorizing The Director Of Parks And Recreation To Promulgate Rules In All Parks, Trails, Open Space And Recreation Facilities.

#### 2. City Manager/Legal

- a. Public Hearing and motion determining whether the City of Alamosa keeps St. Benedict and providing direction on any changes if the campsite is kept.
- b. Motion authorizing the sponsorship of \$5,000 to six entities in varying amounts as detailed in the Council Communication.
- c. Selection of pieces for the 9th annual Artscape art on loan program

#### H. Committee Reports

#### I. Staff Announcements

# VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

#### J. 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.

1. Approval of Tavern License for Lucha's Tacos Tequilas & Taps LLC

# COUNCIL COMMENT

# ADJOURNMENT

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

Proclamation: Municipal Clerk's Week

# ATTACHMENTS:

Description

Municipal Clerks Week Proclamation

Type Proclamations







56th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK May 4-10, 2024

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



Professional Municipal CLERKS WEEK

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

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

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

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

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

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW, THEREFORE,** I, Ty Coleman, Mayor of the City of Alamosa, and on behalf of the entire City Council, do hereby proclaim the week of **May 4 through May 10, 2024**, as

Professional Municipal Clerks Week

and further extend appreciation to our Professional Municipal Clerks: Holly Martinez, Susanna Gallegos, Aerial Portillo-Lawson, and Kenny Ayres and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Given under my hand and seal of the City of Alamosa, Colorado on this 7<sup>th</sup> day of May, 2025.

Ty Coleman, Mayor

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

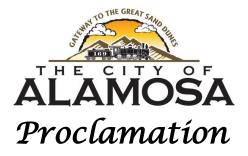
Proclamation: Police Week 2025

# ATTACHMENTS:

Description

D Police Week Proclamation

Type Cover Memo



**WHEREAS**, the Congress and President of the United States have designated May 15th as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

**WHEREAS**, the members of law enforcement and the Alamosa Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Alamosa; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**WHEREAS**, the City of Alamosa Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service; and

**WHEREAS**, I, City of Alamosa Mayor, Ty Coleman, call upon all citizens of Alamosa and upon all patriotic, civil, and educational organizations to observe the week of May 12, 2025, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I, **FURTHER** call upon all citizens of Alamosa to observe Thursday, May 15, 2025, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

**NOW, THEREFORE**, I, Ty Coleman, by virtue of the authority vested in me as Mayor of the City of Alamosa, do hereby honor law enforcement officers across the country and the Alamosa Police Department and proudly proclaim the week of May 12, 2025 as Police Week and May 15, 2025 as Peace Officers Memorial Day.

Ty Coleman, Mayor

Attest:

Holly Martinez, City Clerk

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

Proclamation: National Nursing Home Week

# ATTACHMENTS:

Description

National Nursing Home Week Proclamation

Type Proclamations



# of National Nursing Home Week

# $\mathcal{M}$ ay 11 – 17, 2025 City of Alamosa, Colorado

WHEREAS skilled nursing and rehabilitation centers in Alamosa, Colorado, and around the country provide health care to citizens with a wide variety of healthcare needs; and

WHEREAS these citizens have spent many years of their lives building our community and country into what it is today; and

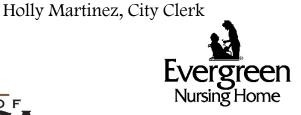
WHEREAS the American Health Care Association is celebrating National Nursing Home Week in skilled nursing and rehab centers across the country from Mother's Day, May 11, through Saturday, May 17, 2025, with the theme "Tapestry of Life"; and

WHEREAS residents and outpatients at these centers, as well as the staff serving them, deserve recognition for their contributions;

NOW THEREFORE, DO I, Ty Coleman, as Mayor of Alamosa, Colorado, encourage every citizen of our community to honor and serve the residents and patients of skilled nursing and rehab centers by visiting or volunteering at a local nursing home to bring good cheer to residents and appreciation to the staff who care for our most vulnerable citizens on our behalf.

Ty Coleman, Mayor





# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

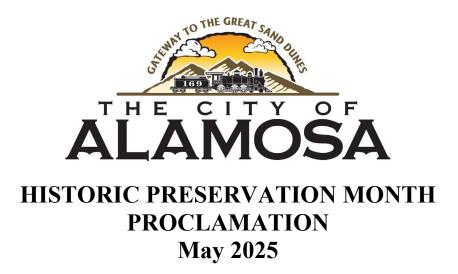
Proclamation: Historic Preservation Month

# ATTACHMENTS:

Description

Historic Preservation Month Proclamation

Type Proclamations



**WHEREAS**, the City of Alamosa, in celebration of the Month of May as Archaeology and Historic Preservation Month, recognizes that historic sites and structures in the community are symbols of our heritage and valuable assets to the quality of life in our community. These structures anchor our downtown, our residential areas, and the larger community, upholding the native character of our City and instilling civic pride by virtue of their very presence. Their potential as resources and attractors for heritage tourism is great. The events, businesses, and experiences these sites have hosted connect us to one another and form a vital part of the fabric of our community; and

WHEREAS, Alamosa's many historic structures represent a diversity of economic and architectural trends that are integral to the past and future development of this great community, founded 134 years ago. The City is actively engaged in recognizing these emblems of our heritage through the Alamosa Historic Registry;

**NOW, THEREFORE**, be it resolved that I, Ty Coleman, Mayor of the City of Alamosa and on behalf of the entire City Council proclaims the Month of May, 2025, as

# Historic Preservation Month

and encourages its citizens to advance historic preservation activities in the community.

Ty Coleman, Mayor

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

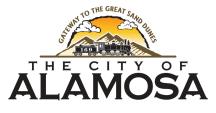
Proclamation: Mental Health Month

# ATTACHMENTS:

Description

D Mental Health Month Proclamation

Type Proclamations



Proclamation

**May Mental Health Month** 

Recognizing May as Mental Health Month

**WHEREAS**, mental health is essential to the overall health and well-being of every person in Alamosa, regardless of age, race, gender, identity, socioeconomic status, or background; and

**WHEREAS,** mental health conditions are real and prevalent in our community, affecting one in five people each year and touching nearly every household; and

**WHEREAS,** the COVID-19 pandemic, economic uncertainty, isolation, and ongoing challenges have exacerbated mental health needs in the San Luis Valley and beyond; and

**WHEREAS,** stigma remains one of the biggest barriers to individuals seeking help, leading too many to suffer in silence; and

**WHEREAS,** early intervention, equitable access to mental health care, and community-wide understanding are key to improving outcomes and saving lives; and

**WHEREAS,** San Luis Valley Behavioral Health Group and its partners are committed to providing compassionate, confidential, and culturally responsive behavioral health services throughout the region; and

**WHEREAS,** during Mental Health Month, we join with national, state, and local efforts to raise awareness, reduce stigma, and support the mental wellness of all San Luis Valley residents.

**NOW, THEREFORE,** BE IT RESOLVED, that the CITY COUNCIL of Alamosa, Colorado, does hereby proclaim May 2025 as Mental Health Month in Alamosa, and encourages all citizens, businesses, schools, and community organizations to learn more, speak up, and support mental health initiatives.

IN WITNESS WHEREOF, I have unto set my hand and caused the Seal of the Alamosa to be affixed this 7th day of May, 2025.

Ty Coleman, Mayor Alamosa, Colorado

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

First Reading, Ordinance No. 13-2025, an ordinance approving a Memorandum of Understanding between Colorado State Patrol BATTLE (Beat Auto Theft Through Law Enforcement) and the City of Alamosa Police Department for assistance with organized auto theft investigations.

# **Recommended Action:**

Approve Ordinance No. 13-2025 on First Reading, and set for Second Reading and Public Hearing on May 21, 2025, at 7:00 p.m. or as soon thereafter as the matter may be heard.

# **Background:**

Organized auto and equipment theft rings operate across Colorado, often with impunity due to the lack of resources, knowledge, skills and abilities of local law enforcement to dedicate to investigating these criminal elements. Auto and equipment theft cost Colorado citizens millions of dollars annually. Colorado unfortunately has led the nation in auto theft, per capita, over the last several years and is listed as one of the worst states in the US for auto theft.

The city of Alamosa and Alamosa county are not exempt from auto and equipment theft. While 2024 saw a decrease in auto thefts in Alamosa, we have seen a slight uptick in 2025 and Alamosa county has seen a significant increase in equipment theft. Beat Auto Theft Through Law Enforcement (BATTLE) is a task force of law enforcement experts who target auto and equipment theft rings across the state and will assist local agencies in combating organized auto theft rings. Our commitment as a law enforcement agency is to provide part-time assistance to BATTLE while they are assisting us in our investigation. The Colorado State Patrol is the lead agency for BATTLE. The attached MOU outlines the responsibilities of the parties. An ordinance is necessary for this intergovernmental agreement.

# Issue Before the Council:

Does Council wish to approve the ordinance for the MOU between BATTLE and the Alamosa Police Department on First Reading and set for a public hearing?

# Alternatives:

- 1. (**recommended alternative**): Approve Ordinance No. 13-2025 on first reading, and set for public hearing on May 21, 2025, at 7:00 p.m. or as soon thereafter as the matter may be heard.
- 2. Reject the ordinance, and direct the APD to continue to operate as they currently do in investigating auto and equipment theft.
- 3. Provide other direction to staff.

# Fiscal Impact:

There is no fiscal impact.

# Legal Opinion:

The City Attorney will be available for questions.

# Conclusion:

This MOU allows the Alamosa Police Department to enter into an agreement with BATTLE (Colorado State Patrol) to utilize their expertise to address auto and equipment theft in our jurisdiction while providing support during the investigation.

# ATTACHMENTS:

# Туре

- D Ordinance No. 13-2025 Approving BATTLE MOU
- BATTLE MOU

Description

Ordinance Exhibit

# **MEMORANDUM of UNDERSTANDING**

# **Beat Auto Theft Through Law Enforcement**

This Memorandum of Understanding (MOU) is entered into by the Sheriff, Chief, or Law Enforcement Agency Director (or designee) of the agencies who subsequently agree to the terms of this MOU.

# **Purpose:**

The purpose of this MOU is to outline the overall mission of the Beat Auto Theft Through Law Enforcement Team (BATTLE) and delineate the responsibilities between the participating member agencies and any additional agencies that have agreed to this MOU.

This MOU will formalize the relationship between participating agencies for policy guidance, planning, training, public relations, and media relations to maximize interagency cooperation. This will also create a cohesive unit capable of addressing the organized auto theft problem facing Colorado law enforcement agencies.

Each participating agency agrees to deploy its law enforcement personnel and/or equipment for conducting both overt and covert investigations aimed at apprehending criminals, particularly those with a nexus to auto theft and related crimes, as well as organizations responsible for multiple motor vehicle thefts, chop shops, and the fencing of stolen motor vehicles and/or motor vehicle parts.

This MOU provides functions or services, including the sharing of services or functions by political subdivisions of the State of Colorado, specifically authorized by CRS 29-1-203.

In addition, this MOU sets forth the intent of the signatories to participate in BATTLE.

# Mission:

The mission of BATTLE is to thoroughly investigate reported auto theft crimes and auto theft-related crimes, apprehend criminals, recover property, and proactively prevent auto theft by utilizing:

- A multi-jurisdictional approach
- An alignment of partnership goals
- Innovative intelligence-led investigative techniques
- Agency collaboration and information sharing
- Data collection and analysis
- Community education and involvement
- Prosecutorial partnership within the judicial districts

# **Participation:**

BATTLE is a part-time initiative designed to facilitate complex vehicle crime investigations. It is not intended to be a full-time task force requiring the assignment of personnel.

BATTLE will be activated when a member agency has a multi-jurisdictional auto theft investigation and requires additional personnel to properly investigate the case. Agencies requesting activation of BATTLE must be able to assign a minimum of one investigator or detective to participate in BATTLE operations. That investigator or detective will serve as the case agent for the operation. The requesting agency may provide a supervisor for the operation for the purpose of operational plan review.

BATTLE also utilizes proactive deployments to concentrate on operations aimed at locating stolen vehicles, identifying and apprehending suspects, and gathering intelligence and evidence for future investigations

BATTLE task forces will be regionalized into five areas. BATTLE South, BATTLE North, BATTLE West, BATTLE East, and BATTLE Southwest. Member agencies will be a partner in one of these five regional task forces.

Regional quarterly meetings will be held with the agency heads or designees who are expected to serve in an advisory role to the task force. At these meetings, the BATTLE Commander or designee will provide information on investigations within the previous quarter. The BATTLE Commander will also lead a discussion about investigative and arrest tactics being used and any new tactics being considered. The Regional BATTLE Coordinator will provide information on all training within the last quarter and equipment status and needs. Such briefings will also serve as a forum to address any issues of mutual concern to the participating agencies or provide guidance to the BATTLE Commander and Regional BATTLE Coordinator.

# Supervision:

When multiple supervisors are participating in a BATTLE operation, only one predetermined supervisor will provide field supervision during the operational period including search and arrest warrant execution. Selection of that supervisor will be at the discretion of the BATTLE Commander. Operational plan review shall be conducted by the BATTLE Commander and may be reviewed by the Regional BATTLE Coordinator. Final approval or disapproval of the plan resides with the BATTLE Commander.

# **Composition:**

BATTLE will consist of a combined law enforcement body from the participating agencies with the Colorado State Patrol as the lead agency. In addition, any additional participating agency that subsequently agrees to the terms of this MOU will support BATTLE. Each participating agency agrees to provide personnel to allow BATTLE to accomplish its mission.

Specific control of BATTLE members shall be retained by the respective parent agency head or designee, who will be kept informed of all investigative developments by their respective subordinates.

The Colorado State Patrol is the lead agency in BATTLE. The Captain of the Colorado State Patrol's Investigative Services Section will act as the BATTLE Commander. The Colorado State Patrol will assign a Chief Financial Officer for BATTLE.

The Regional BATTLE Coordinator will be a CSP Investigative Services Section Sergeant, or other designated supervisor, as assigned by the BATTLE Commander. The Regional BATTLE Coordinator will have field supervisory responsibility for all team members during BATTLE activities and will ensure that BATTLE Operational Guidelines are followed. The Regional BATTLE Coordinator will ensure that the regional BATTLE task force has the equipment, training, and support necessary to carry out its mission.

The Colorado Attorney General's Office will serve as legal advisor to BATTLE.

# Liability:

Each participating agency acknowledges that applicable Colorado State laws govern liability for its employees while they are participating as a member of BATTLE. Liability for individual Page 16 of 49

BATTLE members are the sole responsibility of each of the participating agencies or employees, and none of the agencies or employees waives or limits the benefits or protections afforded by the Colorado Governmental Immunity Act C.R.S. 24-10-101 *et seq* and Article XI of the Colorado Constitution. Liability shall not be the responsibility of BATTLE. Participating agencies and individual BATTLE members agree they will not be responsible or liable for acts performed by personnel of other member agencies while performing BATTLE activities.

Each participating agency will be provided with a copy of the Operational Guidelines for BATTLE. Each BATTLE member will be required to follow the rules and regulations of their parent agencies unless BATTLE guidelines are stricter. In the event of any conflict between any provision of this MOU and the Operational Guidelines, the provisions of this MOU shall control and prevail.

Each participating member remains an employee of their parent agency and each agency is responsible for salary, worker's compensation, and other benefits afforded their agency members.

# Salary/Overtime:

The Colorado State Patrol will issue purchase orders that authorize the reimbursement of overtime incurred in furtherance of BATTLE objectives as outlined in the BATTLE Operational Guidelines. Overtime reimbursement is based on, and limited by, grant allocations.

# Assignment of Cases:

All cases assigned or developed will be jointly investigated by BATTLE. The development of operational teams within BATTLE may be necessary to effectively accomplish the mission. Such teams will consist of a BATTLE member from the requesting agency and a Colorado State Patrol investigator and any additional detectives or investigators as needed.

The parties agree to work within the multi-jurisdictional spirit of the Colorado Auto Theft Prevention Authority (CATPA) legislation. All law enforcement actions will be coordinated and cooperatively carried out.

# **Deconfliction:**

Use of the Regional Information Sharing Systems (RISSafe) Watch Center is mandatory for BATTLE operations to avoid conflicts with another agency or task force operation.

# **Records:**

All BATTLE investigative records will be maintained in a secure location by the initiating agency which is the custodian of record. Copies of all documents generated by BATTLE with respect to an investigation shall be provided to the BATTLE Commander or his/her designee unless prohibited by that agency's regulations and/or applicable State or Federal law.

Classified information and/or documents containing information that identifies or tends to identify a BATTLE informant shall be maintained by the initiating agency in accordance with that agency's policies regarding intelligence and confidential informant handling.

# **Prosecutions:**

The investigator, supervisor, appropriate district attorney, and the Colorado Attorney General's Office liaison will make a determination, on a case-by-case basis, whether a specific BATTLE investigation should be filed with the local district attorney or the State Attorney General's Office. The determination will be made at the earliest possible time based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of BATTLE.

# **Incidents involving Team Members:**

Should a BATTLE member be involved in a "critical incident" (deadly force encounter) relating to and in the scope of BATTLE duties, established critical incident teams will be utilized. Investigation of critical incidents that occur in areas without a critical incident team will be investigated by the agency having jurisdiction. Investigative assistance may be requested from the Colorado Bureau of Investigation as needed. The agency of the member involved in the incident will be responsible for conducting their own internal investigation.

Should BATTLE members from more than one agency become involved in an incident, participating agencies in this MOU agree to conduct independent investigations unless it is cooperatively determined by the appropriate supervisor(s) that a joint investigation would be in the best interest of the agencies involved.

However, if the agencies involved in an incident agree to conduct their own investigation, each agency agrees it will conduct its respective investigation in a manner that doesn't interfere with or hamper the investigation(s) of any other agency(s).

The primary BATTLE supervisor will notify the parent agency supervisor in any instance of a complaint against a BATTLE member arising from BATTLE duties. The parent agency is solely responsible for administrative investigations and complaint resolution for their employee and any disciplinary or corrective action will be the prerogative of the member's agency.

# **Investigative Methods:**

The majority of BATTLE cases will be prosecuted at the State level. Therefore, BATTLE participants agree to conform to State standards concerning the collection, processing, and storage of evidence and electronic surveillance. In addition, the use of other investigative methods (i.e. search warrants and intercepts of oral communication) and reporting procedures in connection therewith will be consistent with the policies and procedures of the State of Colorado and each participating agency. Evidence will be maintained and processed by the initiating agency under that agency's established guidelines.

# **Specialized Equipment and Tactics:**

Member agencies participating in the Beat Auto Theft Through Law Enforcement team (BATTLE) are authorized to utilize specialized equipment and employ tactical strategies in the pursuit of their objectives, provided that personnel using such equipment or tactics have undergone appropriate training and certification. Additionally, each participating agency is required to establish and adhere to a comprehensive policy governing the use of specialized equipment and tactics within their respective jurisdictions. This ensures that all operations conducted by BATTLE maintain the highest standards of safety, effectiveness, and adherence to legal protocols. The use of any specialized equipment or tactics shall be approved by the RegionalBATTLE Coordinator or operational supervisor.

# Automated License Plate Readers

Member agencies participating in the Beat Auto Theft Through Law Enforcement team (BATTLE) may choose to work with any ALPR vendor. If the ALPR vendor selected has a signed vendor hotlist agreement with the Colorado State Patrol (CSP), then CSP can send the hotlist to the ALPR vendor on the agency's behalf. ALPR vendors will not be able to obtain the hotlist from CBI absent a hotlist agreement with a law enforcement agency. Therefore, ALPR vendors that do not have a vendor hotlist agreement with CSP will require the member agency to facilitate that connection.

# **Undercover Operations:**

All BATTLE operations will be conducted and reviewed in accordance with BATTLE Operational Guidelines and applicable State and Federal laws.

Officer safety is a top priority with multi-jurisdictional task forces. In the planning and execution of an undercover operation, first priority should be given to the safety of ALL persons, second priority to the security of the official funds, and third priority to the attainment of the investigative objective.

All investigators will have available with them the following equipment:

- Attire with Police, Agent, Sheriff, or Trooper Markings
- Department-approved firearm
- Flashlight
- Handcuffs
- Soft body armor
- Radio
- Cellphone
- Body-worn camera

BATTLE members will support each other's jurisdictional boundaries. When an ongoing investigation crosses jurisdictional boundaries, the initiating BATTLE member or BATTLE supervisor will communicate with a task force officer or other responsible member of the home agency to share information and intelligence, as well as work jointly to complete the investigation if warranted.

# **Informants:**

Informant handling and documentation will be conducted in accordance with the initiating agency's policy. Informants will need to be registered with BATTLE and obtain a BATTLE number for tracking purposes.

No documents will be prepared or disseminated outside BATTLE that would identify or tend to identify an informant. When possible, the informant will be referred to by a code name or number so as not to reveal his/her identity.

If any information on a confidential informant (CI) becomes the subject of a discovery motion or court order in any State, Federal, or Local proceeding, all participating agencies agree that they will notify each other prior to disclosure. Each agency will attempt to protect the interests of the other participating agencies in addition to its own interests and those of the CI.

Each agency's designated supervisor for CIs will oversee all aspects of informant development, control, and management in furtherance of BATTLE investigations.

# Vehicles:

All participating agencies agree to supply their members with a vehicle for use by their employees. Vehicles will only be driven by members of the parent agency, except in an emergency. The participating agency shall be responsible for expenses related to the operation and repair of that agency's vehicle.

# **Property:**

Property and equipment of BATTLE will be properly maintained and cared for by BATTLE members. All capital equipment, defined as an item purchased at \$5,000 or more using funds Page 19 of 49

under a CATPA grant, must be inventoried prior to August 1 of each year. Any new capital equipment purchased under the conditions of this grant project shall be added to the inventory and submitted to the Regional BATTLE Coordinator upon receipt. Capital equipment becomes the property of the recipient agency and remains in its possession so long as it continues to be used for auto theft prevention activities in support of BATTLE and CATPA. All property and equipment shall be inventoried at least once per year by the Regional BATTLE Coordinator and said inventory reported to the BATTLE Commander prior to August 1 of each year.

# **Training:**

Training for BATTLE members will be conducted quarterly. All BATTLE members must complete each quarterly training. Any deviation from this requirement must be approved by the BATTLE Commander and placed in the grant file. A Training Planning Report and lesson plan will be distributed prior to the training by each Regional BATTLE Coordinator or his/her designee. Once the training has been completed, the Regional BATTLE Coordinator or his/her designee will complete a Training Evaluation Report and submit the report to the BATTLE Commander within 15 days of the completion of the training.

At least one member from each agency that receives BATTLE funding must attend a minimum of six (6) of the twelve (12) monthly CATI meetings per year. The attendance may be in person or via weblink.

# Media Relations:

The BATTLE Commander or his/her designee has the responsibility to coordinate the release of information to the news media and to the public through the Public Information Officer of the involved jurisdiction and the Colorado State Patrol Public Affairs Section.

Media inquiries made to individual participating agencies shall be referred to the BATTLE Commander. At major crime scenes or following major incidents, the BATTLE Commander or designee will coordinate with the Public Information Officer of the jurisdiction(s) involved to ensure appropriate and accurate news releases are made. The BATTLE Commander or designee will ensure that each member agency receives equal public recognition for publicized BATTLE operations.

# **Duration:**

The term of this MOU is for three fiscal years beginning on July 1, 2024, and ending on June 30, 2027, or until the MOU is terminated by one of the parties, whichever occurs sooner. Any participating agency may withdraw from BATTLE at any time by written notification to the BATTLE Commander at least 30 days prior to withdrawal. Upon termination of the MOU, all equipment provided to a participating agency by BATTLE will be returned to BATTLE.

# **Modification:**

This MOU, together with all exhibits attached hereto, constitutes the entire MOU between the agencies hereto, and all other representations or statements heretofore made, verbal or written, are merged herein. This MOU may be modified at any time by written consent of all participating agencies through the BATTLE Commander. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

# Forfeitures:

The processing of seized assets for forfeiture obtained during BATTLE operations will be the responsibility of the agency filing the criminal case. Asset forfeitures will be conducted in

accordance with rules and regulations set forth by the Federal government and/or the State of Colorado and BATTLE Operational Guidelines. Participating agencies agree to recommend that any recoverable forfeiture, attributable to a BATTLE investigation, may be transferred to the Colorado Auto Theft Prevention Authority under the guidelines established in C.R.S. 42-5-112 (4)(a), and in compliance with the Colorado Civil Forfeiture Statute, C.R.S. 16-13-311 et seq.

# **Specific Requirements:**

Participating agencies will have at least one representative participate in the annual kick-off meeting and each quarterly briefing scheduled during the task force operational period.

Participating agencies will provide the Regional BATTLE Coordinator with information for their point of contact person. If the participating agency's point of contact changes, that agency will provide new point of contact information to the Regional BATTLE Coordinator within two weeks of the change. The Regional BATTLE Coordinator will then make notice of the change to the BATTLE Commander.

Participating agencies will be provided an electronic, monthly reporting template to capture BATTLE-related statistics. Participating agencies will provide the Regional BATTLE Coordinator with a completed monthly report, by the 15<sup>th</sup> day of the month following the reporting month. A total of twelve (12) monthly reports shall be provided to the Regional BATTLE Coordinator in this manner during the grant period. The Regional BATTLE Coordinator will then forward each monthly report to the BATTLE Commander.

# Miscellaneous Provisions:

It is specifically agreed among the agencies that this MOU is not intended by any of its terms, provisions, or conditions to create in the public or in any individual member of the public a third-party beneficiary relationship or to authorize any person not a party to this MOU to maintain suit for personal injuries or property damage pursuant to the terms, conditions or provisions of this MOU.

The headings of the several articles and sections of this MOU are inserted only as a matter of convenience and for reference and do not define or limit the scope or intent of any provisions of this MOU and shall not be construed to affect in any manner the terms and provisions or the interpretation or construction of the MOU.

This Memorandum of Understanding may be executed in multiple counterparts, each of which shall be deemed to be an original instrument, but all of which taken together, shall constitute one instrument.

The agencies represent or warrant to each other that they have all the necessary authority to enter into this MOU and to perform their obligations hereunder.

# Participating Agency signature(s)

By signing this Memorandum of Understanding your agency agrees to conditions set forth in the memorandum and the Operational Guidelines for the Beat Auto Theft Through Law Enforcement Team.

Name Authorized Signature Date: \_\_\_\_\_

Lieutenant Colonel Joshua Downing Colorado State Patrol Date: \_\_\_\_\_

# **MEMORANDUM of UNDERSTANDING**

# **Beat Auto Theft Through Law Enforcement**

This Memorandum of Understanding (MOU) is entered into by the Sheriff, Chief, or Law Enforcement Agency Director (or designee) of the agencies who subsequently agree to the terms of this MOU.

# **Purpose:**

The purpose of this MOU is to outline the overall mission of the Beat Auto Theft Through Law Enforcement Team (BATTLE) and delineate the responsibilities between the participating member agencies and any additional agencies that have agreed to this MOU.

This MOU will formalize the relationship between participating agencies for policy guidance, planning, training, public relations, and media relations to maximize interagency cooperation. This will also create a cohesive unit capable of addressing the organized auto theft problem facing Colorado law enforcement agencies.

Each participating agency agrees to deploy its law enforcement personnel and/or equipment for conducting both overt and covert investigations aimed at apprehending criminals, particularly those with a nexus to auto theft and related crimes, as well as organizations responsible for multiple motor vehicle thefts, chop shops, and the fencing of stolen motor vehicles and/or motor vehicle parts.

This MOU provides functions or services, including the sharing of services or functions by political subdivisions of the State of Colorado, specifically authorized by CRS 29-1-203.

In addition, this MOU sets forth the intent of the signatories to participate in BATTLE.

# Mission:

The mission of BATTLE is to thoroughly investigate reported auto theft crimes and auto theft-related crimes, apprehend criminals, recover property, and proactively prevent auto theft by utilizing:

- A multi-jurisdictional approach
- An alignment of partnership goals
- Innovative intelligence-led investigative techniques
- Agency collaboration and information sharing
- Data collection and analysis
- Community education and involvement
- Prosecutorial partnership within the judicial districts

# **Participation:**

BATTLE is a part-time initiative designed to facilitate complex vehicle crime investigations. It is not intended to be a full-time task force requiring the assignment of personnel.

BATTLE will be activated when a member agency has a multi-jurisdictional auto theft investigation and requires additional personnel to properly investigate the case. Agencies requesting activation of BATTLE must be able to assign a minimum of one investigator or detective to participate in BATTLE operations. That investigator or detective will serve as the case agent for the operation. The requesting agency may provide a supervisor for the operation for the purpose of operational plan review.

BATTLE also utilizes proactive deployments to concentrate on operations aimed at locating stolen vehicles, identifying and apprehending suspects, and gathering intelligence and evidence for future investigations

BATTLE task forces will be regionalized into five areas. BATTLE South, BATTLE North, BATTLE West, BATTLE East, and BATTLE Southwest. Member agencies will be a partner in one of these five regional task forces.

Regional quarterly meetings will be held with the agency heads or designees who are expected to serve in an advisory role to the task force. At these meetings, the BATTLE Commander or designee will provide information on investigations within the previous quarter. The BATTLE Commander will also lead a discussion about investigative and arrest tactics being used and any new tactics being considered. The Regional BATTLE Coordinator will provide information on all training within the last quarter and equipment status and needs. Such briefings will also serve as a forum to address any issues of mutual concern to the participating agencies or provide guidance to the BATTLE Commander and Regional BATTLE Coordinator.

# Supervision:

When multiple supervisors are participating in a BATTLE operation, only one predetermined supervisor will provide field supervision during the operational period including search and arrest warrant execution. Selection of that supervisor will be at the discretion of the BATTLE Commander. Operational plan review shall be conducted by the BATTLE Commander and may be reviewed by the Regional BATTLE Coordinator. Final approval or disapproval of the plan resides with the BATTLE Commander.

# **Composition:**

BATTLE will consist of a combined law enforcement body from the participating agencies with the Colorado State Patrol as the lead agency. In addition, any additional participating agency that subsequently agrees to the terms of this MOU will support BATTLE. Each participating agency agrees to provide personnel to allow BATTLE to accomplish its mission.

Specific control of BATTLE members shall be retained by the respective parent agency head or designee, who will be kept informed of all investigative developments by their respective subordinates.

The Colorado State Patrol is the lead agency in BATTLE. The Captain of the Colorado State Patrol's Investigative Services Section will act as the BATTLE Commander. The Colorado State Patrol will assign a Chief Financial Officer for BATTLE.

The Regional BATTLE Coordinator will be a CSP Investigative Services Section Sergeant, or other designated supervisor, as assigned by the BATTLE Commander. The Regional BATTLE Coordinator will have field supervisory responsibility for all team members during BATTLE activities and will ensure that BATTLE Operational Guidelines are followed. The Regional BATTLE Coordinator will ensure that the regional BATTLE task force has the equipment, training, and support necessary to carry out its mission.

The Colorado Attorney General's Office will serve as legal advisor to BATTLE.

# Liability:

Each participating agency acknowledges that applicable Colorado State laws govern liability for its employees while they are participating as a member of BATTLE. Liability for individual Page 24 of 49

BATTLE members are the sole responsibility of each of the participating agencies or employees, and none of the agencies or employees waives or limits the benefits or protections afforded by the Colorado Governmental Immunity Act C.R.S. 24-10-101 *et seq* and Article XI of the Colorado Constitution. Liability shall not be the responsibility of BATTLE. Participating agencies and individual BATTLE members agree they will not be responsible or liable for acts performed by personnel of other member agencies while performing BATTLE activities.

Each participating agency will be provided with a copy of the Operational Guidelines for BATTLE. Each BATTLE member will be required to follow the rules and regulations of their parent agencies unless BATTLE guidelines are stricter. In the event of any conflict between any provision of this MOU and the Operational Guidelines, the provisions of this MOU shall control and prevail.

Each participating member remains an employee of their parent agency and each agency is responsible for salary, worker's compensation, and other benefits afforded their agency members.

# Salary/Overtime:

The Colorado State Patrol will issue purchase orders that authorize the reimbursement of overtime incurred in furtherance of BATTLE objectives as outlined in the BATTLE Operational Guidelines. Overtime reimbursement is based on, and limited by, grant allocations.

# Assignment of Cases:

All cases assigned or developed will be jointly investigated by BATTLE. The development of operational teams within BATTLE may be necessary to effectively accomplish the mission. Such teams will consist of a BATTLE member from the requesting agency and a Colorado State Patrol investigator and any additional detectives or investigators as needed.

The parties agree to work within the multi-jurisdictional spirit of the Colorado Auto Theft Prevention Authority (CATPA) legislation. All law enforcement actions will be coordinated and cooperatively carried out.

# **Deconfliction:**

Use of the Regional Information Sharing Systems (RISSafe) Watch Center is mandatory for BATTLE operations to avoid conflicts with another agency or task force operation.

# **Records:**

All BATTLE investigative records will be maintained in a secure location by the initiating agency which is the custodian of record. Copies of all documents generated by BATTLE with respect to an investigation shall be provided to the BATTLE Commander or his/her designee unless prohibited by that agency's regulations and/or applicable State or Federal law.

Classified information and/or documents containing information that identifies or tends to identify a BATTLE informant shall be maintained by the initiating agency in accordance with that agency's policies regarding intelligence and confidential informant handling.

# **Prosecutions:**

The investigator, supervisor, appropriate district attorney, and the Colorado Attorney General's Office liaison will make a determination, on a case-by-case basis, whether a specific BATTLE investigation should be filed with the local district attorney or the State Attorney General's Office. The determination will be made at the earliest possible time based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of BATTLE.

# **Incidents involving Team Members:**

Should a BATTLE member be involved in a "critical incident" (deadly force encounter) relating to and in the scope of BATTLE duties, established critical incident teams will be utilized. Investigation of critical incidents that occur in areas without a critical incident team will be investigated by the agency having jurisdiction. Investigative assistance may be requested from the Colorado Bureau of Investigation as needed. The agency of the member involved in the incident will be responsible for conducting their own internal investigation.

Should BATTLE members from more than one agency become involved in an incident, participating agencies in this MOU agree to conduct independent investigations unless it is cooperatively determined by the appropriate supervisor(s) that a joint investigation would be in the best interest of the agencies involved.

However, if the agencies involved in an incident agree to conduct their own investigation, each agency agrees it will conduct its respective investigation in a manner that doesn't interfere with or hamper the investigation(s) of any other agency(s).

The primary BATTLE supervisor will notify the parent agency supervisor in any instance of a complaint against a BATTLE member arising from BATTLE duties. The parent agency is solely responsible for administrative investigations and complaint resolution for their employee and any disciplinary or corrective action will be the prerogative of the member's agency.

# **Investigative Methods:**

The majority of BATTLE cases will be prosecuted at the State level. Therefore, BATTLE participants agree to conform to State standards concerning the collection, processing, and storage of evidence and electronic surveillance. In addition, the use of other investigative methods (i.e. search warrants and intercepts of oral communication) and reporting procedures in connection therewith will be consistent with the policies and procedures of the State of Colorado and each participating agency. Evidence will be maintained and processed by the initiating agency under that agency's established guidelines.

# **Specialized Equipment and Tactics:**

Member agencies participating in the Beat Auto Theft Through Law Enforcement team (BATTLE) are authorized to utilize specialized equipment and employ tactical strategies in the pursuit of their objectives, provided that personnel using such equipment or tactics have undergone appropriate training and certification. Additionally, each participating agency is required to establish and adhere to a comprehensive policy governing the use of specialized equipment and tactics within their respective jurisdictions. This ensures that all operations conducted by BATTLE maintain the highest standards of safety, effectiveness, and adherence to legal protocols. The use of any specialized equipment or tactics shall be approved by the RegionalBATTLE Coordinator or operational supervisor.

# Automated License Plate Readers

Member agencies participating in the Beat Auto Theft Through Law Enforcement team (BATTLE) may choose to work with any ALPR vendor. If the ALPR vendor selected has a signed vendor hotlist agreement with the Colorado State Patrol (CSP), then CSP can send the hotlist to the ALPR vendor on the agency's behalf. ALPR vendors will not be able to obtain the hotlist from CBI absent a hotlist agreement with a law enforcement agency. Therefore, ALPR vendors that do not have a vendor hotlist agreement with CSP will require the member agency to facilitate that connection.

# **Undercover Operations:**

All BATTLE operations will be conducted and reviewed in accordance with BATTLE Operational Guidelines and applicable State and Federal laws.

Officer safety is a top priority with multi-jurisdictional task forces. In the planning and execution of an undercover operation, first priority should be given to the safety of ALL persons, second priority to the security of the official funds, and third priority to the attainment of the investigative objective.

All investigators will have available with them the following equipment:

- Attire with Police, Agent, Sheriff, or Trooper Markings
- Department-approved firearm
- Flashlight
- Handcuffs
- Soft body armor
- Radio
- Cellphone
- Body-worn camera

BATTLE members will support each other's jurisdictional boundaries. When an ongoing investigation crosses jurisdictional boundaries, the initiating BATTLE member or BATTLE supervisor will communicate with a task force officer or other responsible member of the home agency to share information and intelligence, as well as work jointly to complete the investigation if warranted.

# **Informants:**

Informant handling and documentation will be conducted in accordance with the initiating agency's policy. Informants will need to be registered with BATTLE and obtain a BATTLE number for tracking purposes.

No documents will be prepared or disseminated outside BATTLE that would identify or tend to identify an informant. When possible, the informant will be referred to by a code name or number so as not to reveal his/her identity.

If any information on a confidential informant (CI) becomes the subject of a discovery motion or court order in any State, Federal, or Local proceeding, all participating agencies agree that they will notify each other prior to disclosure. Each agency will attempt to protect the interests of the other participating agencies in addition to its own interests and those of the CI.

Each agency's designated supervisor for CIs will oversee all aspects of informant development, control, and management in furtherance of BATTLE investigations.

# Vehicles:

All participating agencies agree to supply their members with a vehicle for use by their employees. Vehicles will only be driven by members of the parent agency, except in an emergency. The participating agency shall be responsible for expenses related to the operation and repair of that agency's vehicle.

# **Property:**

Property and equipment of BATTLE will be properly maintained and cared for by BATTLE members. All capital equipment, defined as an item purchased at \$5,000 or more using funds Page 27 of 49

under a CATPA grant, must be inventoried prior to August 1 of each year. Any new capital equipment purchased under the conditions of this grant project shall be added to the inventory and submitted to the Regional BATTLE Coordinator upon receipt. Capital equipment becomes the property of the recipient agency and remains in its possession so long as it continues to be used for auto theft prevention activities in support of BATTLE and CATPA. All property and equipment shall be inventoried at least once per year by the Regional BATTLE Coordinator and said inventory reported to the BATTLE Commander prior to August 1 of each year.

# **Training:**

Training for BATTLE members will be conducted quarterly. All BATTLE members must complete each quarterly training. Any deviation from this requirement must be approved by the BATTLE Commander and placed in the grant file. A Training Planning Report and lesson plan will be distributed prior to the training by each Regional BATTLE Coordinator or his/her designee. Once the training has been completed, the Regional BATTLE Coordinator or his/her designee will complete a Training Evaluation Report and submit the report to the BATTLE Commander within 15 days of the completion of the training.

At least one member from each agency that receives BATTLE funding must attend a minimum of six (6) of the twelve (12) monthly CATI meetings per year. The attendance may be in person or via weblink.

# Media Relations:

The BATTLE Commander or his/her designee has the responsibility to coordinate the release of information to the news media and to the public through the Public Information Officer of the involved jurisdiction and the Colorado State Patrol Public Affairs Section.

Media inquiries made to individual participating agencies shall be referred to the BATTLE Commander. At major crime scenes or following major incidents, the BATTLE Commander or designee will coordinate with the Public Information Officer of the jurisdiction(s) involved to ensure appropriate and accurate news releases are made. The BATTLE Commander or designee will ensure that each member agency receives equal public recognition for publicized BATTLE operations.

# **Duration:**

The term of this MOU is for three fiscal years beginning on July 1, 2024, and ending on June 30, 2027, or until the MOU is terminated by one of the parties, whichever occurs sooner. Any participating agency may withdraw from BATTLE at any time by written notification to the BATTLE Commander at least 30 days prior to withdrawal. Upon termination of the MOU, all equipment provided to a participating agency by BATTLE will be returned to BATTLE.

# **Modification:**

This MOU, together with all exhibits attached hereto, constitutes the entire MOU between the agencies hereto, and all other representations or statements heretofore made, verbal or written, are merged herein. This MOU may be modified at any time by written consent of all participating agencies through the BATTLE Commander. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

# Forfeitures:

The processing of seized assets for forfeiture obtained during BATTLE operations will be the responsibility of the agency filing the criminal case. Asset forfeitures will be conducted in

accordance with rules and regulations set forth by the Federal government and/or the State of Colorado and BATTLE Operational Guidelines. Participating agencies agree to recommend that any recoverable forfeiture, attributable to a BATTLE investigation, may be transferred to the Colorado Auto Theft Prevention Authority under the guidelines established in C.R.S. 42-5-112 (4)(a), and in compliance with the Colorado Civil Forfeiture Statute, C.R.S. 16-13-311 et seq.

# **Specific Requirements:**

Participating agencies will have at least one representative participate in the annual kick-off meeting and each quarterly briefing scheduled during the task force operational period.

Participating agencies will provide the Regional BATTLE Coordinator with information for their point of contact person. If the participating agency's point of contact changes, that agency will provide new point of contact information to the Regional BATTLE Coordinator within two weeks of the change. The Regional BATTLE Coordinator will then make notice of the change to the BATTLE Commander.

Participating agencies will be provided an electronic, monthly reporting template to capture BATTLE-related statistics. Participating agencies will provide the Regional BATTLE Coordinator with a completed monthly report, by the 15<sup>th</sup> day of the month following the reporting month. A total of twelve (12) monthly reports shall be provided to the Regional BATTLE Coordinator in this manner during the grant period. The Regional BATTLE Coordinator will then forward each monthly report to the BATTLE Commander.

# Miscellaneous Provisions:

It is specifically agreed among the agencies that this MOU is not intended by any of its terms, provisions, or conditions to create in the public or in any individual member of the public a third-party beneficiary relationship or to authorize any person not a party to this MOU to maintain suit for personal injuries or property damage pursuant to the terms, conditions or provisions of this MOU.

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# Participating Agency signature(s)

By signing this Memorandum of Understanding your agency agrees to conditions set forth in the memorandum and the Operational Guidelines for the Beat Auto Theft Through Law Enforcement Team.

Name Authorized Signature Date: \_\_\_\_\_

Lieutenant Colonel Joshua Downing Colorado State Patrol Date: \_\_\_\_\_

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

# Subject/Title:

Approve Minutes of Meeting April 16, 2025

# ATTACHMENTS:

Description

D Minutes of Meeting April 16, 2025

Type Minutes

# ALAMOSA CITY COUNCIL Regular Meeting Minutes

Council Chambers and Zoom Video Webinar 300 Hunt Avenue, Alamosa, CO April 16, 2025

Zoom Webinar Link: https://us02web.zoom.us/j/84807040356

Dial-In Number: +1 719 359 4580 US | Webinar ID: 848 0704 0356

# I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular meeting of the Alamosa City Council was called to order on the above date by Mayor Ty Coleman at 7:00 p.m. The Pledge of Allegiance was recited.

#### II. ROLL CALL

Present at roll call: Mayor Ty Coleman, Councilors Jackie Vigil, Dawn Krebs, Jan Vigil, Michael Carson, Liz Hensley, and Jamie Dominguez. Also present: City Manager Heather Sanchez, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

#### III. AGENDA APPROVAL

Councilor Jan Vigil moved, seconded by Councilor Jackie Vigil, to approve the agenda as presented. 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

Philip Harry spoke in regards to the drug issues in Alamosa and some ideas on how to address those.

B. Follow-Up

None.

#### V. CEREMONIAL ITEMS

A. Proclamation: 2025 Arbor Day

Councilor Liz Hensley read the proclamation. Parks and Rec Director and Tree Board Chair Adam Moore presented an award to previous Tree Board member, Marilyn Loser. Council presented the proclamation to Marilyn Loser and current Tree Board members.

B. Proclamation: Recognition of Michelle Rubidoux-Wilson

Mayor Coleman read the proclamation and Council presented it to Michelle Rubidoux-Wilson.

C. Introduction of new firefighters Joseph Rivera and Ryan Haynie

Fire Chief Frank Wirth introduced new Firefighters Jose Alcorta, Jayden Isanaga, Joseph Rivera, and Ryan Haynie by name only, as they were unable to be present at tonight's meeting.

D. Introduction of Fire Explorers

Fire Chief Frank Wirth, Captain Alonzo and Adam Lopez introduced the new Fire Explorers: Aidan Clark, Elijah Swanson, James Hernandez, Juan Francisco, and Judah Stephens, who were all welcomed by Council.

# VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Jan Vigil moved, seconded by Councilor Carson, to approve Consent Calendar A. Councilor Jan Vigil commented in regarding to item C.11.a being in line with the housing plan. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting April 2, 2025

C.8.a. Receive March 2025 Monthly Reports

C.11.a Ratification of Planning Commission Approval: Conversion of a Non-Conforming Single Family Dwelling to a Conforming Use at 529 Alamosa Avenue

#### VII. REGULAR BUSINESS

#### A. Presentations from Outside Agencies

1. Annual Update from Outside Funding Partner: La Puente Food Bank

La Puente Director Lance Cheslock introduced La Puente representatives Wilson Hamilton, Development Director and Sean Wieland, Crisis Prevention Director, and other representatives in attendance at the meeting.

Wilson Hamilton provided the update for Council on La Puente Food Bank.

# 2. Annual Update from Outside Funding Partner: La Puente Crisis Prevention

Mr. Wieland provided the annual update on the La Puente Crisis Prevention program.

#### B. Board/Commission Business

1. Tree Board Annual Update

Tree Board Chair Adam Moore presented the annual update on the Tree Board to Council.

#### C. Business Brought Forward by City Staff

#### 1. Development Services

a. Public Hearing and Second Reading, Ordinance No. 5-2025, an ordinance amending Section 21-4-504(e) of the *Code of Ordinances of the City of Alamosa* to provide for security exceptions to the prohibition of razor wire fencing

Planning and Development Specialist Deacon Aspinwall reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:02 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:03 p.m.

Councilor Jan Vigil moved, seconded by Councilor Hensley, to finally adopt Ordinance No. 5-2025. The motion carried unanimously.

b. Public Hearing and Second Reading, Ordinance No. 6-2025, an ordinance amending the Unified Development Code to establish Form-Based Review Standards and implementing those standards for certain multifamily uses

Mr. Aspinwall reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:05 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:06 p.m.

Councilor Jan Vigil moved, seconded by Councilor Dominguez, to finally adopt Ordinance No. 6-2025. The motion carried unanimously.

#### 2. Police

a. Public Hearing and Second Reading, Ordinance No. 2-2025, an ordinance approving a Memorandum of Understanding between Adams State University and the City of Alamosa Police Department for short-term mutual aid.

Police Chief Dingfelder reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:08 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:08 p.m.

Councilor Jan Vigil moved, seconded by Councilor Hensley, to finally adopt Ordinance No. 2-2025. The motion carried unanimously.

 Public Hearing and Second Reading, Ordinance No. 3-2025, an ordinance approving a Memorandum of Understanding between United States Marshals Service and the Alamosa Police Department for support during Fugitive Apprehension Operations

Chief Dingfelder reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:10 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:11 p.m.

Councilor Jan Vigil moved, seconded by Councilor Hensley, to finally adopt Ordinance No. 3-2025. The motion carried unanimously.

#### 3. Parks and Recreation

a. Public Hearing and Second Reading, Ordinance No. 7-2025 an ordinance approving an Intergovernmental Agreement between the Alamosa Local Marketing District and the City Of Alamosa for joint use of the City's Mobile Event Stage

Parks and Rec Director Andy Rice reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:12 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:13 p.m.

Councilor Jan Vigil moved, seconded by Councilor Hensley, to finally adopt Ordinance No. 7-2025. The motion carried unanimously.

b. Public Hearing and Second Reading, Ordinance No. 8-2025 an ordinance approving an Intergovernmental Agreement between the Pueblo City-County Library District (PCCLD) and the City Of Alamosa for use of equipment and implementation of the PCCLD Shared Memories Project.

Mr. Rice reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:15 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:15 p.m.

Councilor Jan Vigil moved, seconded by Councilor Krebs, to finally adopt Ordinance No. 8-2025. The motion carried unanimously.

c. First Reading, Ordinance No. 10-2025, an Ordinance prohibiting long guns at all City of Alamosa Parks, Trails, Open Space and Recreational Facilities.

Counselor Schwiesow provided information on this ordinance to Council.

Councilor Jan Vigil moved, seconded by Councilor Carson, to approve Ordinance No. 10-2025 on first reading and set for a public hearing on Wednesday, May 7, 2025 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

d. First Reading, Ordinance No. 11-2025, An Ordinance Authorizing The Director Of Parks And Recreation To Promulgate Rules In All Parks, Trails, Open Space And Recreation Facilities.

Counselor Schwiesow provided information on this ordinance to Council.

Councilor Jan Vigil moved, seconded by Councilor Dominguez, to approve Ordinance No. 11-2025 on first reading and set for a public hearing on Wednesday, May 7, 2025 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

#### 4. City Clerk/Municipal Court

a. Public Hearing and Second Reading, Ordinance No. 9-2025 an ordinance amending the composition of the Historical Preservation Advisory Committee to add a voting youth representative position

City Clerk Holly Martinez reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:28 p.m. and asked those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:28 p.m.

Councilor Jan Vigil moved, seconded by Councilor Dominguez, to finally adopt Ordinance No. 9-2025. The motion carried unanimously.

#### D. Committee Reports

Councilor Hensley reported on the Recreation Advisory Board, Marketing Board and Main Street Advisory Board meetings she attended.

Councilor Krebs reported on the Alamosa Housing Authority board meeting she attended.

#### E. Staff Announcements

City Manager Heather Brooks updated Council on the following:

- Alamosa Creates (formerly the Creative District Committee) is continuing their public outreach to get input on what the creative district should look like and have multiple meetings set up.
- Gave a quick shout out to Holly and her team for the Board Appreciation Dinner.
- Reminder that we need head counts for the CML Dinners and if guests are attending the retreat in June.
- Also informed them of a phishing email attempt Councilor Jackie Vigil had received and wanted Council to be aware of those.

#### VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

#### F. Liquor Licensing Items

a. Need and Desires Hearing: New application for a Tavern license, Lucha's Tacos Tequilas & Taps LLC d/b/a Lucha's

The application for this new Tavern license is for Lucha's Tacos Tequilas and Taps d/b/a Lucha's. The registered manager and owner on the application is Jason Gonzales. Counselor Schwiesow gave an overview of the hearing procedures, and the licensee's obligation to affirmatively prove the needs and desires of the neighborhood and the desires of the adults inhabitants of the neighborhood. The city's presumptive neighborhood is the city limits plus a one-mile radius. Counselor Schwiesow invited the applicant to present his application.

Mr. Jason Gonzales presented Council with a petition in support of the application, which contained a total of 58 signatures. This is marked as Exhibit A. He also presented the poster of notice of hearing that was displayed at the location sought for a license. This is marked as Exhibit B. Counselor Schwiesow confirmed the date the notice was posted. Mr. Gonzales confirmed that he posted it on March 13, 2025 and it has been up until tonight's hearing.

Mr. Gonzales proceeded to provide the following information as background for his application:

- The location he is applying for this license is 531 Edison Avenue.
- He is opening a restaurant at this location because he wants to better Alamosa and is bringing a family friendly place to that location.
- His bar manager has 15 years experience and is an award winning craft cocktail bartender.
- He, himself, as the owner, has 10 years of a law enforcement background.
- He wants to contribute to the town and do what he has to for his kids.
- There will be an outdoor area at the location that is contained where people can go out and enjoy themselves.

Counselor Schwiesow opened the public hearing for public comment at 8:41 p.m. and asked for anyone wishing to speak in favor or opposition for this license. There being no one wishing to speak, the hearing closed at 8:42 p.m.

Council continued to ask the applicant questions for verification including clarification of the fence line, what the outdoor activities are, and parking.

Mr. Gonzales confirmed where the fence line was, and that there would be various outdoor activities where they have them planned out for 3-months including have local talent with comedians and musicians and hopes to encourage more tourism to Alamosa.

Councilor Carson asked if the building was part of the historic registry. Staff will be sure to follow up.

Councilor Hensley asked the applicant to confirm what his plans are for training his staff. The

applicant confirmed that he will train his staff and give them continuous training. He also owns EI Jefe's and has trained his staff there to be sure they're in compliance with the laws and regulations and will ensure his staff is also trained at Lucha's correctly. He also stated that his food would be the EI Pastor type of tacos.

Councilor Dominguez praised Mr. Gonzales and stated he admires his entrepreneurship.

Councilor Jan Vigil moved, seconded by Councilor Carson, to approve this application for a new Tavern License for Lucha's Tacos Tequilas and Taps dba Lucha's and to direct the City Attorney to prepare written findings for consideration consistent with this decision. The motion carried unanimously.

#### COUNCIL COMMENT

Councilor Carson commented in regards to a comment he received that the fence at the dog park needs to be repaired.

Councilor Krebs echoed Heather's comments in regards to the board appreciation dinner. She also commented in regards to the ditched that was filled with litter and the city cleaned it up so gave kudos that crew that did the work to clean it up.

Mayor Coleman thanked Holly and her team for the board appreciation dinner and shared the comments he received about the dinner. He also thanked City Council as well for their participation in the dinner and sharing the appreciation for members that serve on the advisory boards.

#### ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

## Subject/Title:

Endorsement Letter for 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:**

Councilor Hensley has served on the CML Executive Board for nine years in various capacities including President and Past President. Councilor Hensley is running again for election to the Board in June. Elections will occur at the CML Board Meeting on June 26th. Requirements to apply for the position include a formal endorsement from the city or town.

There is no compensation for board service or travel reimbursement from CML. There is the ability to conference call if need be.

## Issue Before the Council:

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

## Alternatives:

- 1. Council can choose 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:**

The City's budget includes funds to cover the travel for the board meetings.

## Legal Opinion:

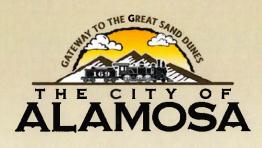
The City Attorney will be available at the meeting for comment.

## **Conclusion:**

Councilor Hensley has expressed interest in wishing to continue to serve on the CML Executive Board to represent the San Luis Valley.

## ATTACHMENTS:

	Description	Туре
۵	Endorsement Letter for Mayor Pro Tem Hensley	Backup Material



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

May 7, 2025

CML Nominating Committee 1144 Sherman Street Denver, Colorado 80203

Dear Committee Members:

The Alamosa City Council unanimously and enthusiastically endorses the application of Ms. Liz Hensley for nomination to the Colorado Municipal League's Executive Board for the slate of nominees who are to be voted on by the membership at the CML Annual Business Meeting on Thursday, June 26, 2025. Councilor Hensley has served selflessly on the board for nine years and has truly enjoyed representing our municipality in this manner. She has also served as Mayor Pro Tempore the past two years and has balanced representing both organizations with grace.

We feel that she does an excellent job representing the San Luis Valley, the City of Alamosa, and the Colorado Municipal League Executive Board and we encourage her to continue to lead in this manner and serve another term.

Sincerely,

Alamosa City Council

Ty Coleman Mayor Jan Vgil Councilor At Large Michael Carson Councilor At Large

Dawn Krebs Councilor Ward 2 Jackie Vigil Councilor Ward 3 Jamie Dominguez Councilor Ward 4

## Subject/Title:

First Reading, Ordinance No. 12-2025, An Ordinance Setting the Timing for the Payment of the Building Permit Use Tax

## **Recommended Action:**

Staff recommends that Council approve Ordinance No. 12-2025 on first reading and set the matter for second reading and public hearing on May 21, 2025 at 7:00 p.m., or as soon thereafter as the matter may be heard.

## **Background:**

Sec. 18-86 of the City's municipal code gives the City the authority to collect a 2.5% Use Tax on "using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the city" including construction materials. The Use Tax ensures that sales tax for construction materials is collected locally regardless of where the construction materials are purchased.

For example, if a customer applies for a building permit to replace windows, they pay a 2.5% Use Tax on 50% of the cost of the project at the time of building permit issuance. The cost of the project is either calculated using the square footage of the project for new construction or a cost estimate provided by the customer. When the customer buys their windows, they present a Tax Exempt Certificate (provided by the City) so they do not have to pay tax twice. This practice ensures that regardless of where the construction materials are purchased, the tax remains in the city of Alamosa. A customer also has the ability once the construction materials are purchased to come back to the City for a refund if the Use Tax exceeds what they would have paid in sales tax.

The current issue is <u>only</u> with the timing of when the City collects the Use Tax on construction materials. Sec. 18-86 states "The rate of such use tax shall be two and one-half (2.5) percent of the *purchase price*...". Because the Use Tax is collected when the building permit is issued, the purchase price is unknown. The current timing is done as a matter of convenience. After a building permit is issued, it would be very difficult logistically to go back to the customer, request proof of the purchase price, and then assess a Use Tax. This change would give the Building Department the authority to continue the practice of collecting the Use Tax at the time of building permit issuance.

## **Issue Before the Council:**

Does Council wish to approve Ordinance No. 12-2025 on first reading and set it for public hearing on May 21, 2025?

## Alternatives:

- 1. (recommended alternative) Approve the Ordinance as presented on first reading and set for public hearing.
- 2. Approve the Ordinance with changes
- 3. Decline to approve the Ordinance and give staff further direction.

## **Fiscal Impact:**

There will be no fiscal impact. This change formalizes a practice already in place by the City's Building Division.

## Legal Opinion:

The City Attorney will be available for comment.

# Conclusion:

This change amounts to a housekeeping change and does not change how the Building Division already operates. The Use Tax can either be collected at the time of building permit issuance or after construction materials are purchased. It is simply easier for City staff in the Building Division and Finance Department, to collect the Use Tax at the time a building permit is issued.

## ATTACHMENTS:

	Description	Туре
D	Ordinance 12-2025 timing of use tax collection	Ordinance

### **ORDINANCE NO. 12-2025**

# AN ORDINANCE AMENDING SECTION 18-86 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOSA TO CLARIFY THE TIMING OF COLLECTION OF USE TAX ON CONSTRUCTION MATERIALS

WHEREAS, Alamosa levies a use tax on "the privilege of storing, use or consuming in this city any article of tangible personal property at retail." Section 18-86 of the *Code of Ordinances of the City of Alamosa*; and

**WHEREAS**, Section 18-86 goes on to provide that the use tax is a percentage (currently 2.5%) of the purchase price; and

WHEREAS, the City's long-standing practice for applying the use tax to construction materials for material to be incorporated into buildings in the city is to collect the use tax up front, before materials are purchased, based upon an assumed materials cost of 50% of the project price, so as to avoid problems in determining actual purchase prices after the material has been incorporated into the project, and the use tax is therefore based on projected rather than actual purchase price of materials, with the ability of the customer to present evidence for a refund if the use tax collected exceeds what they would have paid in sales tax; and

WHEREAS, Council deems it in the best interests of the citizens of Alamosa to align the language of Section 18-86 with the City's longstanding practice concerning how the use tax is collected with respect to construction materials for incorporation into structures within the city;

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

Section 1. <u>Amendment of Section 18-86 of the Code of Ordinances of the</u> <u>City of Alamosa</u>. The introductory paragraph of Section 18-86 of the Code of Ordinances of the City of Alamosa is amended to read as follows, with the balance of the section remaining unchanged:

There is hereby levied and there shall be collected from every person in this city a tax or excise for the privilege of storing, using or consuming in this city any article of tangible personal property at retail. The rate of such use tax shall be two and one-half (2.5) percent of the purchase price. For construction materials to be incorporated into structures within the city, such use tax shall be collected at the time of issuance of the building permit based on the estimated purchase price of the materials to be used in the project, and subject to partial refund upon proper proof that the actual purchase price is lower than the estimate used as the basis of collection. The 2.5% is established pursuant to the following components:

Section 2 Repealer. All 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. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purpose, 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 Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 6. <u>Codification</u>. The City Clerk is directed to codify the provisions of this ordinance in the Code of Ordinances of the City of Alamosa in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 7th day of May, 2025, and published as provided by law with notice of a public hearing to be held for consideration of the adoption of the said ordinance on the 21st day of May, 2025, 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 the public hearing on the 21st day of May,

2025.

# CITY OF ALAMOSA

By \_\_\_\_\_\_\_\_Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk

# ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

## Subject/Title:

Approval of Tavern License for Lucha's Tacos Tequilas & Taps LLC

## **Recommended Action:**

Approve Findings and Conclusions granting a Tavern License to Lucha's Tacos Tequilas & Taps

## **Background:**

This matter came before Council for a needs and desires hearing on April 16, 2025. After the hearing concluded, Council voted to approve the license, and directed the City Attorney to prepare a draft of written findings and conclusions for consideration at its next meeting.

## **Issue Before the Council:**

Does Council approve the draft written Findings and Conclusions prepared by the City Attorney?

## **Alternatives:**

- I. Approve the draft Findings and Conclusions as presented.
- 2. Direct specific changes to be made to the draft

## **Fiscal Impact:**

None

## Legal Opinion:

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

## Conclusion:

A written decision is required before a license is considered approved. The attached draft provides such written decision consistent with the vote of Council on April 16, 2025, to approve the application.

## ATTACHMENTS:

	Description	Туре
D	Proposed findings granting tavern license for Lucha's	Exhibit

## FINDINGS OF FACT AND CONCLUSIONS; GRANT OF TAVERN LIQUOR LICENSE APPLICATION

In re the Matter of the Public Hearing Concerning Lucha's Tacos Tequilas & Taps, LLC d/b/a Lucha's, at 531 Edison Avenue

## I. THE HEARING

This Application for a new Tavern license at 531 Edison Avenue 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 16, 2025. Notice of the hearing was given pursuant to §44-3-311, C.R.S. All Councilmembers were present.

## A. Preliminary Issues.

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

In Resolution 3, 1986, the Authority 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.

Applicant confirmed the poster giving notice of the hearing was posted on March 13, 2025, and remained posted through the date of the hearing. The poster was marked as Exhibit A. The City Clerk confirmed that legal notice was published in the Valley Courier on April 5, 2025.

The Authority takes administrative notice of the existence and location of the 6 tavern licenses granted by the Authority for premises within the City, and of the total of 39 liquor licenses of all types currently 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 was present through its manager, Jason Gonzales.

**C. Documentary Evidence.** A petition sheet containing 58 signatures was presented by the Applicant at the hearing and admitted as Exhibit B. 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*, C.R.S. § 44-3-103, or parties in interest, as defined in C.R.S. 44-3-311(5). 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. At the public hearing, Jason Gonzales, manager of the Applicant, Lucha's Tacos Tequilas & Taps, LLC, provided Council with a brief background. He was previously in law enforcement. The business will be bringing in a craft mixologist with 15 years experience. Mr. Gonzales spoke about his vision for the venue, including outdoor activities, comedians, and musicians. He hopes to bring life to a large downtown building that has been empty for years, and build on synergy with increasing tourism venues, and the EV charging station across the street.

No other persons spoke either in favor of or against the application.

#### **II. APPLICABLE LAW**

A tavern liquor license, under the *Colorado Liquor Code*, may be issued to persons selling alcohol beverages by the drink only to customers for consumption on the premises. A tavern licensee shall have sandwiches and light snacks available for consumption on the premises during business hours, but need not have meals available for consumption. C.R.S. § 44-3-414.

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 neighborhood by the local licensing authority. C.R.S. § 44-3-301(2). A local licensing authority may deny the issuance of any new license whenever such authority determines that the issuance of the license would result in or add to an undue concentration of the same class of license and, as a result, require the use of additional law enforcement resources. *Id*.

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 273 (Colo. 1960). 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. § 44-3-301(2)(a). However, with respect to a second or additional license described in sections C.R.S. §§ 44-3-401(1)(j) to (1)(t), (1)(v), or (1)(w) or 44-3-412(1) or in a financial institution referred to in section 44-3-308(4) for the same licensee, the licensing authority *shall* consider the effect on competition of the granting or disapproving of additional licenses to such licensee and shall not approve an application for a

second or additional license that would have the effect of restraining competition.

The number of persons signing or testifying for or against a license is not wholly determinative of either the reasonable requirements or the desires of the neighborhood. *Vigil v. Burress*, 404 P;2d 147 (Colo. 1965). Similarly, the mere existence of other outlets in the neighborhood, although a factor to be considered by the licensing authority, is not in itself a sufficient ground for denying a license. *Nat'l Convenience Stores, Inc. v. City of Englewood*, 556 P.2d 476 (Colo. 1976). Denial of a license because of traffic and parking problems alone is not justified. *Mobell v. Meyer*, 469 P.2d 414 (Colo. 1970). The same rule applies to speculative reasons such as possible vandalism, noise, or disturbances. *Id.* 

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 531 Edison Avenue 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.

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, 531 Edison Avenue, is not within 400 feet of a primary or secondary school See *Code of Ordinances of the City of Alamosa* Section 10-28.

The evidence presented at the public hearing supports the proposition that there is a need and desire for the issuance of this liquor license. The location is a former lumberyard that has long been vacant. A tavern of this nature cooperating with other businesses downtown would be a draw to the downtown. No one spoke against the license, and 58 people signed a petition indicating their desire for a license at this location. Council takes note of the synergy provided by entertainment venues in the Downtown area, and believes that a tavern license in this location will increase business traffic in the Downtown.

## **IV. CONCLUSIONS**

Applicant has satisfied Council that there is a need and desire in the neighborhood for the issuance of the tavern license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby GRANTS the Application submitted by Lucha's Tacos Tequilas & Taps, LLC, d/b/a Lucha's, for a tavern liquor license at 531 Edison Avenue, Alamosa, Colorado.

Dated this 7th day of May, 2025.

Mayor Ty Coleman City of Alamosa Local Licensing Authority

Attest: (SEAL)

Holly C. Martinez, City Clerk