



COUNCIL COMMUNICATION

DATE: April 26, 2010	AGENDA NO. VIII. B. 5.	SUBJECT: Schedule Show Cause Hearing for Othello's
Department Head: Judy Egbert, City Clerk 		
City Manager:  Nathan M. Cherpeski		
PRESENTED BY: Judy Egbert		

Recommendation

Schedule Show Cause Hearing.

Background

The Alamosa Police Department has recommended that Council set a Show Cause Hearing for Othello's. Please see the attached letter for details.

Prosecutor Gene Farish is available on May 24. Other dates may be explored if this does not meet Council's schedule needs.

Issue Before the Council

Does Council believe evidence exists to warrant a Show Cause Hearing?

Alternatives

1. Determine that sufficient evidence exists to set a Show Cause hearing and determine the date.
2. Determine that the evidence does not support holding Show Cause hearings, and further direct staff.

Fiscal Impact

N/A

Legal Opinion

Counselor Schwiesow will be available at the meeting if needed.

Conclusion

Staff recommends calling for a Show Cause Hearing.

Alamosa Police Department

2431 Main Street, #22
Alamosa, Colorado 81101

JOHN A. JACKSON, CHIEF OF POLICE

4/20/10

City of Alamosa, Colorado
City Clerk Judy Egbert
425 4th Street
Alamosa, Colorado 81101

Re: Show Cause Hearing
Othelo's Restaurant and Bar

Dear City Clerk Egbert;

In the early morning hours of 4/18/10, we had yet another large fight on, and near, the premises of Othelo's Restaurant and Bar. This fight involved many people who had either attended, or were intending to attend the bar. The fight involved numerous patrons that spilled out into the street, and into the parking lot on the west side of the building.

On this night, there were numerous arrests that had been made as a direct result of activity in and around the bar. The most serious being a 2nd degree assault where a 17 year old girl had a beer bottle broken over her head and two police officers were injured from fights that they became involved in. One person was actually cited for "Inciting a Riot" for attempting to work the on-looking crowd into fighting with the police. This person had to be tazed three cycles to be able to safely affect his arrest. Numerous people were cited for under-age alcohol consumption. Trash; i.e. beer bottles, liquor bottles, beer cans, cups and mixer cans were strewn thorough many of the area parking lots. This trash is never cleaned up causing the businesses on Monday morning to clean their own lots. One of the lots is a City owned municipal parking lot. I have included pictures of the parking lots from this past Saturday night.

The injured police officers were both treated and released for their injuries. It is believed that the officers will be able to return to duty, with non-career ending injuries. This was not the first officer injury that we have suffered quelling fights at this location. My concern is that we will suffer a more serious injury in the future if we continue to have these fights.

Police Headquarters
2431 Main Street, #22
Alamosa, Colorado 81101
(719) 589-2548

"WE CARE"

Mailing Address
P.O. Box 1101
Alamosa, CO 81101
Fax: (719) 589-5257

We have worked with Othelo's management to reduce, and hopefully eliminate, these fights. For a two week period, they entered into a self imposed restriction where they did not allow persons under the age of 21 into the bar. There were no fights during that period of time. We have not found any long standing proactive solutions to the problems that they are having managing the security at their bar.

Since 02/10/08, we have responded to the Othelo's Restaurant and Bar 40 times. Numerous of these responses were for fights/disturbances in progress, more specifically, 10 calls for service dealt with disturbances, fights, civil problems or drunken people. During the end of 2009 and beginning of 2010, there were many weekend nights where the shift supervisor literally had to assign all of our working resources to quelling fights at this bar. We have also had to at times request assistance from outside law enforcement jurisdictions. Having all of our resources in one location is not a safe plan for the remainder of the City.

I truly believe that if changes are not made, we will experience more crimes of violence on, or near, the property as a direct result of the activity at Othelo's Restaurant and Bar. My fear also is that we will have more citizens, and officers, injured from these crimes that I forecast/project will happen.

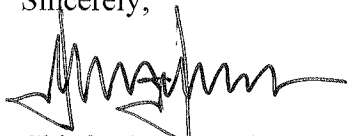
It is for the above reason, and specifically the fight incident on 4/18/10, that I request a show cause hearing be held in reference to Othelo's Restaurant and Bar located at 407 State Avenue under the below listed Colorado Liquor Code citing:

Regulation 47-900. Conduct of Establishment.

A. Orderliness, loitering, serving of intoxicated persons.

Each person licensed under Article 46,47, and 48 of Title 12, and any employee or agent of such licensee shall conduct the licensed premises in a decent, orderly and respectable manner; and shall not permit on the licensed premises the serving or loitering of a visibly intoxicated person or habitual drunkard, nor shall the licensee, his employee or agent knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S. nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

Sincerely;



Chief John A. Jackson
Alamosa Colorado Police Department