ALAMOSA CITY COUNCIL
Regular Meeting Minutes

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

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

7:00 PM - Regular Meeting

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 Josef Lucero at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. AGENDA APPROVAL

Councilor Griego moved, seconded by Councilor 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

Alan Taylor spoke and introduced the Boy Scouts of America that were in the audience tonight to earn their citizen in the community merit badges.

B. Follow-Up

Council thanked the Boy Scouts for attending the meeting.

V. CEREMONIAL ITEMS

A. Kids to Parks Day Proclamation

Heinz Bergann presented information regarding this proclamation to Council.

Mayor Lucero read the proclamation and Council presented it to Heinz Bergann, Parks & Rec Director.

B. Recognition of National Drinking Water Week

Pat Steenburg presented information to Council.

Council thanked and extended their appreciation to everyone in the Water department for all that they do to keep our water clean.

Mayor Lucero read the proclamation and Council presented it to Pat Steenburg, Farron Hall, Paul Henry, Troy Fritz, Roy Sanchez, Randy Martinez, and Daniel Montano.

C. Municipal Clerks Week Proclamation

Mayor Lucero read the proclamation and Council presented it to City Clerk Holly Martinez, Deputy Clerk Lachelle Montano, and Deputy Clerk Susanna Gallegos.

Council extended their thanks and appreciation to the Clerks for all that they do.

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 Vigil moved, seconded by Councilor Stefano to approve Consent Calendar A as presented. The motion carried unanimously.

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

VII. REGULAR BUSINESS

D. Business Brought Forward by City Staff

1. Parks and Recreation

a. Award of Bid – Rodeo Bucking Chutes

Heinz Bergann presented information to Council. The City released an Invitation for Bids (IFB) to replace all six rodeo bucking chutes at the City Fairgrounds. The existing chutes are in significant disrepair and in need of replacement both for functionality and safety. Staff researched various brands available resulting in the approval of three brands for venders to bid on. The City received three bids from three vendors including: W-W Manufacturing Company (Oklahoma) for $22,552.50 (padding included), Priefert Manufacturing Company for $23,274 (plus $1,950 for padding) and Monte Vista Coop (Alamosa) for $28,813.98 (padding included).

While the local preference policy does not apply to this type of project, staff did evaluate the percentage difference between the low bidder and the local bidder and the 28% difference is far outside the adopted policy. It is recommended that the award of bid be givento W-W Manufacturing Company.

Councilor Griego moved, seconded by Council Vigil to approve the selection of W-W Manufacturing Company for the purchase of six bucking chutes in the amount of $22,552.50. The motion carried unanimously.

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

Heinz Bergann, Parks and Recreation Director and Justin Davis, of the SLV Disc Golf Association, presented information to Council.

Justin Davis (SLV Disc Golf Association) presented the Recreation Advisory Board with a proposed expansion to the disc golf course. Other than the land, expansion would need nine additional baskets which will come to about $3,000. SLVDGA already has half that amount in their budget from collecting on tournament fees that they were saving for the expansion. Additionally, they have volunteers that are willing to do brush cleanup and anything else that would be needed to move forward. New signage ($1,000) and half of the baskets ($1,500) are able to be funded by the Parks & Rec Department using savings realized in the Conservation Trust Fund.

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

Councilor Vigil and Councilor Coleman acknowledged Justin Davis for all the work he has done and put in to this project.

Councilor Daniel extended her appreciation to Justin Davis for the

amount of research he has done on this and that Council values all that he has done.

Mayor Lucero echoed the previous comments.

Councilor Vigil moved, seconded by Councilor Daniel to approve the request by SLVDGA to expand the disc golf course by nine holes at the Oxbow Recreation Area.

Councilor Daniel asked if the contribution needed to be included in the motion. Heather Brooks stated that the motion could be amended to include that.

Councilor Vigil amended his motion to approve the request by SLVDGA to expand the disc golf course by nine holes at the Oxbox Recreation Area and to include the contribution funding from the City of $2,500. Councilor Daniel seconded the amended motion. The motion carried unanimously.

2. City Manager/Legal

a. Wildfire Academy Support

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

Council further discussed this agenda item with Ms. Greeman.

Councilor Griego moved, seconded by Councilor Vigil to sponsor the meal cost for Wildfire Academy train ride estimated at $500-$1000. The motion carried unanimously.

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

Heather Brooks presented information to Council. In July of 2017, City Council voted to endorse Councilor Hensley's interest in serving on the CML Executive Board through a vacancy created by a resignation for the population category of 8,000 - 60,000. The position was a one-year term and Councilor Hensley is now running again for election to the

Board in June at the CML Conference in Breckenridge. Requirements to apply for this position include a formal endorsement from the city or town.

Councilor Hensley address Council stating that she has enjoyed this experience and feels that she can contribute more now that she has served in this capacity for a while now.

Councilor Vigil moved, seconded by Councilor Coleman to authorize the Mayor to sign the endorsement letter recommending Councilor Hensley to serve on the CML Executive Board. The motion carried unanimously.

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

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

Councilor Vigil asked what the goal of this group was. Ms. Brooks stated that she believes the primary focus is for CDOT to have an organized way to collect local information and this IGA creates a regional way to do so.

Councilor Daniel moved, seconded by Councilor Stefano to approve Ordinance No. 11-2017 on first reading.

Councilor Daniel amended her motion, seconded by Councilor Stefano to approve Ordinance No. 11-2017 on first reading and set for a public hearing on Wednesday, May 17, 2017 or as soon thereafter as the matter may be heard. The motion carried unanimously.

E. Committee Reports

Councilor Vigil reported on the Rio Grande Farm Park meeting that he attended.

Councilor Hensley reported on the Golf Board meeting she attended. She also reported on the branding committee for the San Luis Valley and that the logo has been approved.

Mayor Lucero reported on the Housing Authority meeting that he attended.

F. Staff Announcements

Heather Brooks updated Council of the following upcoming events:

- Public Meeting next Wednesday regarding marijuana home grow regulations.
- 6:00 a.m. meeting with Alamosa Board of Education next Friday.
- Spring outreach meeting is on the 16th in Del Norte.
- Next meeting for City Council will be on the 17th and starts at 5:00 p.m.

She also informed Council of the inspire initiative grant and updated council regarding the financial reports and when they would be coming before Council. They will be presented at the first meetings of the month for the previous months rather than the second meeting of the month.

Councilor Griego asked for an update on the multi purpose facility. Ms. Brooks stated the bids close on Friday.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

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

Counselor Schwiesow informed Council that as is their practice, he has prepared the draft findings with regards to The Wet Paintbrush, one providing the granting of the license, and one providing for the denial of the license. He reminded Council that they can modify the proposed findings as they deem appropriate.

Councilor Vigil moved, seconded by Councilor Stefano to adopt the proposed findings of granting the license without modification. The motion carried unanimously.

Council further discussed the procedure in which decisions are made based on liquor licenses. Counselor Schwiesow confirmed that it will be an issue brought up to Council at a later date to determine if there's a better process to handle the timing of accepting and approving licenses.

COUNCIL COMMENT

Councilor Daniel thanked Councilor Hensley for wanting to continue on with the CML Executive Board. She also mentioned the concerns she has heard regarding the roundabout.

Councilor Hensley congratulated Councilor Vigil's mother-in-law for receiving an award. She also mentioned that Trinidad State and Adams State will have their upcoming graduations and congratulated all those who are graduating.

Councilor Vigil stated that this week is also Teacher Appreciation Week and thanked all those educators. He also asked if there is any movement on railroad.

EXECUTIVE SESSIONS

Councilor Daniel moved, seconded by Councilor Stefano to move into Executive Session (8:13 p.m.) pursuant to C.R.S. §24-6-402(4)(f) for Personnel Matters - Evaluation of the City Clerk. The motion carried unanimously.

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

ADJOURNMENT

The meeting adjourned immediately following the executive session.

_____ _____

Holly C. Martinez, City Clerk Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Kids to Parks Day Proclamation

ATTACHMENTS:

	Description	Type
🗋	Kids to Parks Day Proclamation	Cover Memo

Kids To Parks Day
PROCLAMATION

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

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

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

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

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

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

Dated this 3rd day of May 2017

_____

Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Recognition of National Drinking Water Week

ATTACHMENTS:

	Description	Type
🗋	Proclamation	Cover Memo

THE CITY OF ALAMOSA

Proclamation

Drinking Water Week
May 7 - 13, 2017

WHEREAS, water is our most valuable natural resource; and

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

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

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

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

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

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

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

_____
Josef P. Lucero, Mayor

_____
Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Municipal Clerks Week Proclamation

ATTACHMENTS:

	Description	Type
🗋	Municipal Clerks Week Proclamation	Cover Memo

THE CITY OF ALAMOSA

Proclamation

Municipal Clerks Week
May 7 - 13, 2017

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

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

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

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

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

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

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

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

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

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

_____
Josef P. Lucero, Mayor

_____
Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

Subject/Title:
Approve Minutes of Meeting April 19, 2017

ATTACHMENTS:

	Description	Type
🗋	Minutes of Meeting April 19, 2017	Backup Material

ALAMOSA CITY COUNCIL
Regular Meeting Minutes

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

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

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

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

7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order by Mayor Josef Lucero at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. AGENDA APPROVAL

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

Councilor Vigil moved, seconded by Councilor Griego to approve the agenda amended and to excuse Councilors Daniel and Stefano. The motion carried unanimously.

IV. CITIZEN COMMENT

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

A. Audience Comments

Dan McCann spoke in regards to veterans.

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

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

B. 2017 Support for Alamosa Farmers' Market

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

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

C. Continued Audience Comments

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

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

Lorna Sowards spoke in opposition of the cannabis consumption club.

Robert Garcia spoke in support of the cannabis consumption club.

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

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

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

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

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

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

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

D. Follow-Up

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

V. CEREMONIAL ITEMS

A. Arbor Week Proclamation

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

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

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action

by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

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

Councilor Vigil moved, seconded by Councilor Coleman to approve Consent Calendar A as presented. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting April 5, 2017

C.8.a. Receive March 2017 Monthly Reports

C.2.a. Receive March 2017 Financial Reports

C.4.a. Award of Bid, 2017 Parks and Cemetery Building

C.1.a. The Request of Jess Caton and the Alamosa Lumber Company for a Permitted Use to allow an Automotive Repair Facility (Use Group C-15) in a Commercial Business Zone.

C.1.b. The request of My Honey's Home Cookin' for a Permitted Use by Special Review to allow outdoor dining in a commercial business district.

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

VII. REGULAR BUSINESS

B. Business Brought Forward by City Staff

1. Public Works

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

Pat Steenburg presented information to Council. Section 21-116 of the municipal code of the City of Alamosa provides for the review of those proposed uses that are not allowed in a specific zoning district by right but not otherwise prohibited outright. This Permitted Use by Special Review process recognizes that although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed

use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this article to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this chapter. This process allows the Planning Commission and ultimately City Council to make a judgment call specific to certain uses in certain locations as to the degree of compatibility with surrounding land uses in the area of its proposed location and its consistency with the objectives and purposes of the City of Alamosa Zoning Code, Comprehensive Plan, and community desires. While not technically illegal because of the lack of sales on site and current state law, the unique nature of this use is undeniable; and it is the unique nature of the use and the fact that the use is not allowed by right that warrants the special review.

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

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

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

- Staff also has concerns specific to off street parking.

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

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

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

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

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

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

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

Dan McCann spoke in favor of this resolution.

Dan Russell spoke in support of this resolution.

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

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

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

2. Fire

a. Award of Bid - 2017 Class A Fire Engine

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

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

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

3. City Manager/Legal

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

Counselor Schwiesow reviewed this ordinance with Council.

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

There being no one wishing to speak, the hearing closed at 8:53 p.m. Councilor Griego asked how far along the ordinance is and if anybody is being held back because of this ordinance. Counselor Schwiesow confirmed that there were no applications for placement of a manufactured home affected by the current moratorium.

Councilor Vigil moved, seconded by Councilor Hensley to finally adopt Ordinance No. 9-2017. The motion carried unanimously.

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

Counselor Schwiesow reviewed this ordinance with Council.

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

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

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

c. Public Hearing and Second Reading, Ordinance 5-2017, an ordinance
repealing and replacing chapter 3 of the A*lamosa Code of Ordinances,* governing animals, to introduce a spay, neuter, return program for feral cats, allow for burial of pets in yards, revise terms under which animal impoundments take place, and make other clarifying changes to the chapter

Heather Brooks reviewed this ordinance with Council.

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

Michele Wayland spoke in support of this ordinance.

Kris Steinburg also spoke in support of this ordinance.

Gene Gonzales spoke in opposition to this ordinance.

Jennifer Stoughten spoke in support of this ordinance.

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

Lea Schell also spoke in support of this ordinance.

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

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

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

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

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

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

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

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

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

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

Heather Brooks reviewed this ordinance with Council.

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

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

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

Item removed from the agenda.

C. Committee Reports

None.

D. Staff Announcements

Heather Brooks updated Council on the following upcoming meetings:

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

Ms. Brooks also updated Council on the following:

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

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

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

The jail and the number of municipal offenders that are in there and how it is getting addressed to the public. She also addressed the billing statements that were put in the paper recently and clarifiedwhat is actually happening.

-

- The untangling of the joint ownership of the airport property.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

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

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

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

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

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

Counselor Schwiesow asked whether the petitions that were presented were done by the applicants. Mr. Martinez confirmed that the petitions were circulated by them and signatures collected in about two days, which there are a total of about 35 signatures on the petitions. The petitions were turned in along with the application. The petitions were marked as Exhibit A.

The notice that was posted on the building is marked as Exhibit B. It was posted at the premise on March 10th through today and the legal notice was published in the Courier on April 5th. Counselor Schwiesow asked Council if they had any questions or comments for the applicants.

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

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

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

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

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

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

Sarah Ramirez spoke in support of this application.

Adrian Ramirez also spoke in support of this application.

Tracy Vigil also spoke in support of this application.

Dan McCann spoke in support of this application.

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

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

A. CONSENT CALENDAR B

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

Councilor Vigil moved, seconded by Councilor Griego to approve Consent Calendar B as presented. The motion carried unanimously.

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

COUNCIL COMMENT

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

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

Mayor Lucero also expressed his condolences.

EXECUTIVE SESSIONS

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

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

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

ADJOURNMENT

The meeting adjourned immediately after the Executive Session.

_____ _____

Holly C. Martinez, City Clerk Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

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

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

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

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

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

Fiscal Impact:
None

Legal Opinion:
The City Attorney will be available for comment.

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

ATTACHMENTS:

Description	Type
Wet Paintbrush Grant	Backup Material
Wet Paintbrush Deny	Backup Material

FINDINGS OF FACT AND CONCLUSIONS;
GRANT OF LIQUOR LICENSE APPLICATION

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

I. THE HEARING

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

A. Preliminary Issues.

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

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

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

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

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

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

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

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

Prior to opening the public hearing, Council questioned the applicant concerning the nature of the business, including days of operation and how the business works. Council notes that numerous people addressed council at the public comment portion of the regular meeting, and that many of those remained in attendance so that their comments could be received as part of the record at the public hearing, held at the end of the public meeting more than two hours later. At the public hearing, Sarah Ramirez, Adrian Ramirez, Tracy Vigil, and Dan McCann all spoke in favor of granting the license. No one spoke in opposition to granting the license.

II. APPLICABLE LAW

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

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

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

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

III. FINDINGS

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

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

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

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

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

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

IV. CONCLUSIONS

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

Dated this 3rd day of May, 2017.

_____

Mayor Josef P. Lucero

City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

_____
Holly C. Martinez, City Clerk

FINDINGS OF FACT AND CONCLUSIONS;
DENIAL OF LIQUOR LICENSE APPLICATION

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

I. THE HEARING

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A. Preliminary Issues.

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

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

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

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

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

Prior to opening the public hearing, Council questioned the applicant concerning the nature of the business, including days of operation and how the business works. Council notes that numerous people addressed council at the public comment portion of the regular meeting, and that many of those remained in attendance so that their comments could be received as part of the record at the public hearing, held at the end of the public meeting more than two hours later. At the public hearing, Sarah Ramirez, Adrian Ramirez, Tracy Vigil, and Dan McCann all spoke in favor of granting the license. No one spoke in opposition to granting the license.

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

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

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

III. FINDINGS

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

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

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

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

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

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

IV. CONCLUSIONS

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

Dated this 3rd day of May, 2017.

_____
Mayor Josef P. Lucero
City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

_____
Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION

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