

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Council Chambers
300 Hunt Avenue, Alamosa, CO
October 7, 2015

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

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. Recognition of KaBoom! Participants

VI. CONSENT CALENDAR A

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

C.7.a. Approve Minutes of Meeting September 16, 2015

VII. REGULAR BUSINESS

B. Business Brought Forward by City Staff

1. Public Works

- a. Public hearing and final reading, Ordinance No. 14-2105, an ordinance renaming Cottonwood Drive and Cottonwood Court as depicted on the Replat of Carroll Subdivision – Addition No. 2, as filed in the records of the Alamosa County Clerk and Recorder on November 16, 1982 under Reception No. 220402.

2. City Manager/Legal

- a. Combined Public Hearing on the Preliminary Order contained in Resolution 11-

2015 (intent to create SID for Carroll Subdivision No. 2 gas, electric, and streetlighting, and preliminary order for the improvements); Public Hearing and Final Reading on Ordinance No. 16-2015, creating Special Improvement District 2015-1 to provide for the installation of gas, electric, and streetlight improvements in portions of Carroll Subdivision No. 2; and Public Hearing and Final Reading on Ordinance No. 18-2015, An Ordinance Authorizing Construction of Gas, Electric and Streetlighting Public Improvements within the City of Alamosa Special Improvement District 15-1 (Carroll Subdivision Addition No. 2) and Approving Issuance of a Preliminary Order for the Construction of Such Improvements in Special Improvement District 15-1

- b. Ordinance 20-2015 establishing the employee pay plan for fiscal year 2016
- c. Ordinance 19-2015 adopting the proposed 2016 fiscal budget

C. Committee Reports

D. Staff Announcements

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

- A. Decision, New License Application Ike & Ike, Inc d/b/a El Charro Cafe
- B. Needs & Desires Hearing on the application of Maria de Lourdes Lopez, d/b/a Calvillo's Liquor for a Retail Liquor Store at 407 6th Street.

COUNCIL COMMENT

ADJOURNMENT

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Recognition of KaBoom! Participants

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Meeting September 16, 2015

ATTACHMENTS:

Description	Type
☐ Minutes of Meeting September 16, 2015	Cover Memo

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers

300 Hunt Avenue, Alamosa, CO

September 16, 2015

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.

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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 7:02 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. AGENDA APPROVAL

Heather Brooks informed Council that the Executive Session scheduled for the end of the meeting is no longer necessary and requested it be removed from the agenda.

Councilor Griego moved and seconded by Councilor Vigil to approve the agenda as amended. 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

None.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. POW/MIA Recognition Days Proclamation

Mayor Lucero read the proclamation and Council presented it to Chuck Cooper, who spoke about the event.

B. Cities & Towns Week Proclamation

Mayor Lucero read the proclamation, proclaiming September 14 -20 as Cities and Towns Week. Council presented the proclamation to City Department Heads

C. Introduction of Officer Amber Garcia

Chief Oakes introduced Officer Amber Garcia, who was welcomed by Council.

D. Presentation of Life Saving Award

Chief Oakes, Captain Anderson, and Captain Maestas presented life saving awards to Officers Dana Knauer and Zach Cerny.

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

C.7.a. Approve Minutes of Regular Meeting September 2, 2015

C.8.a. Receive August 2015 Monthly Reports

C.2.a. Receive August 2015 Expenditure Report

C.1.a. Expansion of a Permitted Use by Special Review – Request by Public Service Company for the 17 foot extension of an existing communications tower.

C.1.b. Award of Bid – Glass Pulverizer

VII. REGULAR BUSINESS

E. Business Brought Forward by City Staff

1. Public Works

- a. First Reading, Ordinance No.14-2015, An ordinance renaming Cottonwood Drive and Cottonwood Court as depicted in the Replat of Carroll Subdivision – Addition No. 2, as filed in the records of the Alamosa County Clerk and Recorder on November 16, 1982 under Reception No. 220402.

Pat Steenburg presented information to Council. Cottonwood Drive and Cottonwood Court are both street that lie within the Carroll Special Improvement District. With the streets names as is, this is problematic because there is already streets by the golf course with these names. The Planning Commission has examined this issue and in light of the fact that Cottonwood Drive is essentially an extension of Douglas, they have recommended that it be renamed Douglas Drive and Courtwood Court renamed Douglas Court.

Council Gillaspie moved, seconded by Councilor Vigi. The motion carried unanimously.

- b. Permitted Use by Special Review – Request of the Alamosa Elks Lodge No. 1297 to allow outdoor dining in a commercial business district.

Pat Steenburg presented information to Council. The Alamosa Elks Lodge No. 1297 is requesting a Permitted Use by Special Review to allow outdoor dining in a commercial business district. This location allows dining where there would be no foreseeable impact to pedestrian activity, and while visible, visibility from the street is limited. This application has already been approved by Council acting as the local liquor licensing authority, and should serve to increase vitality and pedestrian activity in the downtown area.

It was moved by Councilor Vigil moved seconded by Councilor Griego, to approve the Permitted Use by Special Review - Request of the Alamosa Elks Lodge No. 1297 to allow outdoor dining in a commercial business district. The motion carried unanimously.

c. Final Plat, Replat of Lot 112, McClain-Fink Subdivision

Pat Steenburg presented information to Council. This subdivision creates two lots from the original lot being replatted. This request is a common action in that area of town as the lots were very large when this subdivision was originally platted in the county in 1938. This replat will better represent current development trends.

It was moved by Councilor Griego moved, and seconded by Councilor Stefano, to adopt Resolution No. 10, 2015. The motion carried unanimously.

2. City Manager/Legal

a. City Manager Employment Agreement

Councilor Griego stated that he would like to review the comments regarding the City Manager's evaluation before it becomes a permanent record and requested this as an executive session.

Councilor Coleman commended the City Manager on the work she has done and is doing and thanked her for all that she has done.

Council agreed to set an executive session regarding the evaluation for a future date.

It was moved by Councilor Gillaspie, and seconded by Councilor Coleman, to approve the City Manager's employment agreement. The motion carried unanimously.

b. First Reading, Ordinance No. 15-2015, Clark Street Assessment Roll and Assessment Ordinance

Erich Schwiesow presented information to Council. This is closing out the Clark Street SID. The Clark Street Assessment Roll and Assessment Ordinance apportions the direct cost of each element of sidewalk to the parcel abutting the sidewalk, as shown on the schedule. Owners may either pay the entire sum and avoid interest, or may pay with installments over 5 years at 6% interest compounded annually. If they choose to pay the entire sum, they must do so within 30 days of the date of final publication of the ordinance, pursuant to C.R.S. § 31-25-31-25-524.

Councilor Griego moved, seconded by Councilor XX, to approve Ordinance No. 15-2015, on first reading and set it for public hearing thereon on Wednesday, October 7, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

c. First Reading, Ordinance No. 17-2015, SID 14-1 (Carroll Subdivision No. 2) Assesment Ordinance

Erich Schwiesow presented information to Council. At the November 4, 2014 election, the eligible electors approved the issuance of special assessments imposed against benefited properties located within the District. The Project has been completed on time and under budget at considerable savings over the originally estimated costs. The assessment ordinance and assessment roll apportions those costs amongst the lots on the basis of square footage of each lot benefited.

Councilor further discussed this ordinance.

Councilor Gillaspie moved, seconded by Councilor Griego, approve Ordinance No. 17-2015 and ask that staff make the change to the assessment roll that backs out charges for the design cost for water and sewer on those properties that already have that, on first reading and set it for public hearing thereon on Wednesday, October 7, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- d. Resolution 11-2015, Intent to Create Special Improvement District and Preliminary Order for gas, electric, and streetlighting in undeveloped portions of Carroll Subdivision No. 2.

Erich Schwiesow presented information to Council. The Resolution sets forth the City's intent to construct improvements by use of a special improvement district pursuant to Alamosa Charter XV, Section 3 and C.R.S. §31-25-501 et. seq. for portions of the Carroll Subdivision Addition No. 2 and preliminary order adopting preliminary plans and specifications for such improvements.

Councilor Griego moved, seconded by Councilor Stefano, to adopt Resolution 11-2015. The motion carried unanimously.

- e. First Reading, Ordinance No. 16-2015 Creating SID 2015-1 (Carroll Subdivision No. 2 gas and electric)

Erich Schwiesow presented information to Council. This is step number two in the same new SID as Resolution 11-2015. This Ordinance creates Special Improvement District No. 15-1 in portions of the Carroll Subdivision Addition No. 2 for gas, electric, and streetlight improvements.

Councilor Vigil moved, seconded by Councilor Gillaspie to approve Ordinance No. 16-2015, on first reading and set it for public hearing thereon on Wednesday, October 7, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- f. First Reading, Ordinance No. 18-2015, An Ordinance Authorizing Construction of Gas, Electric and Streetlighting Public Improvements within the City of Alamosa Special Improvement District 15-1 (Carroll Subdivision Addition No. 2) and Approving Issuance of a Preliminary Order for the Construction of Such Improvements in Special Improvement District 15-1

Erich Schwiesow presented information to Council. This ordinance authorizes the construction of the gas, electric, and streetlighting as set forth in the preliminary order. This particular ordinance and after public hearing, orders the improvements.

Councilor Vigil moved, seconded by Councilor Gillaspie to approve Ordinance No. 18 2015, on first reading and set it for public hearing thereon on Wednesday, October 7, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

F. Committee Reports

Councilor Griego reported on the marketing board.

G. Staff Announcements

Heather Brooks gave an update to the status of the City employees who were injured last week.

Heinz Bergann reminded Council of the upcoming events:

- September 26, 2015 - 12th Annual Stephanie L. Miner 5k Walk/Run; The Valley High Disc Golf Tournament, and Entrance Free Day at the Sand Dunes
- October 18, 2015 - 1st Annual 12 Hours of Penitence Bike Race
- Free Baseball Clinic sponsored by Top of the World baseball series this coming weekend.

Pat Steenburg gave an update on 8th Street. Councilor Vigil asked for an update on the situation with Jerry Archuleta and Heather Brooks gave an update regarding that situation.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

- A. Needs and Desires Hearing on the application of Ike & Ike, Inc. d/b/a El Charro Cafe for a Hotel/Restaurant License at 1605 Main Street

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. There was a criminal background check that was done and turned up some records, which the applicants may wish to speak to if Council thinks it's even a consideration.

Mayor Lucero opened the hearing at 8:40 p.m. Counselor Schwiesow asked the applicants to identify themselves and provide evidence they have about the license they are seeking meeting the needs and desires of the neighborhood.

Ike Lucero and Ike Lucero, Jr. introduced themselves as the applicants.

Ike Lucero, Jr. resides in Pueblo, Colorado and Ike Lucero, Sr. resides in Alamosa, Colorado. Ike Lucero, Jr and Ike Lucero, Sr. are business partners of the El Charro Cafe.

The El Charro Cafe has been in business in their family and their desire is to serve margaritas and bottled beer. They will be located at 1605 Main Street in Alamosa, Colorado. In the past and in the present, their customers have asked them to provide this service.

Ike Lucero presented petitions to Mr. Schwiesow. There are about 60 signatures that are in favor and none that are not in favor. The petitions were obtained at the current restaurant location on 6th Street but the petitions do indicate the new location's address. Counselor Schwiesow accepted the petitions as Exhibit A. The public hearing notice will be marked as Exhibit B.

Councilor Gillaspie stated he has concerns regarding their criminal histories and asked the applicants to speak on behalf of those.

Mr. Lucero, Sr. explained that most of the violations on his criminal history were dismissed, except the one that was in San Luis that was a DUI.

Mr. Lucero, Jr. explained that the DWAI that appeared on his criminal history occurred when he was twenty-one years of age and it caused him to go to law school. He is a member of the bar and you have to be of good moral character to be able to be one. He also stated that they have previously held a liquor license in Pueblo, Colorado at their previous restaurant there and does not believe anything has changed in their criminal histories since that time.

Councilor Gillaspie asked about the charge showing an arrest for Ike Lucero, Sr. as recent as 2014. Ike Lucero, Jr. explained the situation regarding that and after talking with the prosecutor about the situation, the case ended up being dismissed.

Councilor Gillaspie stated that they have never seen a liquor license issued to anyone with a criminal history as such of the applicants. Mr. Lucero, Jr. responded by stating that the applicants are long-standing business people in Alamosa and have a good reputation. He also stated that anything found in his criminal record has been dismissed and by law cannot be used against him or his father. Councilor Gillaspie confirmed with the applicants that all the charges that show up on their criminal histories have been dismissed.

Councilor Vigil asked for confirmation of the type of liquor license they are requesting. The applicants are requesting a Hotel/Restaurant license, which is addressed as the title of the license. He also asked what the applicants will be doing with the old location.

The old location will eventually be closed as there is nothing more they can do with that location and there is also parking issues there. At the new location, they are just planning to upgrade and be able to provide something better for their clientele. They would like to offer two or three different types of liquor and a margarita machine for slush.

Mayor Lucero asked if the applicants hold a liquor license at the current location of their establishment.

The applicants stated that they do not and their prior history of having a liquor license was the one they held at the restaurant and bar they operated in Pueblo County for about a year.

The applicants stated that they will remain a small restaurant and that the servers would be the ones to serve the alcohol and they would be trained to card everyone. They only plan to serve beer and margaritas.

Counselor Schwiesow asked if there was anyone in favor wishing to speak.

Dan McCann spoke in support of the small business.

Counselor Schwiesow asked if there was anyone in opposition wishing to speak.

With there being no one further wishing to speak, the public hearing closed at 8:55 p.m.

Councilor Griego asked for clarification of the type of hearing this was. Counselor Schwiesow clarified this hearing was for the applicants to establish that the neighborhood has needs and desires for this license and that they are of good moral character.

Councilor Griego also commented that he has known Mr. Lucero, Sr. for a long time and he has seen him run the business for years and would hate to see it close. He is glad to see that he is continuing his business and moving to a new location where the customers can really enjoy it.

Counselor Schwiesow stated that past practice regarding approval of licenses is that he will prepare findings for Council both for and against and Council will review those and make their decision at the next Council meeting. However, Council can choose to make the decision at that time if they wanted.

Ike Lucero, Jr. stated they would like to open at the new location with everything in place and be able to offer their customers everything at one time and they would be able to wait for the decision from Council on their license.

Council agreed upon waiting for Counsel to provide the findings and make the decision at the next Council meeting.

COUNCIL COMMENT

Councilor Vigil extended his get wells for the two City employees who were injured. He also gave thanks to everyone that helped out with the KaBoom! project.

Councilor Coleman echoed Councilor Vigil's comments.

Councilor Griego and Councilor Stefano also commented in regards to the KaBoom! project.

Mayor Lucero also echoed the previous comments.

EXECUTIVE SESSIONS

There was no need for an executive session.

1. Executive Session pursuant to C.R.S. § 24-6-402(4)(e) to determine positions and instruct negotiators concerning return of City property

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Public hearing and final reading, Ordinance No. 14-2105, an ordinance renaming Cottonwood Drive and Cottonwood Court as depicted on the Replat of Carroll Subdivision – Addition No. 2, as filed in the records of the Alamosa County Clerk and Recorder on November 16, 1982 under Reception No. 220402.

Recommended Action:

That Council conduct a public hearing and if information is not presented to the contrary, rename Cottonwood Drive to Douglas Drive and Cottonwood Court to Douglas Court as per the unanimous recommendation of the Planning Commission.

Background:

Cottonwood Drive is the northerly most section of Douglas Drive and Cottonwood Court is a short Cul-de-Sac extending easterly from Cottonwood Drive. Both of these streets lie within the Carroll Special Improvement District. This is problematic as we already have a Cottonwood Drive and Cottonwood Circle in the golf course area, Cottonwood Place north of First Street and Cottonwood Lane north of State Highway 160 in East Alamosa. This can create confusion for emergency responders. The Planning Commission has examined this issue and in light of the fact that Cottonwood Drive is essentially an extension of Douglas Drive, they have recommended that it be renamed Douglass Drive and Cottonwood Court renamed Douglas Court.

Issue Before the Council:

Does Council wish to accept the Planning Commission's recommendation to rename these two streets as presented?

Alternatives:

Council may accept the Planning Commission's recommendation as presented; Council may send this item back to the Planning Commission for further consideration with or without further guidance; or Council may reject this recommendation.

Fiscal Impact:

No significant fiscal impact is anticipated

Legal Opinion:

The City Attorney will be present for comment

Conclusion:

If these streets are to be renamed, now is the time to do it before any properties are developed

ATTACHMENTS:

Description

Type

- ▢ Ordinance 14-2015
- ▢ Plat

Ordinance
Backup Material

ORDINANCE NO. 14-2015

**AN ORDINANCE RENAMING COTTONWOOD DRIVE AND COTTONWOOD COURT
AS DEPICTED ON THE REPLAT OF CARROLL SUBDIVISION – ADDITION NO. 2,
AS FILED IN THE RECORDS OF THE ALAMOSA COUNTY CLERK AND
RECORDER ON NOVEMBER 16, 1982 UNDER RECEPTION NO. 220402**

WHEREAS, streets within a recently developed portion of the Carroll Subdivision are named Cottonwood Drive and Cottonwood Court; and

WHEREAS, similar street names in different parts of the City and County could potentially create confusion for emergency responders; and

WHEREAS, the properties existing on both streets have yet to be developed; and

WHEREAS, Cottonwood Drive is an extension of Douglas Drive and Cottonwood Court is a short cul-de-sac extending easterly from Cottonwood Drive; and

WHEREAS, The Planning Commission has unanimously recommended that Cottonwood Drive be renamed Douglas Drive and Cottonwood Court be renamed Douglas Court.

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

Section 1. That Cottonwood Drive be renamed Douglas Drive and Cottonwood Court be renamed Douglas Court.

Section 2. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, 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 purposes, and published according to law.

Section 4. Publication and Effective Date. 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.

INTRODUCED, READ AND ORDERED published the 16th day of September, 2015, and a public hearing hereon fixed for the 7th day of October, 2015 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this ____ day of _____, 2015.

CITY OF ALAMOSA

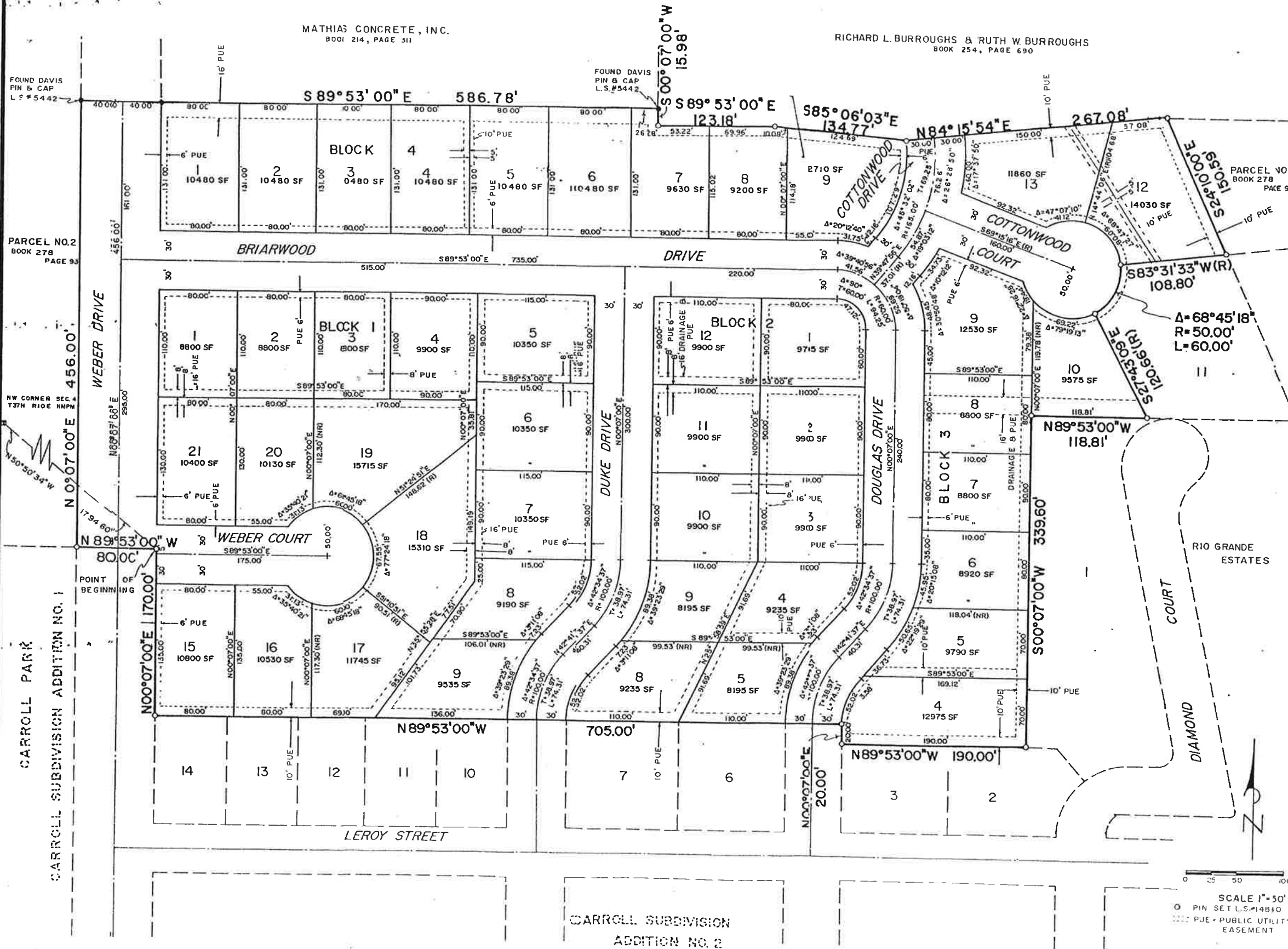
By: _____ Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

REPLAT OF CARROLL SUBDIVISION-ADDITION NO. 2

A REPLAT OF LOTS 1-9 & 15-21, BLOCK 1, LOTS 1-5 & 8-12, BLOCK 2, LOTS 4-10, 12 & 13, BLOCK 3, AND ALL OF BLOCK 4, CARROLL SUBDIVISION-ADDITION NO. 2, CITY OF ALAMOSA, COLORADO



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Dale Andersen is the owner, and Harold J. and Lois G. Carroll are holders of a Deed of Trust, of that real property situated in the City of Alamosa, County of Alamosa, State of Colorado, being Lots 1-9 & 15-21, Block 1, Lots 1-5 & 8-12, Block 2, Lots 4-10, 12 & 13, Block 3, and all of Block 4, Carroll Subdivision-Addition No. 2, City of Alamosa, Colorado, more particularly described as follows:

Beginning at the Northeast Corner of Carroll Subdivision-Addition No. 1 from which the Northwest Corner of Section 4, T. 37 N., R. 10 E., W. 1/2, N. bears N 50° 50' 34" W a distance of 1794.60 feet; thence N 89° 53' 00" W along the north boundary of said Addition No. 1 a distance of 80.00 feet; thence N 00° 07' 00" E a distance of 456.00 feet; thence S 89° 53' 00" E along the south line of that tract described in Book 214 at Page 311 a distance of 586.78 feet to the Southeast Corner of said tract; thence S 00° 07' 00" W a distance of 15.98 feet to a point on the North Boundary of said Addition No. 2; then along said boundary for the following four (4) courses: thence S 89° 53' 00" E a distance of 123.18 feet; thence S 85° 06' 03" E a distance of 134.77 feet; thence W 84° 15' 54" E a distance of 267.08 feet; thence S 24° 10' 00" E a distance of 150.59 feet to the Southeast Corner of Lot 12, Block 3 of said Addition No. 2; thence S 89° 53' 00" E a distance of 108.80 feet to the Southwest Corner of said Lot 12; thence 60.00 feet along the arc of a curve to the right from a tangent bearing of S 6° 28' 27" E and having a central angle of 168° 45' 18" and a radius of 50.00 feet to the Northeast Corner of Lot 10 in said Block 3; thence S 27° 43' 09" E a distance of 120.66 feet to the Southeast Corner of said Lot 10; thence S 00° 07' 00" W a distance of 118.81 feet to the Southwest Corner of said Lot 10; thence S 00° 07' 00" W a distance of 339.60 feet to the Southeast Corner of Lot 4 in said Block 3; thence N 89° 53' 00" W a distance of 190.00 feet to the Southwest Corner of said Lot 4; thence N 00° 07' 00" E a distance of 20.00 feet; thence N 89° 53' 00" W a distance of 705.00 feet to the Southwest Corner of Lot 15 in said Block 1; thence N 00° 07' 00" E a distance of 170.00 feet to the point of beginning, containing 630,405 square feet of 14.472 acres, more or less.

FURTHER THAT: the undersigned have caused said real property to be laid out and surveyed as the REPLAT OF CARROLL SUBDIVISION-ADDITION NO. 2 according to article 12 of the City of Alamosa Subdivision Regulations and do hereby dedicate and set apart all of the streets, alleys, other public ways and places, and easements shown on the accompanying plat within the limit herein above described and dedicate these to the public use forever.

SIGNED: *Dale Andersen*
Dale Andersen

STATE OF COLORADO)
COUNTY OF ALAMOSA)

The foregoing was acknowledged before me this 17th day of June, 1982, by Dale Andersen, Witness my hand and seal. My commission expires December 24, 1984

SIGNED: *James D. Watson*
James D. Watson

HOLDER OF DEED OF TRUST: HAROLD J. and LOIS G. CARROLL

SIGNED: *Harold J. Carroll* SIGNED: *Lois G. Carroll*
Harold J. Carroll Lois G. Carroll

STATE OF *Colorado*
COUNTY OF *Alamosa*

The foregoing was acknowledged before me this 17th day of June, 1982, by Harold J. and Lois G. Carroll. Witness my hand and seal. My commission expires December 24, 1984

SIGNED: *James D. Watson*
James D. Watson

SURVEYOR'S CERTIFICATE

I, James David Watson, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of the REPLAT OF CARROLL SUBDIVISION-ADDITION NO. 2, truly and correctly represents the results of a survey made by me and under my direct supervision.

SIGNED: *James David Watson* 13934
James David Watson, L.S. No. 13934

CITY PLANNING COMMISSION CERTIFICATE

APPROVED this 24 day of March, A.D. 1982, City of Alamosa Planning Commission, Alamosa, Colorado. This approval is with the understanding that a surety company bond or other security acceptable to the City Planning Commission has been filed with the City Clerk, and in sufficient amount to assure such completion of all required improvements.

SIGNED: *Franklin Shindler* SIGNED: *Pat Herrera*
Chairman Secretary of Planning Commission

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF ALAMOSA)

I hereby certify that this instrument was filed in my office at 9:20 O'clock the 16 day of Nov. A.D. 1982, and is duly recorded in Book No. Page No.

SIGNED: *Holly Z. Lowder* RECORDER OR DEPUTY
Holly Z. Lowder

ACCEPTANCE OF PLATTED EASEMENTS

Charles H. Miller
Public Service Company of Colorado
Glenn D. Miller
Mountain Bell Telephone Company

220402

920 A NOV-16
HOLLY Z. LOWDER
PAT

SUMMIT ENGINEERING
1317 STATE AVENUE
ALAMOSA, COLORADO 81101
589-6147

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

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Issue Before the Council:

Does Council wish to accept the Planning Commission's recommendation to rename these two streets as presented?

Alternatives:

Council may accept the Planning Commission's recommendation as presented; Council may send this item back to the Planning Commission for further consideration with or without further guidance; or Council may reject this recommendation.

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No significant fiscal impact is anticipated

Legal Opinion:

The City Attorney will be present for comment

Conclusion:

If these streets are to be renamed, now is the time to do it before any properties are developed

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ORDINANCE NO. 14-2015

**AN ORDINANCE RENAMING COTTONWOOD DRIVE AND COTTONWOOD COURT
AS DEPICTED ON THE REPLAT OF CARROLL SUBDIVISION – ADDITION NO. 2,
AS FILED IN THE RECORDS OF THE ALAMOSA COUNTY CLERK AND
RECORDER ON NOVEMBER 16, 1982 UNDER RECEPTION NO. 220402**

WHEREAS, streets within a recently developed portion of the Carroll Subdivision are named Cottonwood Drive and Cottonwood Court; and

WHEREAS, similar street names in different parts of the City and County could potentially create confusion for emergency responders; and

WHEREAS, the properties existing on both streets have yet to be developed; and

WHEREAS, Cottonwood Drive is an extension of Douglas Drive and Cottonwood Court is a short cul-de-sac extending easterly from Cottonwood Drive; and

WHEREAS, The Planning Commission has unanimously recommended that Cottonwood Drive be renamed Douglas Drive and Cottonwood Court be renamed Douglas Court.

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

Section 1. That Cottonwood Drive be renamed Douglas Drive and Cottonwood Court be renamed Douglas Court.

Section 2. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, 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 purposes, and published according to law.

Section 4. Publication and Effective Date. 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.

INTRODUCED, READ AND ORDERED published the 16th day of September, 2015, and a public hearing hereon fixed for the 7th day of October, 2015 at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing this ____ day of _____, 2015.

CITY OF ALAMOSA

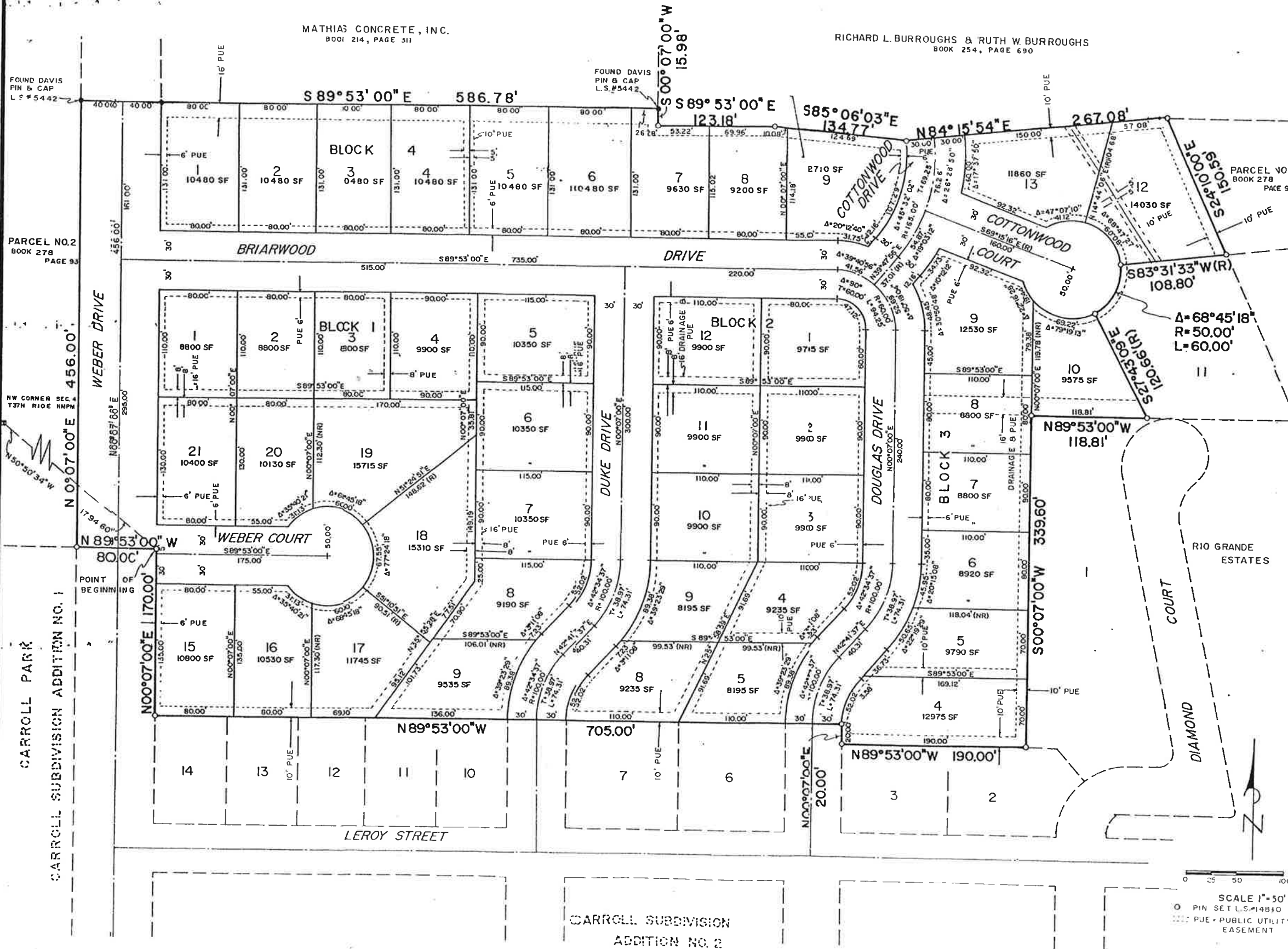
By: _____ Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

REPLAT OF CARROLL SUBDIVISION-ADDITION NO. 2

A REPLAT OF LOTS 1-9 & 15-21, BLOCK 1, LOTS 1-5 & 8-12, BLOCK 2, LOTS 4-10, 12 & 13, BLOCK 3, AND ALL OF BLOCK 4, CARROLL SUBDIVISION-ADDITION NO. 2, CITY OF ALAMOSA, COLORADO



KNOW ALL MEN BY THESE PRESENTS: That Dale Andersen is the owner, and Harold J. and Lois G. Carroll are holders of a Deed of Trust, of that real property situated in the City of Alamosa, County of Alamosa, State of Colorado, being Lots 1-9 & 15-21, Block 1, Lots 1-5 & 8-12, Block 2, Lots 4-10, 12 & 13, Block 3, and all of Block 4, Carroll Subdivision-Addition No. 2, City of Alamosa, Colorado, more particularly described as follows:

Beginning at the Northeast Corner of Carroll Subdivision-Addition No. 1 from which the Northwest Corner of Section 4, T. 37 N., R. 10 E., W.M.R.M. bears N 50° 50' 34" W a distance of 1794.60 feet; thence N 89° 53' 00" W along the north boundary of said Addition No. 1 a distance of 80.00 feet; thence N 00° 07' 00" E a distance of 456.00 feet; thence S 89° 53' 00" E along the south line of that tract described in Book 214 at Page 311 a distance of 586.78 feet to the Southeast Corner of said tract; thence S 00° 07' 00" W a distance of 15.98 feet to a point on the North Boundary of said Addition No. 2; then along said boundary for the following four (4) courses: thence S 89° 53' 00" E a distance of 123.18 feet; thence S 85° 06' 03" E a distance of 134.77 feet; thence N 84° 15' 54" E a distance of 267.08 feet; thence S 24° 10' 00" E a distance of 150.59 feet to the Southeast Corner of Lot 12, Block 3 of said Addition No. 2; thence S 89° 53' 00" E a distance of 108.80 feet to the Southwest Corner of said Lot 12; thence 60.00 feet along the arc of a curve to the right from a tangent bearing of S 6° 28' 27" E and having a central angle of 168° 45' 18" and a radius of 50.00 feet to the Northwest Corner of Lot 10 in said Block 3; thence S 27° 43' 09" E a distance of 120.66 feet to the Southeast Corner of said Lot 10; thence S 00° 07' 00" W a distance of 118.81 feet to the Southwest Corner of said Lot 10; thence S 00° 07' 00" W a distance of 339.60 feet to the Southeast Corner of Lot 4 in said Block 3; thence N 89° 53' 00" W a distance of 190.00 feet to the Southwest Corner of said Lot 4; thence N 00° 07' 00" E a distance of 20.00 feet; thence N 89° 53' 00" W a distance of 705.00 feet to the Southwest Corner of Lot 15 in said Block 1; thence N 00° 07' 00" E a distance of 170.00 feet to the point of beginning, containing 630,405 square feet of 14.472 acres, more or less.

FURTHER THAT: the undersigned have caused said real property to be laid out and surveyed as the REPLAT OF CARROLL SUBDIVISION-ADDITION NO. 2 according to article 12 of the City of Alamosa Subdivision Regulations and do hereby dedicate and set apart all of the streets, alleys, other public ways and places, and easements shown on the accompanying plat within the limit herein above described and dedicate these to the public use forever.

SIGNED: *Dale Andersen*
Dale Andersen

STATE OF COLORADO)
COUNTY OF ALAMOSA)

The foregoing was acknowledged before me this 17th day of June, 1982, by Dale Andersen. Witness my hand and seal. My commission expires December 24, 1984.

SIGNED: *James D. Watson*
James D. Watson

HOLDER OF DEED OF TRUST: HAROLD J. and LOIS G. CARROLL

SIGNED: *Harold J. Carroll* SIGNED: *Lois G. Carroll*
Harold J. Carroll Lois G. Carroll

STATE OF COLORADO)
COUNTY OF ALAMOSA)

The foregoing was acknowledged before me this 17th day of June, 1982, by Harold J. and Lois G. Carroll. Witness my hand and seal. My commission expires December 24, 1984.

SIGNED: *James D. Watson*
James D. Watson

SURVEYOR'S CERTIFICATE

I, James David Watson, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat of the REPLAT OF CARROLL SUBDIVISION-ADDITION NO. 2, truly and correctly represents the results of a survey made by me and under my direct supervision.

SIGNED: *James David Watson* 13934
James David Watson, L.S. No. 13934

CITY PLANNING COMMISSION CERTIFICATE

APPROVED this 24 day of March, A.D. 1982, City of Alamosa Planning Commission, Alamosa, Colorado. This approval is with the understanding that a surety company bond or other security acceptable to the City Planning Commission has been filed with the City Clerk, and in sufficient amount to assure such completion of all required improvements.

SIGNED: *Franklin Shindler* SIGNED: *Pat Herrera*
Chairman Secretary of Planning Commission

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF ALAMOSA)

I hereby certify that this instrument was filed in my office at 9:20 O'clock the 16 day of Nov. A.D. 1982, and is duly recorded in Book No. Page No.

SIGNED: *Holly Z. Lowder* RECORDER OR DEPUTY
Holly Z. Lowder

ACCEPTANCE OF PLATTED EASEMENTS

Charles H. Miller
Public Service Company of Colorado

Glenn D. Miller
Mountain Bell Telephone Company

220402

920 A NOV-16

HOLLY Z. LOWDER

10.00

SUMMIT ENGINEERING

1317 STATE AVENUE
ALAMOSA, COLORADO 81101
589-6147

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Combined Public Hearing on the Preliminary Order contained in Resolution 11-2015 (intent to create SID for Carroll Subdivision No. 2 gas, electric, and streetlighting, and preliminary order for the improvements); Public Hearing and Final Reading on Ordinance No. 16-2015, creating Special Improvement District 2015-1 to provide for the installation of gas, electric, and streetlight improvements in portions of Carroll Subdivision No. 2; and Public Hearing and Final Reading on Ordinance No. 18-2015, An Ordinance Authorizing Construction of Gas, Electric and Streetlighting Public Improvements within the City of Alamosa Special Improvement District 15-1 (Carroll Subdivision Addition No. 2) and Approving Issuance of a Preliminary Order for the Construction of Such Improvements in Special Improvement District 15-1

Recommended Action:

Staff recommends that Council conduct a public hearing and unless information is provided otherwise, approve the Preliminary Order set forth in Resolution 11-2015, noting the correction to the lot designations as contained in Ordinance No. 16-2015, approve Ordinance No. 16-2015 creating SID 15-1, and approve Ordinance No. 18-2015 adopting the Preliminary Order and Authorizing Construction of gas, electric, and streetlight facilities in SID 15-1.

Background:

The City approved the final plat for Carroll Subdivision Addition No. 2 in 1976. In a portion of the Addition No. 2, public infrastructure, including paving, curb and gutter, water mains, sanitary and storm sewers, electricity, gas, and street lighting were never completed by the developer. The City just completed installation of paving, curb and gutter, water mains, ADA corners, and sanitary and storm sewers pursuant to Special Improvement District 14-1, established by the City of Alamosa, but Special Improvement District 14-1 did not address electricity, gas, and street lighting. Rather than amend the existing SID to include electricity, gas, and street lighting, which could have been done within the bond limits authorized by the voters at the election held in 2014 but would have required a separate bond, as the electric and gas facilities would not have been tax exempt, Council chose to pursue a separate SID to be created for gas, electric, and streetlighting. The total cost of the gas, electric, and streetlighting is \$41,895 installed by Xcel Energy. The City, through the SID, will pay the cost of such installation, and be reimbursed by the lot owners. In addition to the creation ordinance, 2015-16, the following initial actions are necessary:

- 1) Resolution 11-2015 stating the City's intent to create the special improvement district and establishing a preliminary order for the work and materials for the improvement
- 2) Ordinance 2015-18, approving the preliminary order and ordering the construction.

Notice of hearing on the Resolution of Intent and Preliminary Order was sent to owners within the proposed SID on September 17, 2015. The hearing on the Preliminary Order will be held on October 7, in conjunction with the public hearings on Ordinances 2015-16 (creating the SID) and 2015-18. (Approving the Preliminary Order for the SID and ordering improvements).

The Preliminary Order calls for gas and electric to be installed to all lots within the SID not currently served by gas and/or electric. This is 23 of the 32 lots in the original SID 14-1 that concerned streets and streetlighting. The lots are specifically shown in the plans attached to the Preliminary Order. Note that Resolution 11-2015 did not recite the correct lots affected in the body of the resolution but was, rather, over-inclusive. Those lots have been corrected in Ordinance No. 16-2015.

Issue Before the Council:

Does Council wish to establish and approve gas, electric, and streetlighting improvements in portions of Carroll Subdivision No. 2 through the adoption of Ordinance 2015-16 creating a Special Improvement District to construct gas, electric and streetlighting improvements for the Carroll Subdivision Addition No. 2 SID, the approval of the preliminary order, and the adoption of Resolution 2015-18 adopting the Preliminary Order and Authorizing Construction of gas, electric, and streetlight facilities in SID 15-1?

Alternatives:

- (1) Adopt the Ordinances as written
- (2) Amend the Ordinances, for example to remove one or more elements.
- (3) Decline to adopt the Ordinances and give staff further direction.

Fiscal Impact:

Construction costs would be incurred and paid in the amount of \$41,895, which would be paid back through special assessments over 5 years with no interest. If not assessed, they remain an expenditure of the City.

Legal Opinion:

The City Attorney will be present for any comments.

Conclusion:

The approval of Ordinances 2015-16 and 2015-18 will create the SID to provide gas, electric, and streetlighting in Carroll Subdivision Addition No. 2 and order the installation of those improvements that have been lacking since the subdivision was approved in 1976.

ATTACHMENTS:

Description	Type
▣ Ordinance 16-2015 Creating SID 15-1 (Carroll Subdivision gas and electric)	Ordinance
▣ Carroll gas and electric SID map	Exhibit
▣ Ordinance 18-2015 authorizing construction of gas and electric improvements	Ordinance
▣ Carrol Gas and Electric Preliminary Order	Exhibit
▣ Carrol gas plans and specs	Exhibit
▣ Carroll electric plans and specs	Exhibit

ORDINANCE NO. 16-2015

**AN ORDINANCE CREATING SPECIAL IMPROVEMENT DISTRICT 15-1
COVERING PORTIONS OF CARROLL ADDITION NO. 2 WITH FRONTAGE ON
BRIARWOOD DRIVE, COTTOWNWOOD COURT, AND DOUGLAS DRIVE NORTH
OF LEROY STREET, AND ORDERING THE GAS, ELECTRIC, AND
STREETLIGHTING IMPROVEMENTS TO BE CONSTRUCTED AND INSTALLED AS
PROVIDED HEREIN**

WHEREAS, the City Council of the City of Alamosa, Colorado, approved the final plat for Carroll Subdivision Addition No. 2 in 1976; and

WHEREAS, in a portion of the Addition No. 2, public infrastructure, including paving, curb and gutter, water mains, sanitary and storm sewers, electricity, gas, and street lighting were never completed by the developer; and

WHEREAS paving, curb and gutter, water mains, ADA corners, and sanitary and storm sewers were installed pursuant to Special Improvement District 14-1, established by the City of Alamosa, but Special Improvement District 14-1 did not address electricity, gas, and street lighting; and

WHEREAS, development within the portion of Carroll Subdivision Addition No. 2 not served by electricity, gas, and street lighting will be delayed and hindered because of the lack of such infrastructure; and

WHEREAS, Carroll Subdivision Addition No. 2 is an integral part of the City of Alamosa, and delay or impossibility of its development is detrimental to the welfare of the owners of property within the subdivision and to the Citizens of Alamosa; and

WHEREAS, authority exists, pursuant to C.R.S. § 31-25-501 *et. seq.*, and Section 3 of Article XV of the Charter of the City of Alamosa, to establish special improvement districts for the purpose of constructing and installing public infrastructure, and to assess the cost thereof upon the property specially benefitted by such improvements; and

WHEREAS Xcel Energy holds the franchise through the City of Alamosa and is authorized by the Public Utilities Commission of the State of Colorado to provide gas, electric, and streetlighting utilities within the City of Alamosa, and will not provide such utilities in the undeveloped portion of Carroll Subdivision Addition No. 2 lot by lot but only throughout such undeveloped portion all at one time; and

WHEREAS the development of public infrastructure for the undeveloped portion of Carroll Subdivision Addition No. 2 will be a particular benefit to the owners of property within that subdivision;

WHEREAS, the City Council of the City of Alamosa conducted a public hearing on the construction of the improvements on October 7, 2014, and

WHEREAS, notice of the hearing was published in the Valley Courier on September 17, 2015, and, on September 17, 2015, sent by certified and first class mail to each property owner to be assessed for the cost of the improvements, and

WHEREAS, the notice of hearing set forth the kind of improvements proposed, the number of installments, the time in which the cost shall be payable, the extent of the district to be improved, the probable cost per lot as shown by the estimates of the City Engineer, the time when an ordinance authorizing the improvements will be considered, and

WHEREAS, a map of the proposed district and the estimate of the City Engineer concerning the cost, and the approximate amounts to be assessed has been available for inspection since the date of publication and mailing of the notice, and

WHEREAS, at the public hearing, the City Council of the City of Alamosa heard comments from residents, owners, and others concerning the proposed special improvement district, and

WHEREAS, construction of the improvements will be funded by the City of Alamosa, to be repaid through assessments levied by the Special Improvement District upon lots within the Special Improvement District,

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

Section 1. Special Improvement District (SID) 15-1 is hereby formed and will include the properties as depicted on the map attached as exhibit 1, known by block and lot number as the following lots:

Lots 3-9, Block 4, Replat of Carroll Addition No. 2;

Lots 4-6 and 10-13, Block 3, Replat of Carroll Addition No. 2;

North Half of Lot 8 and all of Lot 9, Block 3, Replat of Carroll Addition No. 2;

South Half of Lot 8 and all of Lot 7, Block 3, Replat of Carroll Addition No. 2;

Lots 1-4 and 16 of the Replat of Lots 1-4 and 9-12, Block 2, of the Replat of Carroll Addition No. 2

Lots 3 and 4, Block 1, Replat of Carroll Addition No. 2

All lots within the Special Improvement District shall receive electrical distribution facilities and street lighting except Lot 3, Block 4, which already has electric, and all lots shall receive gas distribution facilities except Lot 4, Block 2, which already has gas.

Section 2. Upon completion of the improvements or when the total cost of the improvements can be reasonably ascertained, the City Council will cause to be prepared a statement showing the whole cost of the improvements, and the portion to be assessed on each lot, and shall set a hearing on the assessment roll pursuant to statute.

Section 3. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. 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 purposes, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect thirty (30) 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 6. 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.

INTRODUCED, READ AND ORDERED published the 16th day of September, 2015 and a public hearing hereon fixed for the 7th day of October, 2015, at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing the 7th day of October, 2015.

CITY OF ALAMOSA

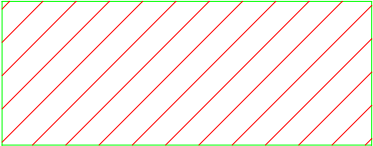
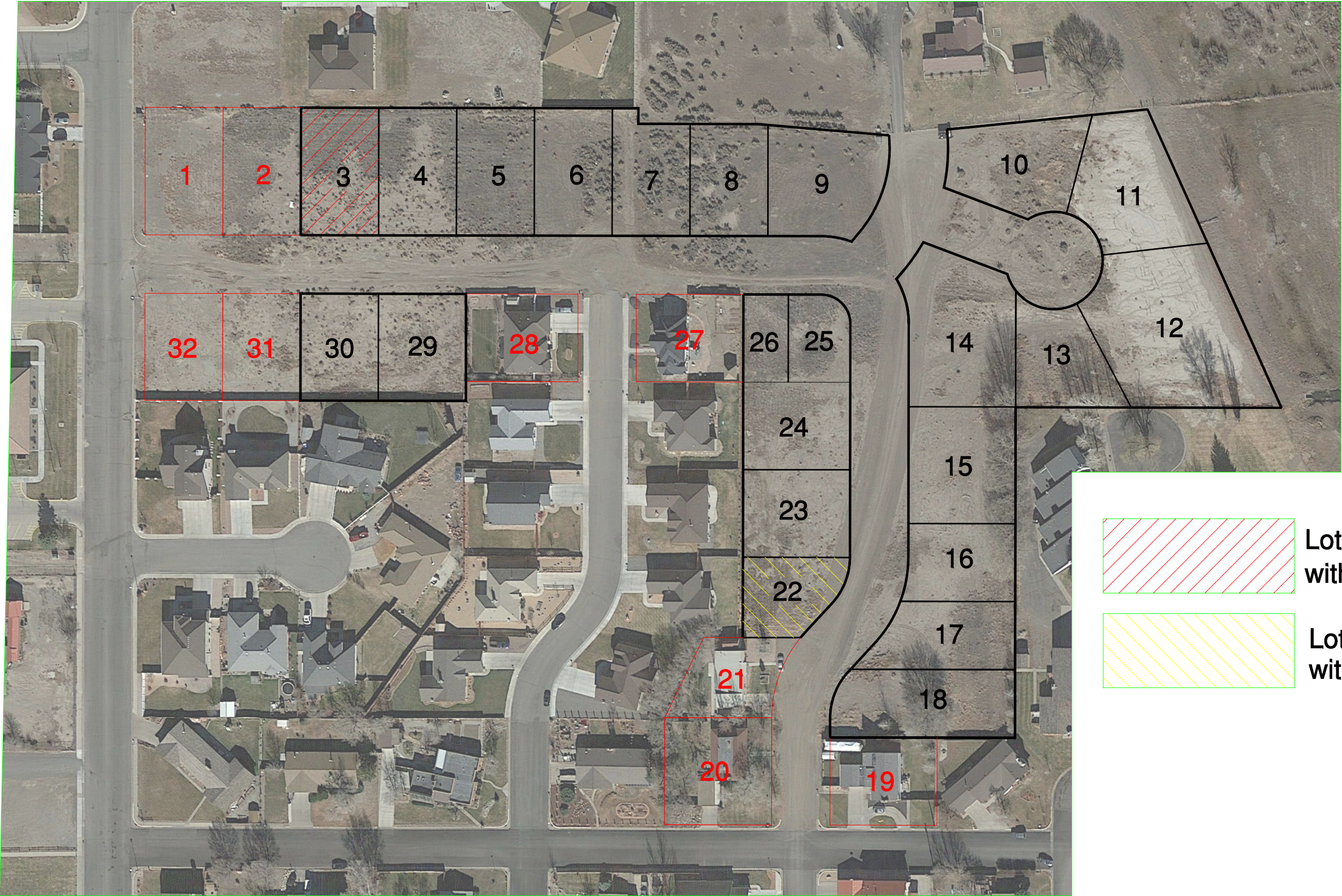
By _____

Josef P. Lucero, Mayor

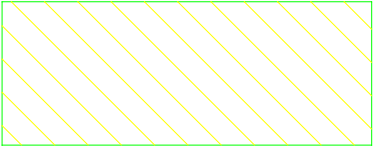
ATTEST:

Holly Martinez, City Clerk

Exhibit A



Lots Currently Served
with Electricity



Lots Currently Served
with Gas

ORDINANCE NO. 18-2015

AN ORDINANCE AUTHORIZING CONSTRUCTION OF GAS, ELECTRIC AND STREETLIGHTING PUBLIC IMPROVEMENTS WITHIN THE CITY OF ALAMOSA SPECIAL IMPROVEMENT DISTRICT 15-1 (CARROLL SUBDIVISION ADDITION NO. 2) AND APPROVING ISSUANCE OF A PRELIMINARY ORDER FOR THE CONSTRUCTION OF SUCH IMPROVEMENTS IN SPECIAL IMPROVEMENT DISTRICT 15-1

WHEREAS, the Carroll Addition No. 2 was created by plat in 1976, but no public improvements were installed by the Developer, and

WHEREAS, the lots in portions of this subdivision are owned by a number of different parties and many of the lots in the subdivision have changed hands since its creation, and

WHEREAS, through Special Improvement District 14-1 public improvements consisting of paving, curb and gutter, water mains, ADA corners, and sanitary and storm sewers were installed on Briarwood Drive, Cottonwood Court, Douglas Drive and Duke Drive; and

WHEREAS, after public hearing pursuant to notice duly and properly given, the City of Alamosa by Resolution 11-2015 declared its intent to create Special Improvement District 15-1 in order to construct gas, electric, and streetlight improvements as set forth in the Resolution; and

WHEREAS, the City of Alamosa created Special Improvement District 15-1 by ordinance 16-2015 on October 7, 2015; and

WHEREAS, the Department of Public Works of the City of Alamosa working with Xcel Energy has developed preliminary plans and specifications for the improvements to be constructed as shown in the preliminary order attached to this Ordinance; and

WHEREAS, a public hearing was held on October 7, 2015, to consider the construction of such improvements, and notice of the hearing was duly and properly given by posting, by publication on September 17, 2015 in the Valley Courier, and by mailing on or about that same date to each property owner to be assessed for the cost of the improvements; and

WHEREAS, the City Council of the City of Alamosa has heard and determined any and all written complaints and objections concerning the proposed improvements made by owners of any property to be assessed;

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

Section 1. The Preliminary Order adopting plans and specifications for constructing gas, electric, and streetlighting improvements in Special Improvement District 15-2 (Carroll Subdivision Addition No. 2) is hereby approved.

Section 2. The Improvements as listed in the Preliminary Order are hereby ordered.

Section 3. Upon completion of the improvements or when the total cost of the improvements can be reasonably ascertained, the City Council will cause to be prepared a statement showing the whole cost of the improvements, and the portion to be assessed on each lot, and shall set a hearing on the assessment roll pursuant to statute.

Section 4. General Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict herewith, are hereby repealed to the extent of such conflict.

Section 5. 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 purposes, and published according to law.

Section 6. Publication and Effective Date. This ordinance shall take effect thirty (30) 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 7. 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.

INTRODUCED, READ AND ORDERED published the 16th day of September, 2015 and a public hearing hereon fixed for the 7th day of October, 2015, at 7:00 p.m., or as soon thereafter as the matter may be heard.

APPROVED, AND ADOPTED after public hearing the 7th day of October, 2015.

CITY OF ALAMOSA

By_____

Josef P. Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

Resolution No. 11, 2015

A RESOLUTION OF INTENT TO CONSTRUCT IMPROVEMENTS BY USE OF A SPECIAL IMPROVEMENT DISTRICT PURSUANT TO ALAMOSA CHARTER ARTICLE XV, SECTION 3 and C.R.S. §31-25-501 et. seq. FOR PORTIONS OF THE CARROLL SUBDIVISION ADDITION NO. 2 AND PRELIMINARY ORDER ADOPTING PRELIMINARY PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS

WHEREAS, the City Council of the City of Alamosa, Colorado, approved the final plat for Carroll Subdivision Addition No. 2 in 1976; and

WHEREAS, in a portion of the Addition No. 2, public infrastructure, including paving, curb and gutter, water mains, sanitary and storm sewers, electricity, gas, and street lighting were never completed by the developer; and

WHEREAS paving, curb and gutter, water mains, ADA corners, and sanitary and storm sewers were installed pursuant to Special Improvement District 14-1, established by the City of Alamosa, but Special Improvement District 14-1 did not address electricity, gas, and street lighting; and

WHEREAS, development within the portion of Carroll Subdivision Addition No. 2 not served by electricity, gas, and street lighting will be delayed and hindered because of the lack of such infrastructure; and

WHEREAS, Carroll Subdivision Addition No. 2 is an integral part of the City of Alamosa, and delay or impossibility of its development is detrimental to the welfare of the owners of property within the subdivision and to the Citizens of Alamosa; and

WHEREAS, authority exists, pursuant to C.R.S. § 31-25-501 *et. seq.*, and Section 3 of Article XV of the Charter of the City of Alamosa, to establish special improvement districts for the purpose of constructing and installing public infrastructure, and to assess the cost thereof upon the property specially benefitted by such improvements; and

WHEREAS the development of public infrastructure for the undeveloped portion of Carroll Subdivision Addition No. 2 will be a particular benefit to the owners of property within that subdivision;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALAMOSA, COLORADO:

Section 1: The City Council of the City of Alamosa, Colorado, hereby gives notice of its intent to construct improvements and to establish Special Improvement District 2015-1 of the City of Alamosa for the portion of Carroll Subdivision Addition No. 2 lacking electricity, gas, and street lighting.

Section 2: The District shall consist of all undeveloped portions within Carroll Subdivision Addition No. 2 lacking electricity, gas, and street lighting as set forth on the designation thereof attached to this Resolution as Exhibit A, specifically lots designated (not lot numbers) as lots 3-18, 22-26, and 29-30 on the attached Exhibit A.. The Special Improvement District shall include the following lots:

Lots 3-9, Block 4, Replat of Carroll Addition No. 2;
Lots 3-13, Block 3, Replat of Carroll Addition No. 2;
Lots 5 and 6, Block 2, Block 4, Replat of Carroll Addition No. 2
Lots 1-4 and 16 of the Replat of Lots 1-4 and 9-12, Block 2, of the Replat of Carroll Addition No. 2
Lot 17 of the Walker Replat of Blk 2 of the Replat of Carroll Addition No. 2
Lots 3-5, Block 1, Replat of Carroll Addition No. 2

All lots within the Special Improvement District shall receive electrical distribution facilities and street lighting except Lot 3, Block 4, which already has electric, and all lots shall receive gas distribution facilities except Lot 4, Block 2, which already has gas.

Section3: The purposes of the Special Improvement District shall be the construction and installation of public infrastructure consisting of electricity, gas, and street lighting within the boundaries of the Special Improvement District.

Section 4: The costs of such improvements shall be assessed against the property specially benefitted pursuant to the provisions of C.R.S. §§ 31-25-512 and -513.

Section 5: The cost of such improvements shall be advanced by the City of Alamosa, and shall be repaid by the owners of the benefitted property within Special Improvement District 2015-1 over five years at no interest.

Section 6: The improvements to be constructed and installed shall be specified by ordinance and public hearing held thereon in accordance with the provisions of C.R.S. § 31-25-503, et seq.

Section 7. A preliminary order for the construction of the improvements is hereby entered. The improvements shall consist of Xcel Energy's installation of gas distribution to 23 lots at a cost of \$6,620, electric distribution to 22 lots plus 4 street lights at a cost of \$35,275. Plans and specifications are as set forth on the attached schedules. The cost of the improvements shall be payable over 5 years at no interest with each lot served by electric to be assessed an equal proportionate share of the total amount, being \$1603.41 per lot, and each lot served by the gas to be assessed an equal proportionate share of the total amount, being \$287.83.

Section 8: This resolution to be in full force and effect from and after its passage and approval.

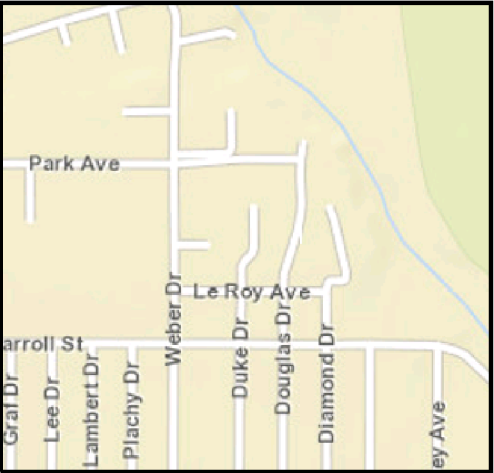
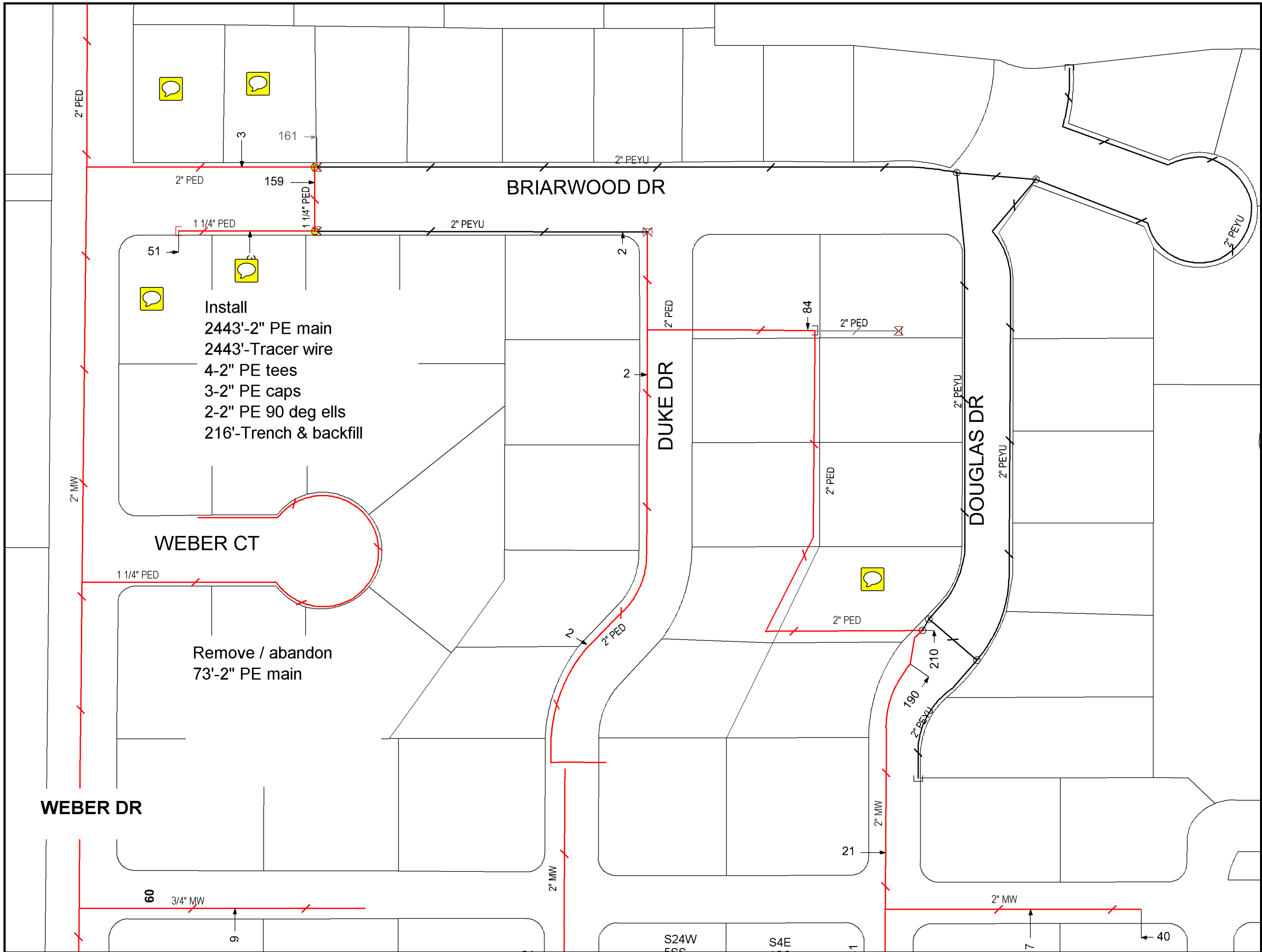
PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 16th DAY OF September, 2015.

ATTEST

CITY OF ALAMOSA, COLORADO

Holly Martinez, City Clerk

Josef Lucero, Mayor



Gas Foreman Sketch	
Contractor	_____
Foreman	_____
Inspector	_____
Fuser	_____
Drawn By	_____
Test Information	
Date On	_____ Date Off _____
Time On	_____ Time Off _____
Pressure On	_____ Pressure Off _____
Tested With	_____
Soap Test Final Tie-in?	Y ☐ N ☐
Existing Main Information	
CP Reading	_____
Main Condition	☐ Poor ☐ Fair ☐ Good
Coating Condition	☐ Poor ☐ Fair ☐ Good
Soil Type	_____
Work Order Number : _____	
Design Number	: 0000439366 1
Designer/Planner ID	: t1809
Designer/Planner Name	: Lewis, Darrell
Designer/Planner Ph#	: 719-589-1230
Date: 10/22/2014	
Sketch: sheet 1	
Scale: 1" equals 83'	
Map Number : 1887298 01	
CONSTRUCTION USE ONLY	
☐ NO CHANGES (BUILT AS DESIGNED)	
☐ CHANGES MADE AS INDICATED (ALL URD MUST HAVE ACTUAL MEASUREMENTS FROM THE FIELD SITE)	
FOREMAN	_____ DATE _____
TEAM LEADER	_____

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ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Ordinance 20-2015 establishing the employee pay plan for fiscal year 2016

Recommended Action:

It is the recommendation of staff to adopt alternative 1 after conducting a public hearing, and pass Ordinance 20, 2015 establishing the employee pay plan with an effective date of January 1, 2016.

Background:

Every year Council adopts, by ordinance, the pay plan for City officers and employees. This plan establishes the pay range for all City job classifications. While Council reserves the right to amend this ordinance, the ordinance directs the City Manager to fix salaries within these ranges. Without formal Council approval the City Manager does not have authority to pay someone outside the established pay range.

This past year staff completed a salary market survey bringing in line our City positions within market compensation. This pay plan follows the implementation of that survey and will continue to be analyzed annually.

Issue Before the Council:

Does Council wish to approve the 2016 pay ordinance for Public Hearing?

Alternatives:

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

1. Introduce the attached ordinance for public hearing and final approval.
2. Decline to pass the ordinance and give staff further instructions.

Fiscal Impact:

This ordinance establishes the City's salary ranges for all classifications. All employees must be within one of the listed ranges. Not every classification is currently in use, but this ordinance lays out the structure of the City. Because Council controls the number of full-time positions, Staff will continue to work within the authorized total position numbers and budget.

Legal Opinion:

The City Attorney will be present for any comments.

Conclusion:

Offering the attached ordinance for first reading is an important part of the City's 2016 budget process.

ATTACHMENTS:

Description	Type
▣ Salary Ordinance 2016	Cover Memo

**ORDINANCE NO. 20-2015
CITY OF ALAMOSA**

AN ORDINANCE AMENDING, IN PART, THE ESTABLISHED PAY PLAN FOR CITY OFFICERS AND EMPLOYEES AS REFERRED TO IN SECTION 15-2 OF THE CODE OF ORDINANCES, CONCERNING PERSONNEL RULES AND REGULATIONS AND PAY PLAN FOR CITY OFFICERS AND EMPLOYEES.

BE IT HEREBY ORDAINED By the City Council of the City of Alamosa, Colorado:

Section I.

That the current pay plan established for city officers and employees by Ordinance No.8-2015 is hereby revoked and replaced in its entirety with the following:

A. Pay Plan for City Officers and Employees.

The Salaries and Compensation of the Officers and Employees of the City hereinafter named shall be the respective sums or within the ranges appearing after the names of their offices:

1.	Pay Plan for Elected Officials	Salary Range	
		Low	High
	Mayor*	\$ 7,200	\$ 7,200
	Council*	\$ 4,800	\$ 4,800
	*Annual salaries set by City Charter		

2. Pay Grades by Position

Grade 14

106	Chief of Police
107	City Attorney
143	Public Works Director

Grade 13

110	<i>City Prosecutor</i>
122	Finance Director
123	<i>Fire Chief</i>
126	<i>IT Director</i>
138	Parks & Rec Director
139	Police Captain

Grade 12

104	Building Official
108	City Clerk
115	Engineering Supervisor
125	Human Resources/Risk Manager

Grade 11

158	Fleet Mechanic Supervisor
150	<i>Parks Superintendent</i>
142	Police Sergeant
151	<i>Solid Waste Superintendent</i>

159	<i>Streets Superintendent</i>
146	<i>Utility Superintendant</i>
155	Waste Water Supervisor

Grade 10

153	Collection/Distribution Supervisor
112	Community Activities Manager
116	Engineering Technician
130	Library Manager
173	<i>Parks Supervisor</i>
140	Police Corporal
132	<i>Sewer Supervisor</i>
152	<i>Solid Waste Supervisor</i>
160	<i>Streets Supervisor</i>
147	W/WW Plant Operator

Grade 9

114	Deputy City Clerk/Courts
119	Exec Admin Assistant
120	<i>Facility Manager</i>
121	Finance Analyst
127	<i>IT Technician</i>
141	Police Officer

Grade 8

101	Account Clerk 2
164	Community Service Officer
118	Equip Operator 2
124	Fleet Mechanic
172	Office Supervisor - Police
137	<i>Office Supervisor - Public Works</i>
144	Recreation Specialist 2

Grade 7

100	Account Clerk 1
117	Equip Operator 1
145	Recycling Coordinator
149	W/WW Technician 2

Grade 6

128	Librarian
134	Maintenance Worker 2
162	<i>Records Clerk</i>
148	W/WW Technician 1

Grade 5

174	Administrative Assistant - Parks & Recreation
102	Administrative Assistant - Public Works
133	Maintenance Worker 1

	135	Maintenance Worker Part Time
Grade 4		
	131	Library Technician
Grade 3		
	113	Custodian
Grade 2		
	105	Cashier/CSR
Grade 1		
	129	Library Assistant

3. **Pay Ranges by Grade**

Salary Range			
Grade	Minimum	Midpoint	Maximum
1	\$18,720	\$21,996	\$25,272
2	\$20,124	\$23,646	\$27,167
3	\$21,633	\$25,419	\$29,205
4	\$23,256	\$27,326	\$31,395
5	\$25,000	\$29,375	\$33,750
6	\$26,927	\$32,312	\$37,698
7	\$29,620	\$35,544	\$41,468
8	\$33,322	\$39,987	\$46,651
9	\$37,488	\$44,985	\$52,483
10	\$41,313	\$50,608	\$59,904
11	\$46,477	\$56,934	\$67,391
12	\$53,448	\$65,474	\$77,500
13	\$60,236	\$75,295	\$90,355
14	\$72,284	\$90,355	\$108,425

Hourly Range			
Grade	Minimum	Midpoint	Maximum
1	\$9.00	\$10.58	\$12.15
2	\$9.68	\$11.37	\$13.06
3	\$10.40	\$12.22	\$14.04
4	\$11.18	\$13.14	\$15.09
5	\$12.02	\$14.12	\$16.23
6	\$12.95	\$15.53	\$18.12
7	\$14.24	\$17.09	\$19.94
8	\$16.02	\$19.22	\$22.43

9	\$18.02	\$21.63	\$25.23
10	\$19.86	\$24.33	\$28.80
11	\$22.34	\$27.37	\$32.40
12	\$25.70	\$31.48	\$37.26
13	\$28.96	\$36.20	\$43.44
14	\$34.75	\$43.44	\$52.13

3. Pay Plan for Part-Time Exempt:

City Attorney	Salary Established by Contract
City Prosecutor	Salary Established by Contract
Municipal Judge	Salary Established by Contract

Section II. Where a pay range is provided herein, the City Manager is authorized and directed to fix the compensation of such employees within such pay ranges. The City Council reserves the right to change compensation provided herein at any time.

Section III. Other compensation, allowances, bonuses, etc. for Council appointed employees may be set, by Council, through contract. Such items, if any, for regular employees shall be determined by the City Manager within the amounts established. Shift differentials, as appropriate, shall be set by Council Policy. City Manager may pay a bonus to employees at the top of their pay grade based on their performance evaluation not to exceed 4% of currently salary. The City may offer an education reimbursement to eligible employees per separate policy.

Section IV. This ordinance shall take effect January 1, 2016.

Section V. General Repealer. All other acts, orders, ordinances, resolutions, or positions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section VI. 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 purposes, and published according to law.

Section VII. Publication and Effective Date. 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 VII. 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.

INTRODUCED, READ AND ORDERED PUBLISHED This 7th day of October 2015, and a public hearing hereon fixed for the 21st day of October, 2015 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard.

PASSED, ADOPTED, SIGNED AND ORDERED PUBLISHED This 21st day of October, 2015.

CITY OF ALAMOSA

BY

Josef Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Ordinance 19-2015 adopting the proposed 2016 fiscal budget

Recommended Action:

It is the recommendation of staff to adopt Alternative 1 after conducting a public hearing, pass ordinance 19-2015, setting the 2016 annual budget.

Background:

The budget process is a very important part of municipal government. The attached ordinance reflects a significant commitment of time from the City Council, staff and other interested parties. A municipal budget is an effort in balancing the many wants, desires, and needs of a community. As in any effort to balance needs, some interests will not be met to the same standard as others. As priorities change, these needs will likely move up and down on the priority list. This year, the city used a modified budgeting for outcomes approach with an emphasis on historical data for expenditures in department operations. As the City use this it should assist the council in focusing expenditures towards those activities that forward the overall goals of the community. The following is the result of this year's prioritization.

Budget OverviewGeneral Fund

- Overall revenues are expected to increase over current year budget projections.
- In 2014, Council gave staff direction to spend down a portion of the unassigned fund balance available to be used for Capital projects that were listed in Capital Improvement Plan for purchase in future years based on the priority of such projects. Those identified projects remain in the budget.
- Public works will continue to work at making efficient fiscal use of budgeted monies for maintaining and upgrading city streets and infrastructure.
- \$75,000 was included in Public Works Administration for hiring a consultant to develop the scope of work for the levee certification.
- Finalized the centralization over all technology expenses in both hardware and software to be listed in the IT budget.
- A line item for a Public Art Program was added to the Non-Departmental Division in the amount of \$20,000.
- Funds were dedicated to the Police Ballistics line item to enable the department to purchase new handguns that can be better supplied with ammunition.
- Funds were included to support Neighborhood Watch Programs in the amount \$4,000.
- The call-out rate for Fire Personnel was increased from \$18.50 to \$20.00.
- \$15,000 was added for property abatement activities in the Police Support Services Division.
- A Seasonal position was added in Parks Maintenance to better address noxious weed control.
- A part-time employee was added in Parks Maintenance and Recreation Fund to meet the demand for special events.

Enterprise Fund

- Annual review of all utility rates was included in the budget process, this year on

analysis kept the scheduled increases in place with no additional increases or changes. Staff has issued a request for proposals for a utility rate analysis.

- The ongoing push for environmental awareness will require additional planning we move forward with plans and improvements to the recycling processes of the city services. A cost assessment to provide curbside recycling is included in the utility rate assessment.

- Mandated water issues will continue to put pressure on the water department as water rights and acquisitions become an increased priority on this fund

Recreation Fund

- City Council committed to using the Recreation Fund to meet \$500,000 of the \$1.3 million cost to construct a new ice rink/multi-purpose facility if the remaining \$800,000 could be secured through grants and outside funding. The fund would also absorb the additional operational expenses of the facility.

Other Funds

The city uses a series of various other funds for accounting purposes. These funds include the internal service fund responsible for health insurance, ACLC debt service for City Complex in Fund 12 and debt service for the Water Treatment plant, cemetery improvements, and capital reserves. The capital reserve fund continues to be used to set-aside funds for future vehicle and large equipment purchases. The detailed line items are available in the library and attached to this staff report.

Fund 9, the firemen's pension fund, is a fiduciary fund. The City reports on the activity, but decisions on the investments are made by an outside agent. These funds are not directly under the control of the City.

Issue Before the Council:

Does the City Council wish to adopt the attached ordinance 19-2015, establishing the 2016 operating budget?

Alternatives:

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

1. Adopt ordinance 19-2015 establishing the 2016 budget.
2. Decline to act at this time and give staff further direction. By Charter the budget must be adopted prior to October 31.

Fiscal Impact:

This establishes the operating budget for 2016. All expenditures anticipated in 2016, as known at this time, are incorporated herein.

Legal Opinion:

The City Attorney will be present for any comments.

Conclusion:

Adopting a budget for the next fiscal year is an important step for the City. By charter this must be adopted by October 31, 2015.

ATTACHMENTS:

Description		Type
	Ordinance	Ordinance

ORDINANCE NO. 19, 2015
CITY OF ALAMOSA

AN ORDINANCE MAKING THE ANNUAL APPROPRIATION FOR FISCAL YEAR 2016, CITY OF ALAMOSA, COLORADO.

BE IT HEREBY ORDAINED BY THE City Council of the City of Alamosa, Colorado: WHEREAS, the City Manager, Heather Brooks, has submitted a proposed budget to this governing body; and

WHEREAS, upon due notice said proposed budget was open for public inspection and a public hearing was held on October 21, 2015;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMOSA, COLORADO:

Section 1. The 2016 Budget for the City of Alamosa as submitted and herein summarized by fund is approved and adopted.

Section 2. The following sums are hereby appropriated for each fund, department, and division as follows:

I. GENERAL FUND

A.	General Government	Division #	2016 Budget
	City Council	02-10	\$ 73,340
	Legal Services	02-11	\$ 81,995
	Municipal Court	02-12	\$ 305,460
	City Manager	02-13	\$ 197,700
	City Clerk	02-14	\$ 88,870
	HR/Risk Management	02-15	\$ 385,650
	Finance	02-16	\$ 365,460
	Non-Departmental	02-17	\$ 740,710
	Information Technology	02-18	\$ 385,817
	Total General Government		\$ 2,625,002
B.	Public Safety		
	Police Administration	02-20	\$ 202,520
	Police Operations	02-21	\$ 1,891,585
	Fire Operations	02-22	\$ 406,410
	Support Services	02-23	\$ 345,310
	Total Public Safety		\$ 2,845,825

C.	Public Works		
	Administration	02-30	\$ 377,320
	Street Maintenance	02-31	\$ 1,959,025
	Building Inspection	02-35	\$ 241,550
	Fleet Maintenance	02-36	\$ 170,860
	Total Public Works		\$ 2,748,755
D.	Cemetery, Parks & Recreation		
	Cemetery	02-50	\$ 82,760
	Parks Maintenance	02-51	\$ 418,740
	Recreation & Cultural Programs	02-52	\$ 88,805
	Total Cemetery, Parks & Recreation		\$ 590,305
GENERAL FUND TOTAL			\$ 8,809,887

II. ENTERPRISE FUND

	Utilities	Division #	2016 Budget
A.	Water Distribution	03-01	\$ 975,325
B.	Sewer Collection	03-02	\$ 787,350
C.	Sanitation	03-03	\$ 1,204,710
D.	Sewage Treatment	03-05	\$ 345,765
E.	Water Treatment	03-06	\$ 719,815
ENTERPRISE FUND TOTAL			\$ 4,032,965

III. CAPITAL IMPROVEMENTS FUND

A.	Capital Improvements	04-01	\$ -
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IV. CEMETERY ENDOWMENT FUND

A.	Cemetery Endowment	06-59	\$ 17,100
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V. FIREMEN'S PENSION FUND

A.	Firemen's Pension	09-09	\$ 137,500
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VI. CONSERVATION TRUST FUND

A.	Conservation Trust	11-60	\$ 69,005
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VII. ACLC DEBT SERVICE FUND

A.	City Hall Complex	12-65	\$ 483,275
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VIII. EMPLOYEE BENEFIT FUND

A.	Employee Benefit	13-62	\$ 989,700
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IX. COMMUNITY RECREATION FUND

	Community Recreation	Division #	2016 Budget
A.	Library	19-54	\$ 504,100
B.	Community Recreation	19-66	\$ 923,095

COMMUNITY RECREATION FUND TOTAL	\$ 1,427,195
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X. ENTERPRISE DEBT FUND

A.	EF Debt Service	31-90	\$ 814,710
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GRAND TOTAL BUDGET	\$ 16,781,337
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Section 3. Estimated revenues for each fund are as follows:

	Estimated Balance Forward	2016 Revenues	Total Available
General Fund	3,436,019	8,359,910	\$ 11,795,929
Enterprise Fund	470,757	3,489,400	\$ 3,960,157
Capital Improvement Fund	1,715,796	-	\$ 1,715,796
Cemetery Endowment Fund	130,250	21,500	\$ 151,750
Firemen's Pensions Fund	1,509,706	117,400	\$ 1,627,106
Conservation Trust Fund	76,533	86,900	\$ 163,433
ACLC Debt Service Fund	493,638	484,000	\$ 977,638
Employee Benefit Fund	1,095,128	989,320	\$ 2,084,448
Community Recreation Fund	412,598	1,493,295	\$ 1,905,893
Enterprise Debt Fund	3,640,684	1,185,450	\$ 4,826,134
Total Revenues	12,981,109	16,227,175	\$ 29,208,284

Section 4. There is hereby levied upon all property within the City of Alamosa, Colorado, according to the assessed valuation thereof for the year 2015, a tax of 6.70 mills on each dollar of such property for the corporate purposes of said City for the fiscal year beginning January 1, 2016, said tax to be divided as follows, to wit:

General Fund	6.22 mills
Firemen's Pension	0.48 mills
TOTAL	6.70 mills

PASSED, ADOPTED, SIGNED AND APPROVED after public hearing this 21st day of October, 2015.

CITY OF ALAMOSA

BY

Josef Lucero, Mayor

Holly Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Decision, New License Application Ike & Ike, Inc d/b/a El Charro Cafe

Recommended Action:

Make decision on this application based on evidence presented at the hearing.

Background:

Ike & Ike Lucero, Inc. d/b/a El Charro Cafe has applied for a Hotel/Restaurant License at 1605 Main Street. This application was accepted administratively on August 3, 2015, and a needs/desires hearing held on September 16, 2015.

Issue Before the Council:

Does the evidence presented at the hearing support granting of this application?

Alternatives:

- Determine that sufficient evidence was presented to support granting of the license and adopt the draft Findings to approve.
- Determine that there was not sufficient evidence presented, and adopt the Findings to deny.

Fiscal Impact:

N/A

Legal Opinion:

Counselor Schwiesow has provided draft Findings of Fact for your consideration. One document is for approval and one for denial. Only one may be adopted.

Conclusion:

Council should act on this license application in accordance with the evidence presented at the hearing. Council is obligated to make this decision in its role as the Local Licensing Authority under the Colorado Liquor Code.

ATTACHMENTS:

Description	Type
☐ El Charro Grant	Backup Material
☐ El Charro Deny	Backup Material

**FINDINGS OF FACT AND CONCLUSIONS;
GRANT OF LIQUOR LICENSE APPLICATION**

In Re the Matter of the Public Hearing Concerning: Ike & Ike, Inc. d/b/a El Charro Cafe for a Hotel/Restaurant License at 1605 Main Street

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 September 16, 2015. Notice of the hearing was given pursuant to §12-47-311, C.R.S. All members of Council 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.

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.

Exhibit A, consisting of petitions containing approximately 60 signatures in support of the application filed with the Clerk, Exhibit B, consisting of 55 petitions (single signatures) presented at the hearing. The poster giving notice of the application was introduced as Exhibit B and the Clerk confirmed it was posted September 4, 2013, and remained posted through the date and time of the hearing.

The Authority takes administrative notice of the existence and location of the 15 hotel/restaurant licenses granted by the Authority for premises within the City, and of the total of 39 liquor licenses of all types granted by the Authority for premises within the City, one of which is inactive. 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, Ike and Ike, Inc.. appeared through its shareholders Ike Lucero and Ike Lucero, Jr.

C. Documentary Evidence. Ike Lucero, Jr., presented a petition containing approximately 60 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. The

petitions were obtained at the current restaurant location on 6th Street but the petitions do indicate the new location's address . 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. The El Charro Cafe has been in business in their family and their desire is to serve margaritas and bottled beer. They will be located at 1605 Main Street in Alamosa, Colorado. In the past and in the present, their customers have asked them to provide this service.

Prior to opening the public hearing, Council questioned the applicant's principal shareholders concerning the criminal history revealed by the City's investigation. Mr. Lucero, Sr. explained that most of the violations on his criminal history were dismissed, except the one that was in San Luis that was a DUI (presumably either the 1983 or 1991 DUI arrest showing on the records). Mr. Lucero, Jr. explained that the DWAI that appeared on his criminal history (2002) occurred when he was twenty-one years of age and it caused him to go to law school. He is a member of the bar and you have to be of good moral character to be able to be one. He also stated that they have previously held a liquor license in Pueblo, Colorado at their previous restaurant there and does not believe anything has changed in their criminal histories since that time. Councilor Gillaspie asked about the charge showing an arrest for Ike Lucero, Sr. as recent as 2014. Ike Lucero, Jr. explained the situation regarding that and after talking with the prosecutor about the situation, the case ended up being dismissed. Councilor Gillaspie confirmed with the applicants that all the charges that show up on their criminal histories have been dismissed (Mr. Lucero, Jr.'s DUI being dismissed under a deferred sentence arrangement).

Testimony in favor of the Application was given by Dan McCann, in support of private business. There was no testimony opposed to the Application.

II. APPLICABLE LAW

A hotel restaurant liquor license, under the *Colorado Liquor Code*, may be issued to persons selling only malt, vinous and spirituous liquors in the place where such liquors are to be consumed. In addition, a Hotel/Restaurant shall sell such liquors only if meals are actually and regularly served, and provide not less than 25% of the gross income from sales of food and drink of the business of the licensed premises. C.R.S. § 12-47-411.

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 1605 Main Street 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 Hotel/Restaurant 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, 1605 Main Street, is within 500 feet of a school, but is allowed for a hotel/restaurant license pursuant to Ordinance No. 7-2011.

The Applicant is a corporation authorized to do business in the State of Colorado and is in good standing.

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 evidence further established that both shareholders in the Applicant corporation have had prior convictions for DUIs, and that Mr.

Lucero, Sr., has been previously arrested for assault. Council finds the criminal records of both Applicant's shareholders do not reflect adversely upon the good moral character of the Applicant. Specifically, none of the crimes reflected in the criminal record involve moral turpitude, as that is traditionally understood. Furthermore, all arrest records, save for the theft against at risk adult arrest of Mr. Lucero, Sr., that was dismissed outright by the Huerfano County District Attorney, occurred more than ten years prior to this application. The applicant operates a well known and respected established restaurant in the community, and has done so for many years.

IV. CONCLUSIONS

Applicant has satisfied Council that there is a need and desire in the neighborhood for the issuance of the hotel/restaurant liquor license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby GRANTS the Application submitted by Ike & Ike, Inc., for a new hotel/restaurant liquor license at 1605 Main Street, Alamosa, Colorado.

Dated this 7th day of October, 2015.

Mayor Josef Lucero
City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

Holly Martinez, City Clerk

**FINDINGS OF FACT AND CONCLUSIONS;
DENIAL OF LIQUOR LICENSE APPLICATION**

In Re the Matter of the Public Hearing Concerning: Ike & Ike, Inc. d/b/a El Charro Cafe for a Hotel/Restaurant License at 1605 Main Street

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 September 16, 2015. Notice of the hearing was given pursuant to §12-47-311, C.R.S. All members of Council 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.

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.

Exhibit A, consisting of petitions containing approximately 60 signatures in support of the application filed with the Clerk, Exhibit B, consisting of 55 petitions (single signatures) presented at the hearing. The poster giving notice of the application was introduced as Exhibit B and the Clerk confirmed it was posted September 4, 2013, and remained posted through the date of the hearing.

The Authority takes administrative notice of the existence and location of the 15 hotel/restaurant licenses granted by the Authority for premises within the City, and of the total of 39 liquor licenses of all types granted by the Authority for premises within the City, one of which is inactive. 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, Ike and Ike, Inc.. appeared through its shareholders Ike Lucero and Ike Lucero, Jr.

C. Documentary Evidence. Ike Lucero, Jr., presented a petition containing approximately 60 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. The

petitions were obtained at the current restaurant location on 6th Street but the petitions do indicate the new location's address . 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. The El Charro Cafe has been in business in their family and their desire is to serve margaritas and bottled beer. They will be located at 1605 Main Street in Alamosa, Colorado. In the past and in the present, their customers have asked them to provide this service.

Prior to opening the public hearing, Council questioned the applicant's principal shareholders concerning the criminal history revealed by the City's investigation. Mr. Lucero, Sr. explained that most of the violations on his criminal history were dismissed, except the one that was in San Luis that was a DUI (presumably either the 1983 or 1991 DUI arrest showing on the records). Mr. Lucero, Jr. explained that the DWAI that appeared on his criminal history (2002) occurred when he was twenty-one years of age and it caused him to go to law school. He is a member of the bar and you have to be of good moral character to be able to be one. He also stated that they have previously held a liquor license in Pueblo, Colorado at their previous restaurant there and does not believe anything has changed in their criminal histories since that time. Councilor Gillaspie asked about the charge showing an arrest for Ike Lucero, Sr. as recent as 2014. Ike Lucero, Jr. explained the situation regarding that and after talking with the prosecutor about the situation, the case ended up being dismissed. Councilor Gillaspie confirmed with the applicants that all the charges that show up on their criminal histories have been dismissed (Mr. Lucero, Jr.'s DUI being dismissed under a deferred sentence arrangement).

Testimony in favor of the Application was given by Dan McCann, in support of private business. There was no testimony opposed to the Application.

II. APPLICABLE LAW

A hotel restaurant liquor license, under the *Colorado Liquor Code*, may be issued to persons selling only malt, vinous and spirituous liquors in the place where such liquors are to be consumed. In addition, a Hotel/Restaurant shall sell such liquors only if meals are actually and regularly served, and provide not less than 25% of the gross income from sales of food and drink of the business of the licensed premises. C.R.S. § 12-47-411.

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 1605 Main Street 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 Hotel/Restaurant 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, 1605 Main Street, is within 500 feet of a school, but is allowed for a hotel/restaurant license pursuant to Ordinance No. 7-2011.

The Applicant is a corporation authorized to do business in the State of Colorado and is in good standing.

The evidence presented at the public hearing did support the proposition that there is a need and desire for the issuance of this liquor license. However, the evidence further established that both shareholders in the Applicant corporation have had prior convictions for

DUIs, and that Mr. Lucero, Sr., has been previously arrested for assault. Council finds the criminal records of both Applicant's shareholders to be sufficient evidence to find that the applicant is not of sound moral character. Specifically, the DUI convictions raise a concern that the principal shareholders, who will be managing and supervising the service of alcohol, do not have sufficient care, respect, or concern for the effect of alcohol upon inebriated persons to properly manage the licensed facility. Council has considered the fact that the DUI convictions were a number of years prior to the filing of the application, and that at least with respect to Mr. Lucero, Jr., the conviction has been dismissed pursuant to successful completion of a deferred sentence plea agreement. However, Council does not consider such evidence to be sufficient evidence of rehabilitation.

IV. CONCLUSIONS

Applicant failed to satisfy Council that it is of sound moral character to hold the hotel/restaurant liquor license applied for. Therefore, the Alamosa City Council acting as the Local Licensing Authority hereby DENIES the Application submitted by Ike & Ike, Inc., for a new hotel/restaurant liquor license at 1605 Main Street, Alamosa, Colorado.

Dated this 7th day of October, 2015.

Mayor Josef Lucero
City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

Holly Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Needs & Desires Hearing on the application of Maria de Lourdes Lopez, d/b/a Calvillo's Liquor for a Retail Liquor Store at 407 6th Street.

Recommended Action:

Conduct hearing to receive evidence regarding whether this license application will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood.

Background:

Maria de Lourdes Lopez has applied for a Retail Liquor License for a Retail Liquor Store located at 407 6th Street. This application was accepted administratively on September 4, 2015.

Application Details:

- Business address is 407 6th Street.
- The licensed premise is proposed to be the entirety of the interior structure at said address (see attached drawing).
- Applicant has current sales tax license.
- Applicant is eligible to apply for a liquor license.
- The location is eligible to be licensed.
- Manager is Maria de Lourdes Lopez.
- Applicant does not hold any other liquor licenses in Colorado.
- Applicant is a Individual.
- Possession of the property is documented through a rental agreement/lease to Maria de Lourdes Lopez.
- Preliminary factual findings are attached, and have been hand-delivered to the applicant as required.
- The property was posted on September 25, 2015. The legal notice was published in the Valley Courier on September 26, 2015.

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Issue Before the Council:

This hearing is for the purpose of receiving evidence and testimony regarding this license application. This is a quasi-judicial issue where Council's action may only be based on evidence presented at the hearing.

Alternatives:

Council is limited to the option of conducting the needs and desires hearing as required by law.

Fiscal Impact:

N/A

Legal Opinion:

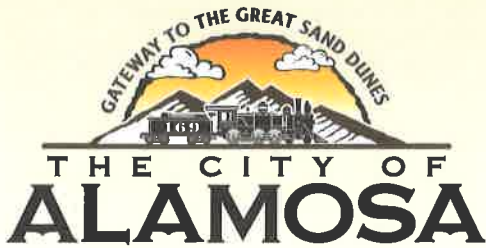
Counselor Schwiesow will be available at the meeting to conduct the hearing.

Conclusion:

Council should conduct the hearing as required. Standard procedure is to make a decision at the following meeting.

ATTACHMENTS:

Description	Type
▣ Preliminary Factual Findings	Backup Material
▣ Drawing of Premises	Backup Material



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hmartinez@ci.alamosa.co.us

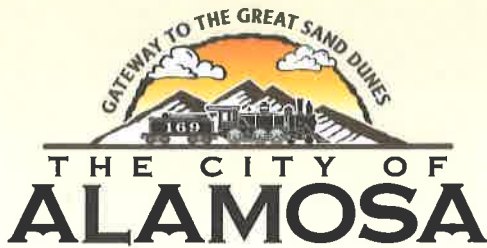
September 23, 2015

Maria de Lourdes Lopez
d/b/a Calvillo's Liquor
407 6th Street
Alamosa, CO 81101

Greetings:

You are hereby advised that an investigation has been made with regard to the application made by Maria de Lourdes Lopez, d/b/a Calvillo's Liquore, for a Retail Liquor Store License at 407 6th Street in Alamosa, Colorado. Based on the results thereof, the following has been determined:

1. The location of the premises for which the license is sought is 407 6th Street 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.
2. In the two years proceeding the date of application acceptance, there has not been a denial of a Retail Liquor Store application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.
3. It appears from the application documents that you are entitled to possession of the premises where you propose to exercise the license applied for, and that the possession will continue throughout the initial term of the license, if granted.
4. The sale of liquor on the proposed premises is not a violation of City of Alamosa zoning, building, and fire laws or regulations.
5. The proposed location is not within 500 feet from a school.
6. The Alamosa City Council has designated the Neighborhood to be the city limits plus a one-mile radius. You, as the applicant, may accept that designation or present alternative evidence.
7. Preliminary background investigation results have been received for the sole Member of the applicant entity and has not given rise to anything that would cause the



Local Licensing Authority to question the good moral character of this individual.
Fingerprint results are not yet received.

The public hearing on your application has been set for Wednesday, October 7, 2015 beginning at 7:00 p.m. or shortly thereafter. The hearing will take place in Alamosa Council Chambers, 300 Hunt Avenue in Alamosa. At said hearing, you shall have an opportunity to be heard regarding all matters of consideration of your application. Be advised that you, as the applicant, are burdened with persuading City Council, who is the Local Liquor Licensing Authority, that the granting of this license will meet the needs of the neighborhood and the desires of the adult inhabitants of the neighborhood. If you fail to present convincing evidence, the application will be denied.

City Council's procedure is to consider a final decision at the meeting following the hearing, in this case October 21, 2015.

Should you have any questions or concerns regarding the procedure involved in this public hearing, please feel free to contact me.

Sincerely,

Holly Martinez,
City Clerk

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Door

Door

Shelvs

Shelvs

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