



CITY OF TRINIDAD
TRINIDAD, COLORADO

S P E C I A L M E E T I N G

There will be a Special Meeting of the City Council of
the City of Trinidad, Colorado, on Tuesday, June 14, 2011,
following Work Session at 1:30 p.m. in the
Council Chambers at City Hall

The following items are on file for consideration of City Council:

- 1) EXECUTIVE SESSION—for discussion of a personnel matter under C. R. S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, regarding City Manager Gil de Rubio's appointment of the Colorado Welcome Center Director

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

MAY 17, 2011

CITY OF TRINIDAD
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, May 17, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Garduno, presiding
	Councilmembers	Aragon, Pando, Shew, Toupal, Velasquez
Also present:	City Manager	Gil de Rubio
	City Attorney	Beatty
	City Clerk	Garrett
Absent:	Councilmember	Rino

The pledge of allegiance was recited.

READING OF THE MINUTES. A motion to approve the minutes of the regular meeting of May 3, 2011, as submitted was made by Councilmember Shew and seconded by Councilmember Velasquez. The motion carried unanimously, excepting Councilmember Toupal who abstained due to his absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Cheryl Clark request to address Council regarding Run for the Wall. Ms. Clark passed out a brief propaganda to Council. She said that on behalf of the Trinidad-Las Animas County Chamber of Commerce and a number of their local businesses, she was proud to announce that they are holding a first annual Armed Forces Day Parade in Trinidad and Las Animas County. Ms. Clark continued that as has happened in past years, the Run for the Wall will be coming through Trinidad on Armed Forces Day. The Run for the Wall participants stopping in Trinidad consist of approximately 250 motorcyclists, on the southern route, catching up with those on the northern route who all then head to the Vietnam Memorial in Washington, D.C. Ms. Clark extended an invitation to each Councilmember to attend the parade on Armed Forces Day at 11:00 a.m. which will begin on Animas Street and end on Main Street in front of Mullare-Murphy Funeral Home. She added that it will be broadcast live to people who cannot attend. Also there will be a meet and greet in the Miner's Memorial Park prior to and after the parade. They will be serving lunch to the Ft. Carson troop members who will be in attendance, donated by a number of the local businesses. Mayor Garduno has agreed to sign a proclamation to present to the Run to the Wall participants. Ms. Clark said they will have what is called a three-minute rolling stop in Trinidad, which equates to enough time for the last ones in the run to catch up with the first ones that pull into town. She concluded that it is a nice thing to offer them on behalf of our City and will be great for the soldiers to visit with citizens. There are a lot of people in town with veteran family members or active military family members or friends and it is a good thing for Trinidad citizens to honor all of them.

Clubhouse. Ken Fletcher addressed Council concerning the municipal golf course clubhouse building (referred to by Mr. Fletcher as the country club). He first posed a question to City Manager Gil de Rubio, asking how much money the City has spent on the clubhouse to-date. City Manager Gil de Rubio answered that the City has spent about \$35,000, not counting the purchase of the building. Public Works Director Valentine corrected that it is upwards of \$60,000 at this point with the roof construction. Mr. Fletcher recalled that the building acquisition cost \$280,000, and surmised that the total is over \$300,000 thus far. He then asked if the \$60,000 includes just the roof. City Manager Gil de Rubio said it is for the completion of the roof and structure work in the sub-roof area as well as some required electrical work to complete the job. Having had his questions answered, Mr. Fletcher advised Council that he was before them to express his concerns about the clubhouse. He said had he been asked about his knowledge of that building and others in the City, he would have told Council to not touch it because major alterations have occurred with that building. He showed Council nine pictures from 1921 illustrating its original condition and pictures of the alterations that have been made to the building over the years. He said he felt that the integrity of the original Pueblo revival design has been severely compromised by alterations and additions to several areas of the building's exterior. He said he did not think the building could be placed on the state let alone the national register of historical places. He suggested that an architect/engineer should have surveyed the building before the City contacted the Colorado Historical Society for funding. He said as far as he knows there are no original architectural drawings of the building and he has gone through Trinidad newspapers from 1888 to 1930 on microfilm to collect information about the Rapp buildings and other historical architects' buildings in Trinidad and has contacted ancestry of the those local historically-known architects and learned that none of them have any plans on that building. Additionally, he visited the University of New Mexico in Albuquerque because they hold plans of some of the Rapp building plans, however none were there for this building either. The changes to the building have nothing to do with the current roof construction. Mr. Fletcher explained the photos whereby he circled the areas of alterations as compared to the building's original state. One picture showed where there was water that had pooled on the floor and he said that he spoke to the person who last sanded the floor who told him that it couldn't be sanded anymore because it is down to the tongue and groove. He surmised that it will have to be replaced at an additional minimum charge of what he estimated to be \$200,000. He estimated the kitchen equipment at another \$200,000 and said it will cost close to \$1 million dollars before the building is available for lease. Lastly he said he contacted a lady with the Colorado Historical Society in Denver who said "current roof work, which I believe does not include the viegas in that work, and is only dealing with the flat portion behind the parapets..." Unfortunately he said the parapets have been removed too - more damage. Mr. Fletcher concluded that the next time the City gets into a can of worms before they enter it, he suggested they not start vast projects with half-vast ideas.

REPORT BY CITY MANAGER. Recycling. City Manager Gil de Rubio advised Council that he and City Planner Fineberg met with Neil Segata, Mayor, and Scott Berry, City Manager, of Raton to start a dialogue with them about recycling. He said they hope to come back to Council after some scenarios are mapped out with the City of Raton.

Roundtable discussions. City Manager Gil de Rubio said he was part of the roundtable discussions in Denver over the weekend to discuss the government's role in providing quality public services. He said the forum was sponsored by the Colorado Fraternal Order of Police, Colorado Professional Firefighters, the Denver Classroom Teachers' Association, and

AFSCME. There were three or four State Representatives, the Speaker of the Senate, and several city council members from the Denver area as well as several Colorado mayors. He said the event was well attended and invigorating. It was an eye-opener on labor and issues facing cities across the nation. He concluded that he was honored to be chosen to participate.

Ribbon Cutting. City Manager Gil de Rubio announced a ribbon-cutting ceremony that San Isabel Electric Association will be having for their El Moro and Starkville substations commission on Thursday, May 26th. He said that a shuttle bus will be leaving the parking lot of the Sullivan Center at the college at 10:30 a.m. at will travel to the substations. At 12:00 p.m. lunch and a presentation will be held at the TSJC Leone lounge.

Main Street clean-up. Council was informed by City Manager Gil de Rubio of the efforts being made by City crews and Department of Corrections inmates. They will be planting flowers and cleaning parking lots on Main Street and the surrounding streets in preparation of the Armed Forces Day Parade. The efforts will continue, periodically throughout the summer.

Dedication Ceremony. City Manager Gil de Rubio announced that there will be a dedication ceremony honoring Nick DeBono on Wednesday, May 25th at 5:00 p.m. sponsored by the Las Animas & Huerfano Counties District Health Department, Board of Health at 412 Benedicta Avenue. Members of the City Council were invited.

Library update. City Manager Gil de Rubio provided Council with an update regarding the improvements being done at the library. They are hoping for a re-opening date of June 1st. A sort of ribbon cutting ceremony will be done, to include light refreshments. The computer center on Main Street will be opening some time after the June 1st date. They've been discussing the computers they have received from the Bill & Melinda Gates Foundation.

REPORT BY CITY ATTORNEY. Legal updates. City Attorney Beatty advised Council that at their seating places was a confidential memorandum he prepared updating them regarding ARPA and Cougar Canyon. He also reported that the State of Colorado's 2011 Legislative Session adjourned last Thursday. The most notable legislation affecting the City is Senate Bill 11-164 which passed and was signed into law by Governor Hickenlooper. This Bill backfills the State's budget shortfall by transferring \$107 million from various funds to finance local government. It includes a transfer of \$70 million from local government severance tax fund and \$15 million from the local government mineral impact fund. Last year the City received \$182,000 in severance tax and \$177,000 in mineral impact funds. This year the City budgeted an increase in those amounts totaling \$50,000 in added revenues. However, he said that figure might be slightly over estimated. He concluded that the impact of the Bill with respect to the City's budget is not yet known.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Hotel and restaurant liquor license renewal request by Fisher's Peak Lodging, LLC d/b/a Trinidad Holiday Inn Peaks Restaurant & Lounge at 3130 Santa Fe Trail Drive. Councilmember Toupal, having confirmed that the paperwork was in order with the City Clerk, moved to approve the license renewal. The motion was seconded by Councilmember Pando and carried by a unanimous roll call vote.

Special events permit request (malt, vinous and spirituous) by Trinidad & Las Animas County Chamber of Commerce at 160 N. Commercial for June 10, 11, & 12, 2011 (Santa Fe Trail Festival). Membership Director and Event Coordinator Tom Davis presented himself to answer questions. Councilmember Toupal recalled that last year the Chamber had a violation and asked if they have personnel arranged for this year's event to ensure that will not happen again. Mr. Davis answered that one of the board members last year was cited for selling to a minor during a sting operation. This year they are enforcing that the whole staff will be TIPS certified. Otherwise, they cannot be behind the bar area. Mr. Davis added that he has become a trained TIPS trainer. He said he's been training and currently six of their volunteers are not trained, however will be prior to the event. Councilmember Pando commented that he is very pleased to see in the paperwork that the Chamber has done a number of things to address concerns. He added that last year he personally saw the lack of attention being paid to where liquor was served. He further commented that if they carry out what is provided in the paperwork, the event will be tremendous and he commended the Chamber and he looks forward to them having a successful Santa Fe Trail Festival. Mayor Garduno asked if the fire safety plan had been approved by the Fire Chief. Mr. Davis said it has. She noted that the plan states that the occupancy load is to be determined by the Chief for the beer garden and asked if it will be done when they are setting up. Mr. Davis answered that it will be at the time that they are setting up, explaining that the Chief wants to take into consideration the square footage of the beer garden less the tables, chairs, stage, bar, and the horseshoe tournament area. Once those things are set up on Thursday night, the occupancy will be determined and it will be posted at their gate. Mayor Garduno asked for clarification regarding the operation plan. She noted that it says there will be two officers to patrol this event. She asked if they will be at the beer garden or patrolling the entire event. Police Chief Glorioso answered that they will be covering both the beer garden and down town. Mayor Garduno asked if she's correct that one will be on foot and one on bike patrol. Chief Glorioso responded affirmatively. He added that there will be four additional officers for the street dance. Mayor Garduno asked if they will be off duty. Chief Glorioso answered that they will be. A motion to approve the permit was made by Councilmember Shew and seconded by Councilmember Toupal. The motion carried unanimously upon roll call vote.

Special events permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana E Hispano-Americana at 206 N. Animas Street for June 4, 2011 (Rocky Mountain Elk Foundation Banquet). Councilmember Toupal moved for the approval of the permit request and Councilmember Aragon seconded the motion. Roll call was taken, and the motion carried unanimously.

New retail liquor store license request by Kenneth R. Gegelman d/b/a Trinidad Beer, Liquor & Wine Depot at 900 Arizona Avenue. Councilmember Toupal moved to set the tentative neighborhood boundary as the corporate City limits and the hearing for 7:00 p.m. on June 21, 2011. The motion was seconded by Councilmember Velasquez and carried unanimously upon roll call vote.

MAY 17, 2011

New retail liquor store license request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue. Councilmember Pando made a motion to set the tentative neighborhood boundary as the corporate City limits and the hearing for 7:00 p.m. on June 21, 2011. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

First reading of an ordinance repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purpose of adopting by reference uniform codes for the regulation of buildings, to wit, the 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Shew and was read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 7, 2011 was made by Councilmember Pando and seconded by Councilmember Toupal. The motion carried unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS, TO WIT, THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE

BILLS. Councilmember Pando called to Council's attention check #37043, payable to Colorado Floors and Blinds. He explained that he had a copy of the bid results for the carpet for the library. He passed out copies of the bid results and pointed out that there were two other bids considerably lower than the one chosen. He stated that he felt all of the people responsible for the selection of this bid in this difficult economic time are highly responsible. You can take \$3,500 and pitch it out the window. It seems when it's not your money it is very easy to do. He added that he doesn't know why the lowest bid wasn't taken and that the only bid specification was for good, serviceable commercial quality carpet. He reiterated that the people making the decision are highly responsible. It's done, but they can't do these kinds of things when we are trying to balance budgets and being short of money. City Manager Gil de Rubio responded that this bid went out and fell within the guidelines of the City's procurement policy. At times, the lowest bid is not be the best bid. The former library Board of Trustees reviewed and acted on this bid. They chose this bid because of the heavier fabric and the presentation of the bidder. He added that it is a shame that the issue wasn't brought to the City's attention right after the bid opening, but he assured that the money was not waste and was spent wisely. He suggested they take a look at the product. He concluded that he stands behind the Library Board of Trustee's decision and reiterated that the best is not always lowest bid. Councilmember Pando agreed that the lowest is not always the best, but argued that the playing field has to be level. If they wanted a heavier carpet, they should have specified that and if they wanted a presentation to the Board, that should have been specified. He said he finds this totally irregular. Bidding is done to save money. He added that he's been involved in bidding for many years. He commented about the efficiency of the bidding process at Trinidad State Junior College. Councilmember Pando questioned why the low bidder didn't get the opportunity to present to the Board. Everyone presented a bid for 26 ounce carpet except this one individual (who was selected). Aside from the weight, the lowest bidder bid two types of carpet, nylon or olefin carpet, with nylon being good and olefin better carpet. He said it should have been fair to everyone. City Manager Gil de Rubio said if there was a question, it should have been posed at the bid opening or shortly thereafter, not after the carpet was installed. Councilmember Pando responded that he was not aware of this. He said he learned that he wasn't the lower bidder from City Attorney Beatty, noting that he was glad because he didn't want a conflict. His next question was who was chosen and who was the lowest bidder. He said he assumed they would choose the low bidder. All the specifications called for was a good commercial quality carpet. City Manager Gil de Rubio said the review board called in specific bidders and questioned them and made their decision accordingly. Councilmember Pando questioned if they called in all of the bidders and when City Manager Gil de Rubio answered that he thought it was a couple, Councilmember Pando asked how many. Jane Besel addressed the question. She answered that there were five who came in. They were Randy Panter, Al Pando on the phone, Chris Crisler from Colorado Floors and Blinds, Lynn Smith, and Kingdom Carpet through several phone calls. Mr. Pando said Randy Panter did not make a presentation. Councilmember Pando asked how many did, stating that to his knowledge it was only one - Colorado Blinds and Floors. Ms. Besel compared it to buying a car and needing it to be serviceable. She pointed out that it was a decision of the Library Board. She continued that if she is looking for a product and somebody goes the extra mile that is probably someone she would go with because that's indicative of the kind of service they will provide. If somebody comes to her when they have put out a bid for carpeting and makes the extra effort to show her samples and give her advice on what type of carpeting is and is not appropriate for its use, and provides four pages of referrals, that's probably the one that is going to make the greatest impression. Councilmember Pando said with regard to the comparison, she was comparing a person to City government, and with City government you can't just pick. There's supposed to be a bidding process and if they didn't pick the lowest, the Board should have a reason why. They didn't have a reason. Ms. Besel said they felt the quality of the product and its suitability for the library was best, reiterating that it was the Board's decision. Councilmember Aragon called for point of order. Mayor Garduno asked if the weight of the carpet was specified. Ms. Besel said she believes the specifications called for carpet for a commercial setting with high traffic, with hundreds of visitors per day. Councilmember Pando said he believes the process was absolutely wrong. Mayor Garduno asked about check #37125 on page 6 which was payment for K-9 training in the amount of \$5,995.00. She said she thought the City didn't have a K-9 anymore. City Manager Gil de Rubio said Pioneer Natural Resources donated money to cover most of the cost, \$5,900.00. Chief Glorioso said it's a wash. City Manager Gil de Rubio said the department is reinstating the K-9 unit with that donation. Chief Glorioso said the officer, Detective Sgt. Phil Martin, goes to school in June. A motion to approve the bills was made by Councilmember Shew. The motion was seconded by Councilmember Velasquez. Roll call was taken on the motion. The motion carried

unanimously, however excepting Councilmember Pando's specific disapproval of check #37043.

MAY 17, 2011

PAYROLL, April 30, 2011 through May 13, 2011. A motion to approve the payroll was made by Councilmember Toupal and seconded by Councilmember Aragon. The motion carried unanimously.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Aragon and seconded by Councilmember Shew. The meeting was adjourned by unanimous vote of Council.

ATTEST:

JENNIE GARDUNO, Mayor

AUDRA GARRETT, City Clerk

MAY 24, 2011

CITY OF TRINIDAD
TRINIDAD, COLORADO

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, May 24, 2011 at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADOSPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, May 24, 2011 at 1:30 p.m. in the Council Chambers at City Hall

The following item is on file for consideration of City Council:

- 1) Public hearing – New Optional Premises liquor license application filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive

The meeting was called to order at 1:30 p.m.

There were present:	Mayor	Garduno, presiding
	Councilmembers	Aragon, Shew, Toupal
Also present:	City Manager	Gil de Rubio
	City Attorney	Beatty
	City Clerk	Garrett
Absent:	Councilmember	Pando, Rino, Velasquez

Public hearing – New Optional Premises liquor license application filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive. Mayor Garduno called the hearing to order and announced that she would be presiding over the hearing. She stated the purpose, an application for the issuance of a new optional premises liquor license filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive, Trinidad, Colorado. Mayor Garduno then instructed those present on the order in which evidence and testimony would be heard as follows: Opening statements or remarks from the applicant followed by the same by the City Attorney, then applicant's evidence and testimony of witnesses. Next she advised that she would call for the City's evidence and testimony of witnesses. She then advised that she would thereafter call for a presentation of evidence and any testimony of witnesses by any party in interest. Rebuttal evidence would then be called for and finally closing arguments by the applicant, the City and any party in interest. Mayor Garduno said that the hearing would then be closed and she would call for a motion and discussion. She additionally advised that an executive session may follow the hearing, or the authority may choose to postpone its decision on the matter for a period of up to 30 days. She asked anyone who was going to testify to come forward and be administered the oath and said she reserved the right to limit testimony or questioning that was repetitive, cumulative, or argumentative and to set a limit on the duration of testimony if necessary. Also, formal rules of evidence would not be followed and the testimony and exhibits will be liberally admitted. She told those present that if they had an objection they should raise their hand and she would call upon them. She advised that she would rule on the objection and it would stand unless a council member requests a vote on that ruling, in which case admissibility of the testimony would be decided by a majority vote of Council present. Mayor Garduno announced that the neighborhood boundary set by the Liquor Licensing Authority is the corporate City limits and that the application packet constitutes the exhibits for this hearing in addition to any other documents offered by the applicant. Mayor Garduno asked the applicants, Joey DeGarbo and Kent Eberhart, if they were present and if they were satisfied with the rules. Both responded affirmatively. Mayor Garduno called for opening statements from the applicant, if any, reminding that opening statements are not evidence but rather an opportunity to briefly summarize each respective position on this matter, but opening statements may be waived by either party. Kent Eberhart, identified himself and his position as Vice President of the Association. He stated that the Association is applying for a liquor license for a one-year period. He said he thinks it is a great opportunity to increase their income by having sales of beer on the course, as most golf courses do. He thanked the City for the opportunity to do this and reminded them that any opportunity the Association has to make more money should offer relief to the City for any money they have had to request of it in the past. City Attorney Beatty offered an opening statement. He said that the Association is seeking the liquor authority's issuance of an optional premises license. He explained that an optional premises license is a unique type of license in that it must relate to an outdoor activity, pursuant to State statute. Prior to the State's issuance of this type of license, the city must have adopted standards for this type of license. The City of Trinidad in Section 3-21 of the Code has done so and has further limited the outdoor activity to mean a golf course. Therefore very few entities are eligible to obtain this type of license. The lessor of the golf course is one. If granted it would be the only stand-alone optional premise license in Trinidad. Mayor Garduno called for questions by the City. There were none. She then called for presentation of evidence and testimony by the applicant. There was none. She called for questions by the City. City Attorney Beatty asked Mr. DeGarbo and Eberhart if the Trinidad-Las Animas County Golf Association, Inc. is non-profit. They both responded affirmatively. He asked if it is accurate that neither are an actual shareholder of the corporation. Mr. DeGarbo said there are no shareholders. City Attorney Beatty asked if either one has operated a liquor licensed business before. Both responded that they have not. City Attorney Beatty asked if they will be involved in the day-to-day operations and Mr. DeGarbo answered that they are just board members and will not be servers. City Attorney Beatty asked if they will oversee all personnel to which they responded affirmatively. City Attorney Beatty asked if all personnel in charge of liquor sales will be TIPS trained. Mr. DeGarbo said he guessed they should. City Attorney Beatty noted that the applicant provided a lot of information in the packet including diagrams of the proposed optional premises which identified one main point of sale at the Pro Shop with an explanation that they may have a beverage cart. Mr. Eberhart said they don't have a cart at this point, but may later. City Attorney Beatty asked about other points of sale. Mr. DeGarbo said hole #5 is a covered and locked up area used in the past

for tournaments as an extra outlet. When asked if they were considering that location by City Attorney Beatty, Mr. Eberhart said they are using the Pro Shop primarily. City Attorney Beatty reminded the applicant that they have the initial burden of proving that the reasonable requirements of the neighborhood and the desire of the adult inhabitants are not being satisfied by existing liquor licensed outlets. He asked if in their view there is a need for this license. Mr. Eberhart answered yes, to operate as a full golf course, and Mr. DeGarbo also answered yes. Councilmember Shew asked about the ability to use a second sale point. City Attorney Beatty said the application identifies the Pro Shop and a cart. He said as such he would advise both the applicant and Council that the use of the shelter at hole #5 may need to be clarified in the future. It should only be the Pro Shop and cart at this point. Mr. Eberhart asked if they would be infringing if they were to park the cart at a convenient location with shelter from the weather. City Attorney Beatty said if it were from the cart it would be appropriate but not from the shelter. Mr. Eberhart discussed the logistics of the API Tournament and City Attorney Beatty explained that the Association would be the retailer at the tournament and cautioned them to take precaution with how the alcohol is distributed to ensure they are not serving underage people. He suggested they be TIPS trained. Mayor Garduno called for questions from the Authority. There were none. Councilmember Toupal commented that he has never personally seen a golf course without liquor or beer on the course. Mayor Garduno called for presentation of the City's evidence and testimony of witnesses. City Attorney Beatty said he had nothing to present. He pointed to the City Clerk's staff report and overview of the application outlining the fact that the Fire Chief and Building Inspector have conducted inspections and signed off on the application. In accordance with the City's code, Kent Eberhart and Joey DeGarbo submitted letters of reference. However, neither are 10% or more shareholders and therefore their moral character is not on trial here. Mayor Garduno called for questions of the City Attorney by the applicants and then the Authority. The applicants had none. Councilmember Shew asked if once the clubhouse becomes available will they have to re-do the license or will it transfer over. City Attorney Beatty said the clubhouse and surrounding five acres of land that the City recently acquired is a separate premise. This application comprises the 84-acre golf course and the Pro Shop. He said that when we get further down the line it is hoped that there will be cooperation between the entity that operates the clubhouse and the Association. He clarified that this application excludes the clubhouse building from being part of the licensed premise. Mayor Garduno confirmed the absence of interested parties and called for rebuttal. Mr. DeGarbo stated that with respect to the clubhouse, they will cross that bridge when they get there. It is the City's golf course and the Association's job is to make sure they follow the right flow for everyone. City Attorney Beatty offered no closing statement. Mayor Garduno called for a motion or discussion. Councilmember Toupal moved for the approval of the Optional Premises license as requested. The motion was seconded by Councilmember Aragon and upon roll call the motion carried unanimously.

There being no further business, Councilmember Shew moved to adjourn the meeting and the motion was seconded by Councilmember Toupal. The motion carried unanimously and the meeting was adjourned.

ATTEST:

JENNIE GARDUNO, Mayor

AUDRA GARRETT, City Clerk