

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

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

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

II. ROLL CALL

Present at roll call: Mayor Josef Lucero, Councilors Greg Gillaspie, Michael Stefano, Charlie Griego, and Ty Coleman. Councilor Vigil previously requested to be excused. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Holly Martinez informed Council there will not be a needs and desires hearing for Calvillo's Liquor as the applicant has withdrawn the application for this location. Councilor Gillaspie moved, seconded by Councilor Griego 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

Jim Posten spoke in regards to Locomotive 169.

B. Follow-Up

Council thanked Mr. Posten for the update.

V. CEREMONIAL ITEMS

A. Recognition of KaBoom! Participants

Council recognized participants of the KaBoom! project for all their efforts and presented certificates to the core committee.

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

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

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.

Pat Steenburg reviewed this ordinance with Council. Cottonwood Drive and Cottonwood Court are both streets that lie within the Carroll Special Improvement District. With the streets named 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.

Mayor Lucero opened the public hearing at 7:23 p.m. and asked for those wishing to speak on the matter.

Dan McCann spoke in favor of this ordinance.

There being no one else wishing to speak, the hearing closed at 7:24 p.m.

Councilor Griego moved, seconded by Councilor Stefano to finally adopt Ordinance No. 14-2015. The motion carried unanimously.

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

Erich Schwiesow reviewed these ordinances with Council. This action is all concerning a subset of the Special Improvement District that was created in 2014. This item will have the public hearing combined as the items all relate; first for the preliminary order which sets forth the kind of improvements that are going to be put in the Special Improvement District and how they will be put there, second - a public hearing on the creation itself of the Special Improvement District, and last - a final public hearing on approval of the preliminary and authorization of the gas, electric, and street lighting as set forth in the preliminary order.

Mayor Lucero opened the public hearing at 7:31 p.m. and asked for those wishing to speak on the matter.

Arvin VanRay spoke in favor of the Ordinances.

There being no one else wishing to speak, the hearing closed at 7:33 p.m.

Councilor Griego stated that doing this has really improved this area of the City.

Councilor Gillaspie moved, seconded by Councilor Coleman to finally adopt Ordinance No. 16-2015. The motion carried unanimously.

Councilor Gillaspie questioned how we can let the taxpayers know that this is interest free. Heather Brooks explained the communication that was done with the property owners.

Councilor Griego moved, seconded by Councilor Stefano to finally adopt Ordinance No. 18-2015. The motion carried unanimously.

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

Heather Brooks presented information to Council. 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.

Councilor Griego moved, second by Councilor Coleman to approve Ordinance No. 20-2015 on first reading, and set it for public hearing thereon on Wednesday, October 21, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- c. Ordinance 19-2015 adopting the proposed 2016 fiscal budget

Ms. Brooks presented information to Council. This is what the City uses to guide its actions for the upcoming year. It's also an important document to evaluate the revenue and see what changes are coming up. 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 uses this it should assist the Council in focusing expenditures towards those activities that forward the overall goal of the community. Ms. Brooks went over the list of this year's prioritization.

Councilor Coleman thanked the entire City Staff and Council for all the hard work that was put into this. Councilors Griego, Gillaspie, Stefano and Mayor Lucero echoed Councilor Coleman's comments.

Councilor Girego moved, seconded by Councilor Stefano to approve Ordinance No. 19-2015 on first reading and set it for a public hearing thereon on Wednesday, October 21, 2015 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

C. Committee Reports

Councilor Griego reported on the airport board and the marketing board.

Councilor Gillaspie reported on the library board.

Councilor Stefano commented in regards to the south side neighborhood watch program.

D. Staff Announcements

Heather Brooks informed Council of upcoming meetings:

- Special Meeting regarding the SID is set for Thursday, October 8, 2015.
- Meet the Candidates forum is Monday, October 12, 2015.

- Work Session regarding mobile vending and the audit review is scheduled for Wednesday, October 14, 2015.
- Board Appreciation Dinner is scheduled for Monday, October 19, 2015.
- Work Session for Team Dynamics is Wednesday, October 21, 2015.
- Public Meeting for the Ice Rink/Multi-Use pavilion is scheduled for Wednesday, October 14, 2015 at the Rec Board.

Holly Martinez informed Council that Elvie Conley, candidate for Ward 3, withdrew from the race. His name will still appear on the ballots as they have already been printed, but votes for him will not be counted.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

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

Erich Schwiesow informed Council that he has prepared proposed findings for Council's consideration. One that grants the approval of the license, and one that denies. Council may adopt either one or also make any changes that they see fit.

Councilor Stefano recused himself from the decision due to the applicant being a family member.

Councilor Griego spoke in favor of granting the liquor license based on the restaurant being a long standing business in town and the dates of the incidents that were on the background checks dating far back. He agree that the applicants should be given the opportunity for this liquor license.

Councilor Coleman spoke in favor of granting the liquor license due to the goal of economic development, which would be allowing the business to stay in Alamosa and to also expand.

Mayor Lucero spoke in favor of granting the license and feels the new location will be a positive impact on the community.

Councilor Griego moved, seconded by Councilor Coleman to approve the hotel/restaurant license application by Ike & Ike, Inc. d/b/a El Charro Cafe. The motion carried 3 to 1 with Councilor Gillaspie casting the no vote and Councilor Stefano abstaining.

- 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.

The applicant withdrew the application for the location on 6th Street. The needs and desires hearing was removed from the agenda.

COUNCIL COMMENT

Councilor Coleman commented regarding the efforts of the Chamber and ACEDC.

Councilor Gillaspie commented on the walking track at Cole Park.

Mayor Lucero commented in regards to safety in the community.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Recognition of KaBoom! Participants

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers

300 Hunt Avenue, Alamosa, CO

September 16, 2015

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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:

Approve Minutes of Meeting September 16, 2015

ATTACHMENTS:

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

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

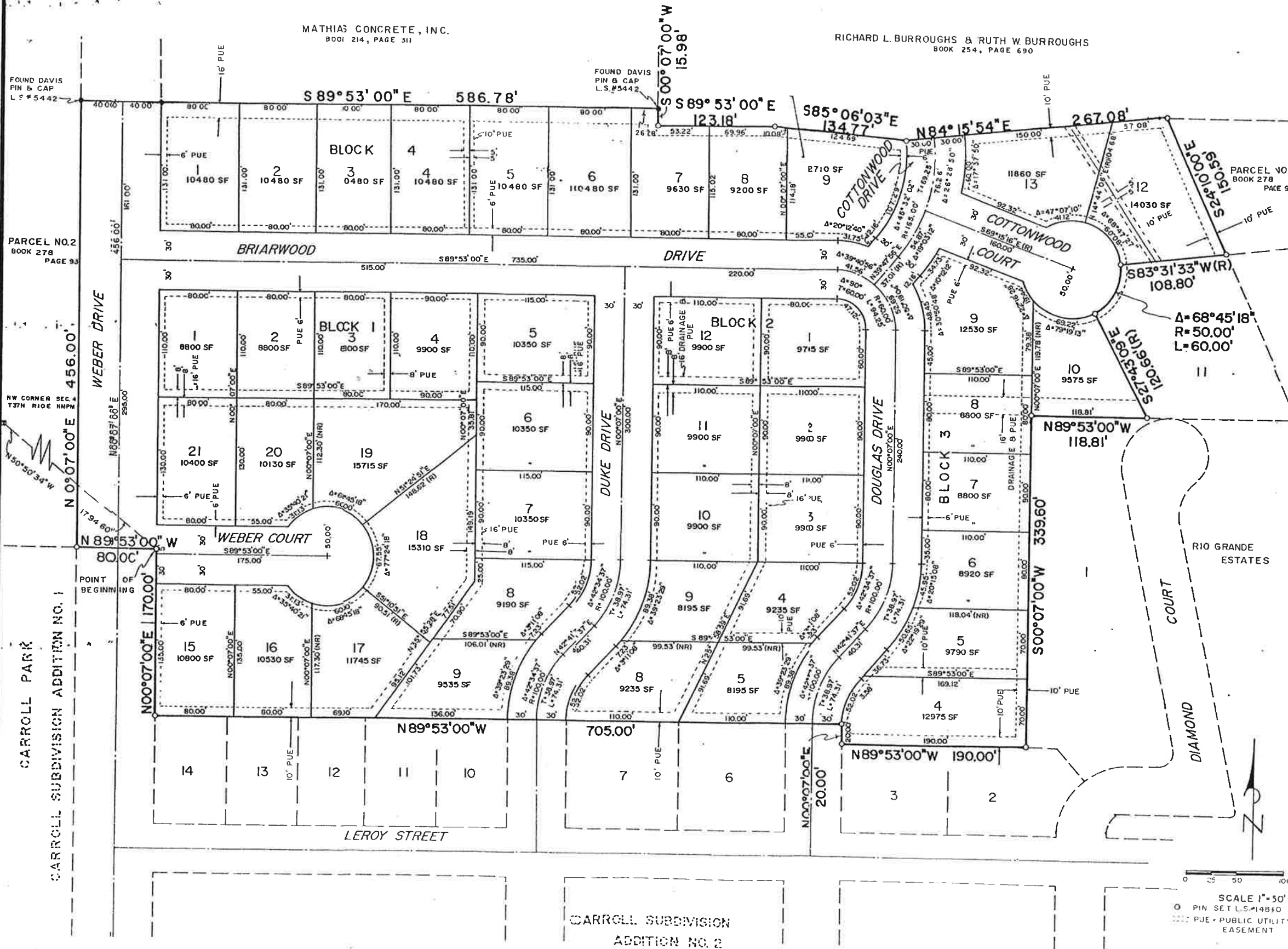
By: _____ Josef Lucero, Mayor

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\"

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* *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* *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* *Pat*
Recorder or Deputy

ACCEPTANCE OF PLATTED EASEMENTS

Charles H. Higgins
Public Service Company of Colorado

Grady D. Miller
Mountain Bell Telephone Company

220402

SCALE 1"=50'
PIN SET L.S. 14860
PUE = PUBLIC UTILITY EASEMENT

PAT
PAT

920 A NOV-82
HOLLY Z. LOWDER
PAT
SUMMIT ENGINEERING
1317 STATE AVENUE
ALAMOSA, COLORADO 81101
589-6147

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:

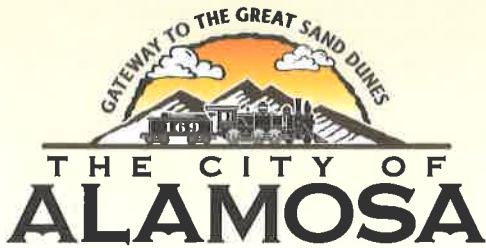
The City Attorney will be present for comment

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	Ordinance
☐	Plat	Backup Material



Office of the City Clerk
P.O. Box 419
Alamosa, CO 81101
(719) 589-2593, Main
(719) 587-2512, Direct
hmartinez@ci.alamosa.co.us

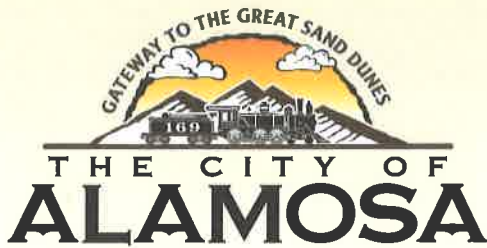
September 23, 2015

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

06

7

Coolers.

Door

Door

Shelvs

Shelvs

Door

48

30

Cash-
Register

Door

Door

5

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.

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

**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 prejudice 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.

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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.

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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 prejudice 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:

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