

ALAMOSA CITY COUNCIL
Regular Meeting Minutes
ZOOM VIDEO WEBINAR
300 Hunt Avenue, Alamosa, CO
October 21, 2020

Zoom Webinar Link: <https://us02web.zoom.us/j/84520304868>

Dial-in Number: US: +1 253 215 8782 | Webinar ID: 845 2030 4868

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 Ty Coleman at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Ty Coleman, Councilors Liz Hensley, David Broyles, Kristina Daniel, Charles Griego, and Michael Carson. Councilor Jan Vigil previously requested to be excused. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Broyles moved, seconded by Councilor Griego to approve the agenda as presented. The motion carried unanimously.

IV. CITIZEN COMMENT

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

A. Audience Comments

None.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. Introduction of new Community Service Officers David Gonzales and Fabian Juarez.

Police Chief Ken Anderson introduce Community Service Officers David Gonzales and Fabian Juarez, who were both welcomed by Council.

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

C.7.a. Approve Minutes of Special Meeting September 30, 2020

C.7.b. Approve Minutes of Meeting October 7, 2020

C.7.c. Approve Municipal Judge Employment contract for 11/1/2020 to 10/31/2021 consistent with evaluation conducted on October 14, 2020.

C.8.a. Approve City Manager Employment Agreement

C.8.b. Receive September 2020 Monthly Reports

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. LEAD Update

LEAD representatives Clarissa Woodworth, Carrie Deacon, and Scott Dillion, along with Police Chief Ken Anderson, provided an update to Council on the LEAD program.

B. Business Brought Forward by City Staff

1. Public Works

a. Request for Fee Waiver for Flats at Iron Horse Multi-Family Development

Deacon Aspinwall presented information to Council on this request which was gone over in length at a work session.

Councilor Carson moved, seconded by Councilor Griego to approve a waiver of fees for the water and sewer taps and building permit up to a total of \$109,066.05 or the actual as-built cost of the southern half of Carroll Street, whichever is less, on the condition that the developer establish a zone of benefit recovery charge and assign the City as the beneficiary of said recovery charge, and that the proposed development commit to providing affordable housing with 40 units, available to households earning 30-60% of area median income, for the next 40 years, and authorize the Mayor to sign the attached contract or one that the City Attorney deems substantially similar. The motion carried unanimously.

b. First Reading, Ordinance No. 27-2020. An ordinance amending Section 21-6-

301(f)(1) of The *Code of Ordinances of the City of Alamosa* to allow certain types of performance bond as collateral for required public improvements.

Counselor Schwiesow provided information on this ordinance to Council.

Councilor Griego moved, seconded by Councilor Carson to approve Ordinance No. 27-2020 on first reading and set for a public hearing on Wednesday, November 4, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

2. Finance

- a. Public Hearing and Second Reading, Ordinance No. 24-2020, An Ordinance making the annual appropriations for fiscal year 2021.

Heather Brooks reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:05 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:05 p.m.

Councilor Griego moved, seconded by Councilor Broyles to finally adopt Ordinance No. 24-2020. The motion carried unanimously.

- b. Public Hearing and Second Reading, Ordinance No. 25-2020, an ordinance amending the established pay plan for City officers and employees in accordance with article III, section 11 of the Charter and as referred to in section 15-2 of the Code of Ordinances, concerning personnel rules and regulations and pay plan for City officers and employees.

Heather Brooks reviewed this ordinance with Council.

Mayor Coleman opened the public hearing at 8:09 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 8:10 p.m.

Councilor Griego moved, seconded by Councilor Daniel to finally adopt Ordinance No. 25-2020. The motion carried unanimously.

3. Parks and Recreation

- a. Resolution No. 13-2020, Accepting a GOCO Grant Agreement for the Revitalize the Rio Phase I Boat Ramps Project

Parks, Recreation and Library Director Andy Rice reviewed this resolution with Council.

Councilor Broyles moved, seconded by Councilor Hensley to approve Resolution No. 13-2020. The motion carried unanimously.

4. City Clerk/Municipal Court

- a. First Reading, Ordinance No. 26-2020, An ordinance amending Section 13-54 of The *Code of Ordinances of the City of Alamosa* concerning failure to pay court fines, fees and costs.

City Clerk Holly Martinez provided information on this ordinance to Council.

Councilor Griego moved, seconded by Councilor Daniel to approve Ordinance No. 26-2020 on first reading and set for a public hearing on Wednesday, November 4, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

C. Committee Reports

Mayor Coleman reported on the Recreation Advisory Board meeting he attended.

D. Staff Announcements

Heather Brooks provided an update in regards to an upcoming condemnation of a home.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

A. CONSENT CALENDAR B

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

Councilor Daniel pulled the item off of consent to ask a clarifying question related to the formation of the document.

Councilor Daniel moved, seconded by Councilor Griego to approve the findings granting the license application for My Brothers Place. The motion carried unanimously.

1. Consideration of application of My Brothers Place, LLC adopting the written findings granting the hotel/restaurant liquor license at 613 Main Street.

COUNCIL COMMENT

Councilor Daniel reminded everyone of the upcoming Boys and Girls Club virtual Gala event, and to also remind everyone how important self care is during these times.

Councilor Broyles commented in regards to the complaints of campaign signs being taken down throughout the city.

Councilor Carson commented stating we need to embrace togetherness and provided concerns he's received on street lights in his ward to Ms. Brooks.

Mayor Coleman thanked everyone for the meeting, and thanked Judy Kelloff for her work and extended his

appreciation to her.

ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Introduction of new Community Service Officers David Gonzales and Fabian Juarez.

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Special Meeting September 30, 2020

ATTACHMENTS:

Description	Type
 Minutes of Special Meeting September 30, 2020	Minutes

ALAMOSA CITY COUNCIL
Special Meeting Minutes
Council Chambers, 300 Hunt Avenue
September 30, 2020

6:00 PM - Special Meeting

I. CALL TO ORDER

The Special Meeting of the Alamosa City Council was called to order on the above date by Mayor Ty Coleman at 6:00 p.m.

II. ROLL CALL

Present at roll call: Mayor Ty Coleman, Councilors Charles Griego, Liz Hensley, David Broyles, Kristina Daniel, and Jan Vigil. Councilor Carson arrived at 6:04 p.m.

EXECUTIVE SESSIONS

Councilor Griego moved, seconded by Councilor Vigil to moved into Executive Session pursuant to C.R.S. § 24-6-402(4)(f) to conduct performance evaluations of the City Clerk and City Attorney. The motion carried unanimously.

Mayor Coleman confirmed that after the executive session, there will be no further business discussed.

Executive Session pursuant to C.R.S. § 24-6-402(4)(f) to conduct performance evaluations of the City Clerk and City Attorney.

ADJOURNMENT

The meeting adjourned immediately following the executive session.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Meeting October 7, 2020

ATTACHMENTS:

Description	Type
 Minutes of Meeting October 7, 2020	Minutes

ALAMOSA CITY COUNCIL
Regular Meeting Minutes
ZOOM VIDEO WEBINAR
300 Hunt Avenue, Alamosa, CO
October 7, 2020

Zoom Webinar Link: <https://us02web.zoom.us/j/84520304868>

5:30 PM - Work Session: Advisory Board Interview

6:00 PM - Work Session: Ironhorse Development & Homeless Campsite

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 Ty Coleman at 7:05 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. AGENDA APPROVAL

Heather Brooks asked Council to move Item 1.a. to occur immediately following the presentation for the SLV Habitat Conservation Program and Item 3.c. immediately following the presentation from the Alamosa County Health Department.

Councilor Daniel 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

Kyle Woodward commented in regards to the restrictions to restaurants due to COVID asking Council to lift the restrictions to 100% capacity for restaurants.

B. Follow-Up

None.

V. CEREMONIAL ITEMS

A. Introduction of Lisa Sandoval, Finance Director

Judy Kelloff introduced Lisa Sandoval, who was welcomed by Council.

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

C.2.a. August 2020 Monthly Financial Statements and Expenditure Report

C.7.a. Approve Minutes of Meeting September 16, 2020

C.7.b. Approve Minutes of Special Meeting August 12, 2020

C.7.c. Appointment of Melissa Freeman to the Tree Board.

C.8.a. Approve City Attorney contract for 11/1/20 to 10/31/21 consistent with evaluation conducted on September 30, 2020.

C.8.b. Motion authorizing Lisa Sandoval as the City's Finance Director to have signatory authority on all banking and investment accounts.

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. SLV Habitat Conservation Program Presentation

Tim Carden, Plan Coordinator with the SLV Habitat Conservation Program presented information to Council. Council thanked him for all the information and his presence tonight.

B. Business Brought Forward by City Staff

1. Parks and Recreation

a. Motion to Authorize the City to Enroll the Alamosa Riparian Park in the San Luis Valley Habitat Conservation Plan

Councilor Daniel moved, seconded by Councilor Vigil to authorize the City to enroll the Alamosa Riparian Park in the San Luis Valley Regional Habitat Conservation Plan (SLVHCP). The motion carried unanimously.

A. Presentations from Outside Agencies

3. Presentation from Alamosa County Health Department on Protect Your Neighbor Application

Della Viera presented information on the application being prepared by the Alamosa County Health Department to submit in order for Alamosa County to move forward into the next phase of the pandemic for Colorado, Protect Your Neighbor.

B. Business Brought Forward by City Staff

3. City Manager/Legal

- c. Motion authorizing the Mayor and Police Chief to sign a letter of support for the Alamosa Department of Public Health's application for the Protect Your Neighbor status.**

Councilor Griego moved, seconded by Councilor Daniel to authorize the Mayor and Police Chief to sign a letter of support for the submission of an application by the Alamosa County Health Department for the Protect Your Neighbor status.

B. Business Brought Forward by City Staff

1. Parks and Recreation

- b. Resolution No. 12-2020, A Resolution supporting a grant application for a Colorado Parks and Wildlife Non-Motorized Trail Grant from the State Department of Natural Resources to support planning the Riparian Park to Refuge Trail Project**

Andy Rice presented information to Council.

Councilor Daniel moved, seconded by Councilor Hensley to approve Resolution No. 12-2020. The motion carried unanimously.

2. Finance

- a. First Reading, Ordinance No. 25-2020, an ordinance amending the established pay plan for City officers and employees in accordance with article III, section 11 of the Charter and as referred to in section 15-2 of the Code of Ordinances, concerning personnel rules and regulations and pay plan for City officers and employees.**

Heather Brooks provided information regarding this ordinance to Council.

Councilor Daniel moved, seconded by Councilor Griego to approve Ordinance No. 25-2020 and set it for public hearing on Wednesday, October 21, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

- b. First Reading, Ordinance No. 24-2020, An Ordinance making the annual appropriations for fiscal year 2021.**

Ms. Brooks provided information to Council on this ordinance.

Councilor Griego moved, seconded by Councilor Daniel to approve Ordinance No. 24-2020 on first reading and set it for a public hearing on Wednesday, October 21, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion carried unanimously.

3. City Manager/Legal

- a. Public Hearing and Second Reading, Ordinance No. 22- 2020 Adopting 2020 Model Traffic Code. An ordinance for the regulation of traffic by the City Of Alamosa, Colorado; adopting by reference the 2020 edition of the “*Model Traffic Code*” with certain deletions and additions, and repealing all ordinances in conflict therewith.

Counselor Schwiesow reviewed this ordinance with Council.

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

There being no one wishing to speak, the hearing closed at 8:54 p.m.

Councilor Griego moved, seconded by Councilor Daniel to finally adopt Ordinance No. 22-2020. The motion carried unanimously.

- b. Public Hearing and Second Reading, Ordinance No. 23- 2020, an ordinance adding a new article IV to chapter 7 of the *Code of Ordinances of The City of Alamosa* to regulate fireworks in the city of Alamosa in a way that mirrors state code.

Counselor Schwiesow reviewed this ordinance with Council.

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

There being no one wishing to speak, the hearing closed at 8:57 p.m.

Councilor Daniel moved, seconded by Councilor Vigil to finally adopt Ordinance No. 23-2020. The motion carried unanimously.

C. Committee Reports

Councilor Daniel reported on the Homeless Coalition and Alamosa Housing Authority board meetings she attended.

D. Staff Announcements

Heather Brooks provided clarification on the information presented in the recent Channel 9 News interview regarding Alamosa. She also provided information regarding the parklets, providing visuals.

VIII. LOCAL LIQUOR LICENSING AUTHORITY ACTIONS

E. Liquor Licensing Items

- a. Needs and Desires Hearing: New application for a Hotel/Restaurant License, My Brothers Place LLC d/b/a My Brothers Place, 613 Main Street

The application for this new Hotel/Restaurant License is My Brothers Place LLC d/b/a My Brothers Place. The registered manager on the application is Andrew Lukondi.

Counselor Schwiesow gave an overview of the hearing procedure, and the licensee's obligation to affirmatively prove the needs and desires of the neighborhood and the desires of the adult inhabitant of the neighborhood. The City's presumptive neighborhood is the city limits plus a one-mile radius. A request was made to change those boundaries but withdrawn prior to the hearing. The presumptive neighborhood applies to this hearing.

Counselor Schwiesow opened the public hearing at 9:13 p.m. He asked the City Clerk, Holly Martinez, to confirm that the property was posted with the notice and the legal notice was published as required. Ms. Martinez confirmed that they were.

Counselor Schwiesow marked the photo of the posting that is attached to the materials as Exhibit A. The petitions that were attached to the materials are marked as Exhibit B, which contain 84 signatures. He then turned over the hearing to the applicant.

Mr. Andrew Lukondi thanked Ms. Martinez for all the work on helping them with the preparation on the application prior to this hearing. He then provided the following details in regards to the application:

- My Brothers Place is a restaurant that opened on March 3rd and had about a week and a half of actual opening and then COVID hit and shut them down to just take out, which was hard and pretty trying but the support of the community helped to keep them open.
- It's been a lot of hard work and they feel that this license would be very helpful for them, what goes better with pizza than beer? They would like to expand and continue their growth of what they have.

Mr. Schwiesow asked if Council had any questions for Mr. Lukondi. Councilor Griego asked Mr. Lukondi the hours of operation for the restaurant.

Mr. Lukondi stated the hours of operation for the restaurant are 11 a.m. - 8 p.m., Tuesday through Saturday, closing Sunday and Monday to the public.

Councilor Daniel thanked Mr. Lukondi for being here tonight and asked if he has ever had a liquor license previously. He stated he did not. Councilor Daniel proceeded to ask him what his plan was to ensure compliance with the liquor code and regulations for himself and his staff.

Mr. Lukondi stated that him and his brother are going to follow all the guidelines very strictly and all servers will card everyone. Councilor Daniel stated that there is access to TIPS training and other trainings and the City could provide those resources to them if they cannot find other training.

Councilor Broyles asked the applicant how they established need for this application. Mr. Lukondi stated that it was through the customers, many finding the restaurant through Google passing through and calling in and asking if they have a liquor license. Councilor Broyles also asked for confirmation of the signatures on the petitions. Mr. Lukondi stated yes and how the signatures on the petitions were obtained, which was hard to get that many during this trying time.

Councilor Broyles further asked what types of food they serve and Mr. Lukondi provided that information.

The applicant further stated that the restaurant is a family owned and operated business and they would like to expand their menu once they obtain their liquor license.

With there being no more questions from Council, Counselor Schwiesow opened the hearing up to attendees wishing to speak regarding this application.

Mr. Darrel Cooper spoke stating that he believes the City at some point should limit the number of liquor licenses of whatever type they are. He appreciates Mr. Lukondi needing this to expand and grow his business but feels as the City, there should only be so many of each.

There being no one else wishing to speak, the hearing closed at 9:22 p.m. Councilor Vigil and Councilor Griego spoke in support of the license.

Councilor Broyles spoke regarding information on the number of total liquor licenses within the city; Councilor Daniel stated she would have liked to have seen more signatures but understands how hard it was during this time, and Mayor Coleman applauded the applicant for opening a new restaurant in these challenging times.

Councilor Griego moved, seconded by Councilor Vigil to approve the license and direct the City Attorney to prepare written findings reflecting their vote at the next meeting. The motion carried unanimously.

COUNCIL COMMENT

Councilor Daniel reminded Council of the Boys and Girls Club Gala happening on October 24th.

Councilor Vigil commented in regards to high school football starting up again and wished all the athletes good luck. Mayor Coleman also mentioned the Alamosa Youth Football will be playing this weekend as well.

EXECUTIVE SESSIONS

1. Executive session pursuant to CRS § 24-60402(4)(a) and (4)(e) to discuss sale of City property along Highway 17 and instruct negotiators.

Councilor Daniel moved, seconded by Councilor Hensley to move into Executive Session (9:13 p.m.) pursuant to C.R.S. 24-60402(4)(a) and (4)(e) to discuss sale of City property along Highway 17 and instruct negotiators. The motion carried unanimously.

Mayor Coleman affirmed that after the executive session, there will be no further business discussed.

ADJOURNMENT

The meeting adjourned immediately following the executive session.

Holly C. Martinez, City Clerk

Ty Coleman, Mayor

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Municipal Judge Employment contract for 11/1/2020 to 10/31/2021 consistent with evaluation conducted on October 14, 2020.

Recommended Action:

Approve 2021 Municipal Judge contract.

Background:

City Council has evaluated the performance of Judge James R. McDonald. The Municipal Judge's renewal contract is on the same contract is on the same compensation basis as the existing contract, which expires October 31, 2020, subject to COLA or other increases generally applicable to all City employees provided by City Council.

Issue Before the Council:

Does Council wish to approve the Municipal Judge contract?

Alternatives:

1. Approve the contract as presented.
2. Make changes to the contracts, such as
 - To the term, picking a different common term for all 4 direct reports;
 - To the amount of compensation, so long as remaining within the range established for the applicable pay grade.

Fiscal Impact:

The contract was updated to include the 1% COLA that employees will receive January 1, 2021 and is included in the 2021 budget.

Legal Opinion:

The City Attorney will be present for any comments.

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve City Manager Employment Agreement

Recommended Action:

Approve the professional employment agreement with Heather Brooks.

Background:

City Council has evaluated the performance of Heather Brooks and decided to continue the employment agreement. The employment agreement has been updated to reflect the pay plan adjustment increase (1%) to be effective January 2020, \$10 increase in cell phone stipend, and current dates.

Issue Before the Council:

Does Council wish to renew the employment agreement with Heather Brooks?

Alternatives:

- Council can approve the agreement.
- Council can approve the agreement with changes.
- Council can decide to not approve the agreement and provide further direction to staff.

Fiscal Impact:

The 1% increase is included in the 2021 budget.

Legal Opinion:

The City Attorney will be present for any comments.

Conclusion:

City Council conducted the annual evaluation of the City Manager and determined that continuing employment was appropriate.

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Receive September 2020 Monthly Reports

ATTACHMENTS:

Description	Type
 September 2020 Monthly Reports	Reports

COUNCIL COMMUNICATION

DATE: October 21, 2020	AGENDA NO.	SUBJECT: City Manager Monthly Report for September 2020
Department Head:		
City Manager: Heather Brooks		
PRESENTED BY: Heather Brooks		

The following reports cover the activities of the City's various departments. Below is a statement regarding major issues covered by the City Manager's office. Additional information is provided in the bi-weekly updates from the City Manager to the Council.

September 2020 Report

- Interview with Sarah Mervosh regarding homelessness during COVID-19, New York Times
- Weekly Leadership Team meetings
- Bi-weekly meeting with Mayor and City Clerk
- Meeting with Public Works Director and Finance Director to review CIP
- Meeting with DCI
- Budget meetings
- County/City Joint COVID-19 Task Force meetings
- Monthly meeting with IT Director
- Monthly meeting with Councilor Broyles
- SLV Placemaking meeting
- Meeting with Economic Development Director
- Bi-weekly meeting with Police Chief
- Monthly meeting with Public Works Director
- Monthly meeting with Councilor Griego
- Monthly partnership meeting with Xcel
- IEDC Webinar: Supporting Immigrant Investors & Entrepreneurs
- Monthly meeting with Councilor Vigil
- LEAD meeting
- Economic Development Committee meeting
- Meeting with Xcel regarding First Street project
- CML District 8 Meeting
- Homeless Coalition meeting
- La Puente Board meeting
- Public Budget Outreach meeting
- Meeting regarding homeless campsite needs
- Monthly meeting with Councilor Hensley
- TSJC Advisory Council meeting

COUNCIL COMMUNICATION

DATE: October 9, 2020	AGENDA NO.	SUBJECT: Economic Development Report for September, 2020
Department Head: Kathy Woods, Economic Development		
City Manager: Heather Brooks		
PRESENTED BY: Heather Brooks		

September, 2020:

Meetings, Phone Conferences/Calls and Projects:

- Continuation of Business Support during COVID-19 event
 - o Multiple business visits
 - o Continued assistance and guidance with readiness for outdoor seating to expand occupancy capacity for businesses re-opening
 - o Visited designer/ manufacturer for outdoor seating “Parklets” while in Durango
 - Subsequently 6 Parklets were ordered, by Deacon, and will be provided to the following businesses on Main St.:
 - Woody’s, SLV Brewing, Square Peg, My Brothers Place, St. Ives, and the Purple Pig (Thai Hut and May Wa offered but opted out)- The three main blocks of downtown Main were offered the opportunity)
 - o These will be provided without cost to the business, Businesses will provide tables/chairs for seating and a weather protectant outer covering if they desire to add that later. Parklets consist of deck/fencing/tall corner posts/shade covering.
 - These will be placed on the street and will eventually become part of the permanent Downtown, Main Street Plan.
 - o Downtown CO Inc. Zoom meetings x several
 - o Wendi Seger
 - Initial meeting to plan Ec Dev Website revision.
 - Wendi is working with Liz Hensley’s class who will help do research and explore enhancements to the Ec. Dev. Website on the City Web
 - o Subsequent meetings with 2 ASU Groups from Marketing
 - 1 Team: Exploration of Ec. Dev. Sites to pull out ideas and information important to have on the City of Alamosa Ec. Dev. Page
 - Second Team: Determine businesses that may be successful in Alamosa and that the community desires to have locally
 - Research requirements necessary for certain chains/businesses to consider locations
 - o Joyce Wiley – has segments of their building coming up for lease and is changing Wild Roses location within the building to the east window front. Wants help filling the empty space

- o Brian, President of North America Division of Diadora, the Italian running/sports shoe and gear, came to Alamosa to further explore a location. Looked at several downtown properties
 - Subsequent follow up on building of choice/Continue constant contact with him regarding their plan to place a location in Alamosa
- o Continued meetings with Rodney MonDragon regarding baseball complex (Weekly plus)
 - Continues to plan moving forward:
 - Made offer on the land
 - Contacted Hotel Chain and plans to move forward
 - Contacted Railroad regarding crossing
 - Met with County (the land is currently county) and with Deacon to determine feasibility of annexing to city
- o Mani Patel on possible new venture x 3
- o Jordan Wehe and Erin Keck for introduction to Young Professionals group out of Chamber
 - Update on JADE Communications continual expansion of services and how we may highlight that as part of recruitment for remote workers and other businesses or business potentials
 - The group would like to meet as a whole to share ideas to “grow our own” finding ways to keep locals in Alamosa with capability of making a living and having opportunities
 - What can Alamosa recruit here that will offer opportunities for younger people and people with younger children?
- o Work on the Energize Gap Fund
- o Work with two separate property owners who live back east: Interest in using their properties (two separate contacts, ironically...) to build vacation rentals on the currently vacant land
 - Took pictures of the property for them (as they haven’t seen it...)
- o Continued work with Rob Rudder on Golf Course Restaurant Lease
- o Contacts on behalf of the Maverick Convenience Store/Gas Station – with Viaero Wireless main office to secure a variance
- o Several phone/email contacts with the owner of the soon to open Americas Auto Care and Tire (the 5th in southwestern CO – a Chain owned by Cody Dennison)
 - Located in the former “Fergusson” building on east Hwy. 160 – Deacon and I then met with them in person and looked at the facility. Great improvement)
- o Business Blitz continued through the month with transfers of business weekly. Ended October 3.
- o Contacts with Trevor Baillie – moving from Denver here...attempt to find business opportunity
- o 4 contacts with JCPENNEY owner/leasing agent to show building for various interested parties.
- o Russell Achatz
- o Value Added Ag and Healthcare Sector Partnership work and planning meetings
- o Cicada Therapy (new downtown business) opening and visits
- o Blake Parsons – New Art Supply Shop
- o Work with Fran Eigenberg bi-monthly for catch up and help with sustaining Movie Theater during this event
- o CRHCD Self Help Home visit/Ribbon Cutting
- o SLV Health – Met with Senior Team for update on Ec Development and possible upcoming improvements
- o Continuing XCEL monthly meetings on Ec. Dev. And promoting properties to business
- o Continue Video Production...
- o Meeting with Liz Hensley to discuss business strategy to sustain golf course restaurant
- o Continued meetings with Baljit from Mushroom Farm, Kevin Wilkins and Sarah
- o Continued work on Golf Course Lease with Lessee and others
 - Contacted company to clean thoroughly and continual contact with possible lessee
 - Drafted contract details and proposal for review
- o Main St. Committee meeting
- o Economic Development committee
- o Business Response Taskforce

COUNCIL COMMUNICATION

DATE: October 7, 2020	AGENDA NO.	SUBJECT: Communication Specialist Monthly Report for September 2020
Department Head: City Manager		
City Manager: Heather Brooks		
PRESENTED BY: Jasmine Husmann		

September 2020 Report

- Attended open enrollment meeting
- Attended weekly staff meetings
- Attended SLV PIO Meeting
- Met with Harry to discuss safe routes to school grant locations
- Attended Colorado Safe Routes to School Kick-Off meeting
- Oversaw installation/de-installation of ArtScape pieces
- Attended COVID-19 free testing meeting at Adams State
- Submitted monthly report for recycling center grant
- Meet w/Steve to discuss progress of recycling and charging station grants projects
- Attended library board meeting
- Posted press releases and PSAs
- Attended Art Committee meeting

City of Alamosa
Monthly Activities Report
September 2020
Public Works Department

Streets:

Graded all gravel roads
Rolled all gravel roads after grading
Work piles at 20th street yard
Continued 2020 concrete replacement program
Hauled yard waste at recycling center 6 times (from front to back pit)
Painting Bike Lane Emblems, Centerlines and Bike Paths, Edge lines
Set temporary parking blocks for recycling parking restructuring
Assisted sanitation in Recycling restructuring
Checked out snow removal equipment
Conducted snow removal operations from early snow storm

- Plowed and sanded roadways
- Removed downed tree damage from driving lanes
- Called in areas with dangerous low hanging wires
- Hauled limbs and trees downed by the storm

Sign repairs 15
Oversee First Street Phase IV West to Bell
Clean inlets
Assisted with installation and removal of all art pieces
Re-install sprinklers that were removed due to conflict with new sidewalks on First
Backfill on First
Pave parking lot extension and paint permanent parking lines at recycle center
Built and installed new drain covers in sidewalk at the Oscars parking lot

Solid Waste:

Commercial Waste Hauled totaled 278.45 T.; Residential Waste Hauled totaled 227.43 T.
Medical Waste totaled 4.44 T. Twenty four special pick-ups were completed. Four, 96 gal toters, zero 64 gal toters and three yard waste toters were delivered. Three toters and four dumpsters were repaired.

Recycling:

A total of 85 bales of various materials were made. 90 bales were shipped. A total of 5.2 tons of glass was processed. Land fill savings totaled \$691.52 .

Building Inspection:

17 building permits

5 Additions total fees
2 New Commercial
2 Demo Permits

2 Single Family Dwellings
1 Door/window Replacement
1 Commercial Remodel
4 Roof permits
total fees= \$22,475.53
2 Certificate of Occupancies permit #9006, 9256.

Water:

Water pumped for municipal use totaled 78,354,000 gallons. Water treatment plant production totaled 64,902,652 gallons. There were 20 meter re-reads. Turn on/ turn offs and occupant changes totaled 32. Cleaned out 17 curb stops. Two curb stops were repaired. Took Bac-T's, Arsenic and Fluoride samples for the State. Worked on flushing dead end water mains. Did locates for Q-3 Contracting and JKL Associates for Fiber work. Met with Xcel Energy and went over Phase 5 of the First Street Project. Located water lines on First Street. Did pot holes on First Street to determine how deep the gas lines and water lines are.

Water Treatment Facility:

Water produced= 64,902,652 gal. Average CL2= 1.33 mg/l Average Raw Arsenic= 42.4 ppb
Average Finished Arsenic= 8.5 ppb (MCL=10ppb) Coagulant used (Ferric Chloride) = 1,842 gal.
Sodium Hypochlorite Used (Chloride)= 1,038 gal. Average Recovery Ratio=91.6%

Wastewater:

Total discharge for the month was 34.649 million gallons. Biochemical Oxygen Demand Monthly Average: 98%. Total Suspended Solids Monthly Average: 99%. E.coli Monthly Average Effluent 6/100 mg. Ammonium Nitrogen (NH4) Monthly Average: 0.15/1ml.

Ran all routine monthly testing

Blower #2 Running

Screw Pump #3 Running

UV Bank 1B running,

Water line Leak on Hwy 17 due to Hwy project,

Helped with Tree Branch removal,

Helped with locates,

Got Golf Course reads for the week,

Crew worked on Boat replace one Diffuser and attached 3 hoses, Cut weeds around plant,

Washed down Clarifiers, Washed down Head works

Sewer:

Sixty one sanitary sewers were inspected; 12 were unplugged. Twenty six were checked at customer's requests. 10 were cleaned and flushed. All lift stations were checked daily. Hauled off grit and cleaned splitter box at Waste Water Treatment Plant. Pulled pumps at West 7th and Treamount Lift Stations. Repaired the discharge lines at 20th Street Lift Station.

East Alamosa:

Water supplied to East Alamosa totaled 4,069,867 gallons. Twelve sanitary sewers were checked for plugs, two were unplugged. Cleaned out 2 manholes. Did re-reads for Jamie. Installed new fire hydrant on the corner of Highway 160 and Adams Lane. Assisted Alpine lay a new powerline to the flow meter by Loaf & Jug. Assisted RMS Utilities with a repair on the service line going to the Farm Park.

Fleet:

Performed 11 Preventive Maintenance Services (4-Police, 1-Parks, 1-Sanitation, 1-Streets, 2-Water, 1-WTP, 1-Sewer)
Replaced 6 tires (2-Sanitation, 1-Police, 1-Water, 2-Parks)
Flat tire repair (1-Police, 2-Sanitation)
Replaced 1 batteries (1-Water)
Radiator had a hole in it sent in radiator for rebuild. Reinstalled radiator (1-Sanitation)
Rebuilt paint machine pump (1-Streets)
Vehicle won't start; found cam was stripped installed new cam (1-Parks)
Replaced heater blower motor (1-Fleet)
Replaced hydraulic solenoid (1-Sanitation)
Replaced coolant lines on Wacker loader (1-Sanitation)
Replaced Hydraulic lines on loader grapple (1-Streets)
Alternator quit charging, replaced alternator (1-Police)
Replaced coolant hose (1-Sanitation)
Replaced cracked windshield (1-Sanitation, 1-City Hall)
Replaced broken mirror (1-Streets)
Suspension is bent, replaced a-arm- (1-Police)
Replaced rear brakes (1-Police)
Replaced sewer suction hose (1-Sewer)

Alamosa Fire Department

Department Report for September 2020

The Alamosa Fire Department responded to 45 incidents within the City Limits and 15 incidents outside the City Limits. In addition to paged fire calls, Officers also responded to an additional 14 calls for assistance.

Call Comparisons

Year	Monthly Comparison	Total City Calls Year to Date W/O Flights	Total Flights Year to Date	Total County Calls Year to Date
2020	45*	188	45	128
2019	29**	143	83	106

* Includes 7 Airport Flight Standbys ** includes 5 Airport Flight Standbys

Inspections:

11 Commercial Building inspections were performed
3 Day Care facilities were inspected

Fire Prevention/Station Tours:

No station tours were given

Training:

Firefighters logged a combined total 54 hours of training during the month.

ALAMOSA

Incident Type Report (Summary)

Alarm Date Between {09/01/2020} And
{09/30/2020} and Station = "1"

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	2	4.44%	\$80,000	97.56%
113 Cooking fire, confined to container	1	2.22%	\$2,000	2.43%
151 Outside rubbish, trash or waste fire	1	2.22%	\$0	0.00%
	4	8.89%	\$82,000	100.00%
4 Hazardous Condition (No Fire)				
412 Gas leak (natural gas or LPG)	1	2.22%	\$0	0.00%
424 Carbon monoxide incident	1	2.22%	\$0	0.00%
444 Power line down	7	15.56%	\$0	0.00%
445 Arcing, shorted electrical equipment	1	2.22%	\$0	0.00%
463 Vehicle accident, general cleanup	4	8.89%	\$0	0.00%
	14	31.11%	\$0	0.00%
5 Service Call				
551 Assist police or other governmental agency	11	24.44%	\$0	0.00%
553 Public service	4	8.89%	\$0	0.00%
571 Cover assignment, standby, moveup	7	15.56%	\$0	0.00%
	22	48.89%	\$0	0.00%
6 Good Intent Call				
622 No Incident found on arrival at dispatch address	2	4.44%	\$0	0.00%
	2	4.44%	\$0	0.00%
7 False Alarm & False Call				
735 Alarm system sounded due to malfunction	1	2.22%	\$0	0.00%
743 Smoke detector activation, no fire - unintentional	1	2.22%	\$0	0.00%
745 Alarm system activation, no fire - unintentional	1	2.22%	\$0	0.00%
	3	6.67%	\$0	0.00%

Total Incident Count: 45

Total Est Loss:

\$82,000

COUNCIL COMMUNICATION

DATE October 5, 2020	AGENDA NO.C. 8. a	SUBJECT: IT Director Monthly Report for September 2020
Department Head: 		
City Manager:		
PRESENTED BY: James A. Belknap		

Below is a statement regarding major issues covered by the City IT Department:

September 2020 Report

- During the inclement weather, multiple network centers lost power. IT found a flaw in the uninterrupted power supplies used in some locations where a complete and extended power failure would prevent the UPS from powering on again when power is restored. IT worked with the manufacturer of the units to further troubleshoot the issue and eventually requested replacements.
- IT was made aware of ongoing connectivity issues that a work-from-home employee was experiencing when connected to the City network remotely. After some discussions a house visit was arranged to eliminate possible causes of the connectivity issues and identify a root cause. As no apparent cause was immediately identified, IT provisioned a virtual machine for the employee to connect to in order to eliminate the at-work computer from being part of the issue. This method of connecting an employee to the City network is the same technology being used by the City police officers and has proven itself to be reliable. IT will be monitoring the results.
- IT identified an issue with one of the storage area network (SAN) devices used in

part of the City's disaster recovery scheme.

- With help from Public Works, IT provisioned and placed two NDE locks at the Water Treatment Plant. These locks are replacing the legacy CM locks that use older technology to program and are more prone to issues. The NDE locks have been used in many other places and have proven their reliability. Moving forward, IT plans on replacing all CM locks with NDE or LE locks.
- IT received a report from the Library that the catalog computers were not displaying the catalog database properly. After investigating the issue, IT found that the website would not properly display on the default browser used in the computer image. IT updated the image to utilize Google Chrome instead of Internet Explorer, resolving the issue.
- IT assisted the Police Department by setting up multiple Zoom meetings to connect with other agencies in part of an ongoing investigation.
- IT updated the firmware and controller software on the Unifi wifi management system. The upgrades bring higher network security and better network performance.
- Deployed PC at the water utility building. This PC replaces a system that was originally placed as a non business critical standalone. As the water utility department continued to use the computer for more and more job training related purposes that have only become increasingly performed in the virtual environment, Public Works worked with IT to place the computer on the standard 5 year replacement plan given to other "business critical" machines.
- Worked with Dell to troubleshoot and replace the secondary Controller on the PS6120 SAN. The work was done under warranty and had no impact on the production network services.
- Additionally, a battery was replaced for the new secondary controller, which was also done under warranty. This work increased the reliability of the SAN.
- IT delivered recyclable electronics to WSB e-Recyclers.
- Worked with Rushworks - the makers of the software that manages channel 191. An error was preventing videos from cycling per the On-Air scheduler. Rushworks was able to remotely connect to the management machine and make corrections to the software to correct the issue. Rushworks was also able to update the

software to the latest version which should prevent the issue from recurring.

- Moved time clock at the Rec Center closer to the front desk employee entrance. This was done as the front desk area will be rearranged to accommodate rearranging staff.
- IT identified a faulty piece of equipment in a police vehicle that was repeatedly causing the failure of a control button for the backseat camera. After testing, a battery module was determined to be the cause of the problem. Axon allowed for the replacement of both pieces to ensure that the vehicle would be up and running.
- Attended a Lunch and Learn event Hosted by the Colorado Broadband Office featuring the US Economic Development Administration discussing the opening of CARES Act funding that could be used for critical infrastructure like broadband and other community economic development priorities. Funding deadline details and application processes were discussed.
- Added wording to the City website to highlight a change in the Planning and Zoning agendas locations. Previously, agendas and minutes were uploaded to Google Drive and placed in a public folder for access. For about a year, P&Z agendas have been hosted on Novus Agenda. P&Z documents can now be searched and sorted in the same way council meetings are via the NovusAgenda interface.
- IT assisted the Public Relations and Special Projects Manager with the filming, editing and development of the 2020 Artscape Artist Showcase video. The video has been uploaded to Youtube as well as aired on channel 191.
- Worked with Colorado Safe and Lock to upgrade SMS - the access management software used to create access credentials for employees. This project initiated when IT investigated what updates were necessary to upgrade the lock control terminal to the latest version of Windows. After discussing with the manufacturer, a complete upgrade of the terminal and the server was needed and would likely cost over \$1000 to complete. When IT reached out to Colorado Safe and Lock - a contractor for the company that originally placed the locks, an upgrade path was identified that had no cost. A replacement computer was built and the server was upgraded to the latest version. Moving forward, the vendor

identified that some of the controllers in our system are about to be End of Life and that we can purchase the newer controllers at a discounted price. IT will be budgeting for the upgrade.

- IT worked with local law enforcement agencies to record videos of law enforcement expressing support and soliciting donations for Tu Casa Inc. The videos were then edited and given to Tu Casa for promotional use.
- Patched all City owned computers to the latest patch and vulnerability fixes from Microsoft. This monthly patching helps protect our computers from malicious software, resolve general windows issues/bugs, and provide access to new windows features.

In Monte Vista, we performed the following items:

- Attended weekly OAC meetings regarding the Ski Hi building. Worked to redesign the A/V system spec to a more cost effective solution
- Attended work sessions and council meetings regarding the 2021 IT budget.
- Identified funds via the Federal Cares Act that would allow IT to replace the failing chromebooks that Council utilized for meetings. Council now utilizes refurbished Surface books that can be taken to any location.
- Identified funds via the Federal Cares Act that would allow IT to replace the failing surface that Finance utilized for remote work.
- Setup officers access to PD cameras directly from their desktops.
- Generator testing with Xcel and viaero. Work with these companies to bring our standby generator back online per our contract with Viaero.
- Completed the Panasonic HD Replacements.
- End Of Life the Color Printer at the Police Department. By doing this to the now 7 year old printer the Police Department will be able to utilize almost a years worth of toner at no cost.
- Worked to create a training manual for users to set up defaults for B&W prints instead of defaulting to Color prints.
- Worked with Ciello to identify Phone line outages.
- Patched all City owned computers to the latest patch and vulnerability fixes from Microsoft. This monthly patching helps protect our computers from malicious software, resolve general windows issues/bugs, and provide access to new windows features.

City Clerk/Municipal Court September 2020 Monthly Report

Prepared and distributed 11 birthday cards.

LIQUOR:

- Renewals & Inspections:
 - o Purple Pig Pizzeria
 - o Bank Shot
 - o SLV Brewing Company
 - o Calvillo's
 - o El Charro
- Special Event Permit:
 - o Alamosa County Republican Party

COURT:

- Court held via Zoom Meetings September 8, 9, 16, 21, 22 with In-person Trials held on September 9 and 16.
- Met with Judge McDonald and staff to discuss future court dates and set 2021 calendar dates.
- Visit to Alamosa County Courthouse to meet with Jennie Heersink regarding Jury Trial set up and process.
- Met with BC Service for overview of Collection Agency and services.

TRAINING:

- Attended CMCA Academy Sessions:
 - o Set and Accomplish Your Goals
 - o Leading and Motivating Your Team
 - o Are you a Strategic Thinker?
 - o The Why's and How's of Process Improvement
 - o How to Succeed at Project Management
 - o Go Team! Building a Successful Team
 - o Managing Stress
 - o Foster Communication and Collaboration for a Stronger Team
 - o Maximizing Your Employee's Potential
 - o
- Attended NACM Trainings:
 - o Social Distancing in the Court
 - o Communication is key: how to improve juror's service experience
 - o Dis/Mis-information campaigns
 - o Access to Justice in the Pandemic
- Attended IIMC Training:
 - o Strategies to Increase your personal influence

OTHER:

- Attended weekly Leadership Team meetings.
- Attend Budget Work Session via Zoom Webinar.
- Attended Regular Council meetings via Zoom Webinar.
- Attended Regular Meetings with Mayor Coleman and City Manager.
- Attended Special Meeting for Executive Session, Direct Report Evaluation
- One-on-one meeting with Councilor Hensley.
- One-on-one meeting with Councilor Broyles.
- Attended Open Enrollment meeting.
- Met with City Manager regarding Intern position.

LEADERSHIP AND REPRESENTATION IN OUTSIDE ORGANIZATIONS:

- Held and attended CAMCA Board meeting serving as Vice President to discuss remaining trainings offered to membership.



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

10/16/2020 12:54:50 PM

Totals For Filed Date From 09/01/2020 To 09/30/2020

Posted Fee Totals For Transaction Date From 09/01/2020 To 09/30/2020

Violations By Filed Date

CITY ORDINANCE	30
PARKING	8
TRAFFIC	35
Total Violations Filed:	73

Violations Completed-Paid Fines By Filed Date

CL-DOCKET CLOSED

CITY ORDINANCE	5
PARKING	5
TRAFFIC	19
CL	29

DENIED-DENIED FILING, CLOSED

CITY ORDINANCE	3
DENIED	3
Total Violations Completed-Paid Fines:	32

Violations Completed-Before Judge By Filed Date

CL-DOCKET CLOSED

CITY ORDINANCE	1
CL	1
Total Violations Completed-Before Judge:	1

Violations Completed-Other By Filed Date

DD-DISMISSED AFTER DEFERRED



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

10/16/2020 12:54:50 PM

Totals For Filed Date From 09/01/2020 To 09/30/2020

Posted Fee Totals For Transaction Date From 09/01/2020 To 09/30/2020

Violations Completed-Other By Filed Date

TRAFFIC	3
---------	---

DD	3
----	---

DI-DISMISSED/PRESENTED INSURANCE

TRAFFIC	1
---------	---

DI	1
----	---

DJ-DISMISSED BY JUDGE

CITY ORDINANCE	1
----------------	---

DJ	1
----	---

DP-DISMISSED BY PROSECUTOR

CITY ORDINANCE	10
----------------	----

TRAFFIC	2
---------	---

DP	12
----	----

DV-DIVERSION VOID

CITY ORDINANCE	1
----------------	---

DV	1
----	---

Total Violations Completed-Paid Fines:	18
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Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

10/16/2020 12:54:50 PM

Totals For Filed Date From 09/01/2020 To 09/30/2020

Posted Fee Totals For Transaction Date From 09/01/2020 To 09/30/2020

Total Violations Completed-Paid Fines:	32
Total Violations Completed-Before Judge:	1
Total Violations Completed-Before Jury:	0
Total Violations Completed-Before Teen Court:	0
Total Violations Completed-Other:	18
Total Violations Completed:	51
Total Violations Filed:	73
Net Difference Filed - Completed:	22

Warrants Issued

CITY ORDINANCE	48		
Total Warrants Issued:	48	Total Violations:	48

Warrants Cleared

CITY ORDINANCE	29		
Total Warrants Cleared:	29	Total Violations:	29
Total Warrants Issued:	48		
Total Warrants Cleared:	29		
Net Difference:	19		

Violations Completed-Other Paid By Filed Date

AJ-TRAFFIC DEFERRAL

TRAFFIC	2		
AJ	2		

BH-BOND HEARING



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

10/16/2020 12:54:50 PM

Totals For Filed Date From 09/01/2020 To 09/30/2020

Posted Fee Totals For Transaction Date From 09/01/2020 To 09/30/2020

Violations Completed-Other Paid By Filed Date

CITY ORDINANCE	13	
BH		13
CL-DOCKET CLOSED		
CITY ORDINANCE	5	
CL		5
CP-PENDING COLLECTIONS		
CITY ORDINANCE	2	
CP		2
CR-CLERK REVIEW		
CITY ORDINANCE	3	
CR		3
IA-INITIAL APPEARANCE		
CITY ORDINANCE	1	
IA		1
SN-SENTENCING HEARING		
CITY ORDINANCE	1	
SN		1
ST-STATUS HEARING		
CITY ORDINANCE	32	
TRAFFIC	3	
ST		35
TR-TRIAL - NON JURY		



Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

10/16/2020 12:54:50 PM

Totals For Filed Date From 09/01/2020 To 09/30/2020

Posted Fee Totals For Transaction Date From 09/01/2020 To 09/30/2020

Violations Completed-Other Paid By Filed Date

CITY ORDINANCE	4
----------------	---

TR	4
----	---

WI-WARRANT ISSUED

CITY ORDINANCE	4
----------------	---

WI	4
----	---

Total Violations Completed-Other Paid:	70
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Filed Or Closed Cases Listing

ALAMOSA MUNICIPAL COURT

10/16/2020 12:54:50 PM

Posted Fee Totals For Transaction Date From 09/01/2020 To 09/30/2020

Fee Code	Fee Description	Paid
		\$0.00
CCOST	COURT COSTS	\$255.00
DEFER	DEFERRED FEE	\$50.00
DFLT	DFLT JUDGMENT	\$30.00
FINE	Fine	\$3,463.73
LATE	LATE FEE	\$20.00
OJW	OUTSTANDING JUDGMENT WAR	\$30.00
OP	Overpayment	\$25.00
PD SUR	PD SURCHARGE	\$550.00
REST	RESTITUTION	\$285.00
TP	SERVICE CHARGE	\$73.27
VA	VICTIMS ASSISTANCE	\$80.00
WF	WARRANT FEE	\$235.00

Report Totals: \$5,097.00

HUMAN RESOURCES MONTHLY REPORT

August 2020

New Employees:

Justine Cardwell	Recreation	Sports Official
Diego Juarez	Recreation	Sports Official
Salvador Lopez	Recreation	Sports Official
Mindi Van Ry	PW/Admin	Administrative Assistant

Exiting Employees:

James Noriega	PW/Streets	Maintenance
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Workers Compensation:

New filings: 0



Alamosa Police Department

September 2020 Month End Report

Part 1 Crime Category	Jul-20	Aug-20	Sep-20	Sep-19	Raw # Change	Year to Date
Part 1 Violent Crimes						
Homicide	0	0	0	0	0	2
Sexual Assaults	6	0	4	2	2	20
Robbery	0	0	2	0	2	6
Aggravated Assault	3	6	2	2	0	36
Total Violent Crimes	9	6	8	4	4	64
Part 1 Property Crimes						
Burglary	5	3	6	3	3	54
Larceny	24	33	46	33	13	307
Vehicle Theft	5	1	6	2	4	34
Total Property Crimes	34	37	58	38	20	395
Total Part 1 Crimes	43	43	66	42	24	459
Miscellaneous Offenses						
Domestic Violence	8	8	12	10	2	86
Simple Assault	2	3	8	2	6	43
Drug Related	9	7	13	7	6	57
Liquor Laws	1	2	2	3	-1	11
Harassment	9	7	5	9	-4	66
DUI/DWAI/DUID	6	5	4	4	0	31
Arson	1	0	1	1	0	7
Traffic Related					0	
Traffic Accidents	30	27	22	33	-11	216
Fatal	0	0	0	0	0	1
Injury	3	4	2	5	-3	30
Property Damage	27	23	20	28	-8	185
Community Service Ofc						
Dogs picked up	24	12	18	17	1	134
Animal Bites	5	2	3	1	2	18
Barking Dog Complaints	0	0	0	3	-3	0
Wildlife Calls	16	8	15	11	4	69
Weed/Trash Removal	23	10	1	12	-11	101
Snow Removal	0	0	0	0	0	16
Towed Vehicles	4	3	1	0	1	17
Red Tagged Vehicles	1	4	0	8	-8	38
Summons Issued	12	14	9	18	-9	119
Calls for Service	294	194	208	206	2	1872

Submitted by: Ken Anderson, Chief of Police



Parks and Recreation/Library

CREATING COMMUNITY THROUGH PEOPLE, PARKS, AND PROGRAMS

PARKS/CEMETERY

- **Cemetery Activities**

	<u>September</u>	<u>Total 2020</u>	<u>Total 2019</u>
Graves opened & closed	6	43	48
Graves set up services	6	43	48
Graves raised to grade	0	27	40
Cemetery spaces sold	18	85	32
Stones leveled	3	35	22
Columbarium Niches sold	0	10	0
Disinterment	0	0	0

- **Tree Related Activities**

	<u>September</u>	<u>Total 2020</u>	<u>Total 2019</u>
Trees Pruned/Trimmed	175	536	187
Tress Planted	0	35	44
Dead Trees Removed	2	18	18
Trees Moved	0	0	0

- **Park Activities**

Work Accomplished/Equipment Serviced:

- Snow plow
- Chain saws, 240,455, 445
- Dump trailer new hydraulic tank
- Truck 704
- Truck 703
- Blue Chevy

- **Weed Spraying**

200 gallons sprayed in the parks and cemetery in September. Goat head plants hand pulled in Carroll and Boyd park.

- **Miscellaneous Activities**

- Cemetery computer work
- Funeral setups and the digging of graves
- Locates for the public and the stone setters

- Playground inspections
- Daily trash runs in the parks, cemetery, and ranch areas
- Sanitizing of playgrounds and bathrooms
- Sanitizing of high traffic areas and pavilions
- Disinfecting of work trucks
- River dike checks
- Inventory of parks and cemetery needs
- Fix broken sprinklers in parks and cemetery
- Wash equipment
- Mow and trim parks and cemetery
- Covid-19 screenings
- Trim trees
- Mow and trim small lawns
- Spray weeds Sunset
- Spray weeds cemetery
- Clean out BBQs
- Wash pavilions
- Blow off tennis courts
- Blow off playground tiles
- Leveled and raised headstones
- Cemetery obituaries and headstone pictures for the website
- Serviced all mowers
- Drag and lined Lee ball fields for games
- Moved soccer goals
- Took two bridges out at Blanca Vista
- Fenced off Montana Azul
- Park permits
- Water and upkeep of flower beds
- Take out old goals from Craft tower

Community Recreation Sports & Activities

- Online Fitness classes will be offered through Zoom starting October 5th. Body weight training, lunchtime power Hour, Tabata/Pilates and Yoga.
- Youth Flag Football Fundamentals: Registration has concluded but some spots are still available. The program starts on September 14.
- Youth Soccer Fundamentals: Registration has concluded but some spots are still available. The program starts on September 14.
- Youth volleyball fundamentals: Registration starts September 17 - October 12 session dates October 5 - November 12.

Outdoor Recreation & Guidelines

- All of the City's 13 parks, 20+ miles of trails, as well as other outdoor public amenities, are open.
- City playgrounds and pavilions are open. Contact the AFRC for pavilion reservations at 589-2105.
- Cattails Golf Course (www.alamosacattails.com), City Tennis Courts, Skate Park, Dog Parks, Outdoor Volleyball/Basketball Courts and the Bicycle Pump Track are open (25 people maximum per field, court, or facility).

Please follow the State's Safer at Home guidelines for [Personal Recreation](#); specifically:

- Stay at home if sick or exhibiting COVID-19 symptoms.
- Practice good hygiene. Wash your hands frequently and don't touch your face. Bring hand sanitizer to clean hands when soap/water is not available.
- Wear a face covering or mask when you leave your home and while recreating.
- Continue to physically distance, staying at least 6 feet from members of other households.
- Limit non-household group sizes to 10 unless otherwise allowed as per the State's Safer at Home guidelines for [Personal Recreation](#).

Ice Rink

Staff are actively preparing for the 2020-2021 Ice Season, slated to begin on Halloween night, October 31! More information will be released in the coming weeks, including our season pass sale.

Upcoming Community Events

- Oct 17 Splashland's Triathlon
- Dec 4 Celebration of Lights – City Hall

RECREATION CENTER HOURS

- **Monday – Friday, 7:00 AM to 7:00PM**

The Alamosa Family Recreation Center is open to visitors conducting official Parks and Recreation business and for individual workouts. Up to 30 guests per hour may access the facility in a socially distanced setting. Guests must wear a facemask properly for the entirety of their visit, including while exercising. Mask wearing will be strictly enforced. Reservations for workouts are no longer required.

For the full COVID safety plan and guidelines, [click here](#).

Rec Center Revenue

Year to date	2020	2019
Courses	\$22,612.50	\$67,142.00
Facility Rentals	\$2,662.64	\$10,130.00
Membership	\$24,708.05	\$28,714.94
Merchandise	\$74,494.10	\$47,304.20
Security deposit	(\$105.00)	
Total	\$124,372.29	\$153,291.14

Rec Center Door Count

2020

January	20,162
February	24,380
March	14,251
April	0
May	0
June	0
July	0
August	94
September	296
October	
November	
December	

Average per Month: 6,576

2019

January	19,755
February	20,272
March	23,314
April	19,780
May	13,294
June	15,899
July	21,818
August	13,145
September	15,893
October	22,261
November	21,132
December	<u>19,226</u>

Average per Month: 18,815

Cattails Golf Course September 2020 Report

Cattails Updates

At this point we have had over \$90,000 in green fees at the course. That is almost double of what we brought in last year and is the most we have had in the last 3 years! We are just gaining momentum and getting turf regrown from the flood. We are excited for things to come!

After the big snow storm we had a huge amount of trees down. We organized a member work day on September 12th. We had over 60 members show up with trucks, trailers, and heavy equipment to help clean up.



After the workday we were able to host the Grizzly Showdown 2 Player tournament. We hosted 38 teams of two. The tournament was very successful and brought in over \$7,000 to the course.

The following weekend we hosted a 4 player scramble for the ASU Grizzly Club. We had 26 teams of 4 play in that tournament.

Membership/Pass Payments (YTD as of 9/30/2020)

<u>Membership Type</u>	<u>Amount</u>	<u>2020 Budget</u>
Cart Shed	\$40,500	
Original Family	\$33,517.50	
Original Senior Family	\$21,233.50	
Original Senior	\$28,935.00	
Original Single	\$54,130	
Premium Family	\$3,010	
Twilight Senior	\$3,037.50	
Twilight Single	\$8,775	
Junior Pass	\$3,160	
30 Day Pass	\$4,500	
Range Passes	<u>\$4,727.5</u>	
Total Membership/Pass Income	\$205,526	\$217,500

Golf Rounds YTD Through September 30, 2020

<u>Yearly Avg.</u>		
Member Rounds	7,893	
Daily Fee Rounds	<u>4,464</u>	
Total	12,357	16,000

Current Maintenance Work

- Our crew did a great job having the course tournament ready all summer long. Now that we are through our tournament schedule they will shift gears towards getting the course ready for winter.
- The crew is working daily on removing leaves and sticks.
- Daily mowing is still required at this point on greens, fairways, and tee boxes.
- Getting a list together of repairs for our mechanic to work on over the winter.

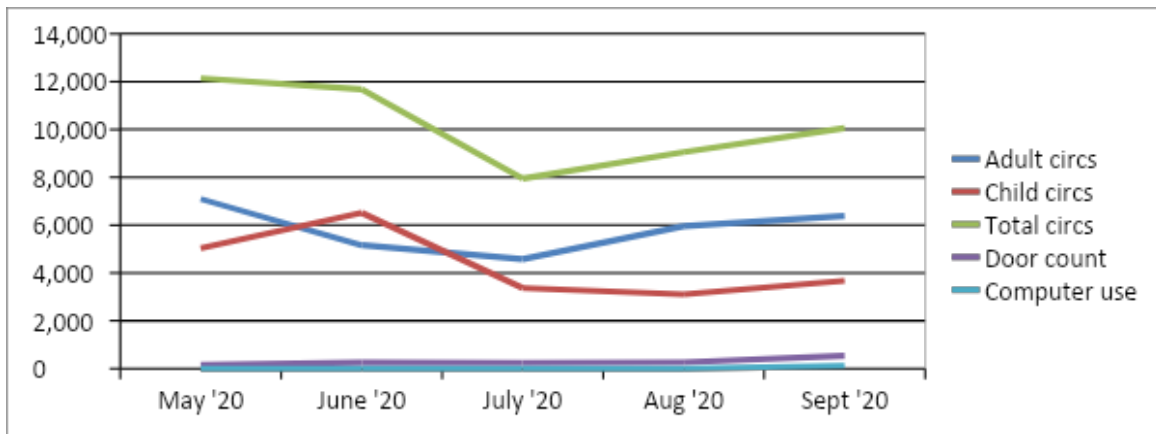
Library Manager Report – September 2020

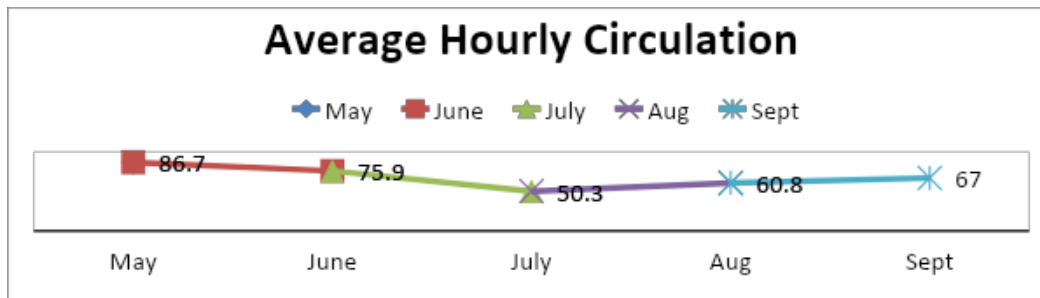
Library Stats

Website Counter					
	September	August	July	June	May
Page views	2,048	1,962	2,431	3,061	3,575
Sessions	925	873	994	1,174	1,097
1 st Time Visitors	531	511	554	614	589
Returning Visitors	102	91	121	121	103

MONTHLY STATISTICS SUMMARY					
	September	August	July	June	May
Adult Circs	6,386	5,956	4,578	5,164	7,094
Child Circs	3,671	3,103	3,369	6,518	5,042
Total Circs	10,057	9,059	7,947	11,682	12,136
Hours Open	150	149	158	154	140
Circs per hour	67.0	60.8	50.3	75.9	86.7
CLC Circs	257	178		298	527
Door Count	538 (Reopened)*	263 (curbside)	242 (curbside)	254 (curbside)	140 (curbside)
Computer Use	125	0	0	0	0
Aspen e-books	251	244	218	262	266
Overdrive	282	282	289	259	346

+ WIFI usage is inaccessible *Reopened 9-8-20 & curbside still open





Collection Development:

September: Staff added 360 new materials to the library collection: 192 books, 78 magazines, 38 audiobooks, 52 DVD/Blu-Ray and 1 Microscope Kit. This process includes purchasing, cataloging, and material processing. 267 items were discarded for damaged condition or old non-used items. (weeding unused JUV nonfiction books) and 95 magazines)

Staff announcements.

September:

Volunteers: Our volunteers come into the library and follow the same protocol as our staff members. Patty Campbell volunteered 5 days in September for 15 hours. Patty has been helping us with inventory and cataloging donated DVDs.

Book deliveries: Michelle delivered 12 children's books about animals to Alpine Vet

Curbside Service has been opened since May. Since we reopened our front doors on 9/8/2020, the curbside appointments have dropped. We had 144 appointments for curbside pick-up in September compared to 263 in August. The front door count was 394.

CARES ACT GRANT

LSTA CARES Act Grant funding is provided by the Institute of Museum and Library Services through the Colorado State Library to prevent, prepare for, and respond to coronavirus, including to expand digital network access, purchase internet accessible devices, and provide technical support services using the following types of data to prioritize efforts:

- Poverty
- Supplemental Nutrition Assistance Program (SNAP)
- Unemployment; and
- Broadband Availability

We were awarded \$8,000

With these funds we are:

- 1) subscribing to Lynda.com (LinkedIn Learning), TumbleBooks (for kids), and CreativeBug
- 2) creating Community Interest Kits available for checkout: Beginner Sewing, Fun with Magnets, American Sign Language, Memory, My First Pet, Rock Hounding, and several mini wellness kits.
- 3) purchasing young adult ebooks/audiobooks from Overdrive
- 4) purchasing books to help with occupational & employment needs.

Community KITS:

We have 26 Community Interest Kits for checkout:



- 15 "Storytime to Go" Kits – 0 checkouts in September
- 1 Toy Cars Kit (for in-library usage) 0 checkouts in September
- 1 Colorado State Park backpacks - 0 checkouts in September
- 2 Bird Watching Backpack – 2 checkouts in September
- 1 Alamosa Trails & Nature Adventure Backpack – 1 checkouts in September
- 1 300 Library Lane Dollhouse Kit (for in-library usage) 0 checkouts in September
- 1 Typing Kit (Learning Touch typing) – 0 checkouts in September
- 1 Art and Drawing Bag – 0 checkouts in September
- 1 Reiki Touch (complete home learning system) - 0 checkouts in September
- 1 Microscope Kit – 0 checkouts in September
- 1 Buggy Backpack – NEW – 1 checkout in September

Due to the social distancing protocol when we reopened, we have put tables in front of the Front Circulation desk and put our Kits and backpacks out front. Since patrons could see them they started checking them out. We'll see what the checkouts look like for October.

NEW Kits will be appearing soon.

Community Involvement



- **September:**

All of the participating merchants received gift cards, a picture of Larry, a little gnome statue and a thank you card from Alamosa Public Library for participating in our Summer Reading Program this year.



- **September:** We have 136 children signed up for our Planting Seeds, 1,000 books program. In this program, as each child reads 100 books, they receive 1 free book. At completion, each child receives a free T-Shirt with the Planting Seeds logo on it. 24 children/parents have completed the program



Now that the library is open for a few hours each day, families have been coming in to choose their Planting Seeds books in the library! We gave away approximately 15 books this month and two readers completed the program!



- **September:** Family, Friends and Neighbors (FFN) program - 27 caregivers are signed up and all received Early Literacy Kits containing EL books, music, toys. We have 9 Spanish Literacy Kits in the community. No contact or changes made at this time. But this project is not off of radar.



- **September**

There were 120 views of Holly's Story Time online sessions. There were a total of 160 views of all of our youtube channel videos. The top three videos viewed this month were: Storytime online #3, Storytime Online #12 and video "Bird's Eye View" (created for Weekends on the RIO).

Subscribe to our Alamosa Public Library YouTube Channel. We currently have 54 subscribers. <https://www.youtube.com/channel/UCroCfnSYcrl3rNFU-94rQWA>



14 official Little Free Libraries in Alamosa are sponsored by the Alamosa Public Library and the Friends of the Library. Each of these has different stewards that maintain the structure and keep them supplied with books donated by Friends of the Library.

September Stewardship for LFL at:

Alamosa Parks & Recreation Center – Alamosa Optimist Club & Jes Jolly – waiting for decorating & installation of 2 LFLs

Cole Park (Library staff) - refilled with 40 books

Food Bank (Woman's Citizenship Club) - added 95 books – entrance to the Foodbank is blocked and no access to the Little Free Library has been allowed. But, the staff has asked for children's books to put in each box of food.

Friends Park (near Boys & Girls Club) – (Salai Taylor) – 20 books

Housing Authority (5 LFLs) (Julie Toczek) – no changes

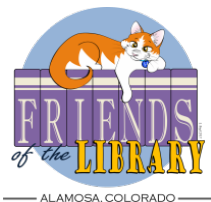
La Puente (Friends of the Library) - refilled with 30 books

Mosca Pit Stop (Jenene Holcomb & the News family) – no changes – seems to be holding its own with book supply

Rio Grande Farm Park (2 LFL) (Salai Taylor & Local Food Coalition)
- added 20 books

Senior Center (KREBS Foundation) 0 books

Zapata Park (Don Thompson) – refilled 5 books



Friends of the Alamosa Public Library

September

- The book sale proceeds for our first sale of the year, September 2020, were \$760. The sale was conducted with social distancing and requiring masks.
- Membership of Friends of the Library is at 79 members.

- September Book Nook proceeds: no sales
- Narrow Gauge book store COOP –\$?? for September book sales.

Friends' meeting was September 15, 2020. The meeting was conducted via email responses with 7 members in attendance. Next scheduled meeting is October 20,

2020. Minutes for the meetings can be found on the library website:

<https://www.alamosalibrary.org/volunteer/join-friends/>

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Request for Fee Waiver for Flats at Iron Horse Multi-Family Development

Recommended Action:

Staff recommends that Council approve a waiver of fees for the water and sewer taps and building permit up to a total of \$109,066.05 or the actual as-built cost of the southern half of Carroll Street, whichever is less, on the condition that the developer establish a zone of benefit recovery charge and assign the City as the beneficiary of said recovery charge, and that the proposed development commit to providing affordable housing with 40 units, available to households earning 30-60% of area median income, for the next 40 years, and authorize the Mayor to sign the attached contract or one that the City Attorney deems substantially similar.

Background:

The proposed Flats at Iron Horse is a 41-unit affordable housing community that will be built on the northwest corner of Maroon Drive and the Carroll Street extension (see attached location map). Construction on the Iron Horse project is estimated to begin in fall 2020 and be completed by the end of 2021.

The applicants were awarded support in the form of Low Income Housing Tax Credits (LI HTC) this late spring for the development. This is the first such development in the San Luis Valley in 19 years. This development offers 40 new apartments with affordable rents for individuals and families, offering one-, two-, and three-bedroom apartments for households with incomes at 30 to 60 percent of the Area Median Income. In Alamosa County, the AMI is currently \$56,800, meaning the eligible income ranges from \$17,040 to \$34,080 in annual gross income for a two-person household. Someone who makes 30% AMI will be paying about \$331 per month in rent. That is over \$400 below the market average for a one bedroom apartment in Alamosa. According to the market study provided by the developer, these 40 units will only fill 3.7% of the need for this demographic within Alamosa. Consistent with that observation, the Alamosa Housing Authority's 15 properties have a combined occupancy rate of 99%, and a wait list of 95 applicants.

As a condition of approval of all developments, the Uniform Development Code (Chapter 21 of the Alamosa Code of Ordinances) dictates that all infrastructure required to serve the development must be installed and all impacts must be addressed. This particular project requires the following infrastructure:

- Curb, gutter, street construction, over-sized sewer main, and sidewalk along the project's frontage of the Carroll Street extension (full street construction, 309 feet)
- Curb, gutter and sidewalk along the west side of Maroon Drive to the development, approximately 423 feet, including an asphalt mill & overlay of the west half of Maroon Drive in order to achieve a drainage profile.
- Securing of a storm water discharge easement through the 65 acre parent parcel and installing approximately 423 feet of a 24" storm line to be tied into as the rest of the property develops.

The Code also requires development to pay water development and fees in-lieu of park dedication, in addition to the standard building permit and tap fees. The currently estimated fees for this project (likely to undergo minor changes as the project is refined) are broken down below.

Building Permit

39,948 sf total

2490 sf business + 966 utility (please note that this is the manager office and laundromat which has some underlying assumptions.

When we have the construction documents, we might have a different construction type/valuation there).

36,500sf= Main Multifamily Buildings R3 type Vb @ \$108.65/sf= \$3,965,725

\$59,043.06 Building permit

3456sf = Community Building B type Vb@ \$131.05= \$452,908.80

\$7,536.36 Building permit totals= \$66,579.42 Building permit

\$2,836.63 plan review

\$69,416.05

Tap Fees

Sewer Taps - 5 x 8" @ \$4,000 each = \$20,000

Water Taps - 4 x 1 1/2" @ \$4,300 each = \$17,200

1 x 1" @ \$2,450 each = \$2,450

\$39,650

Fee-in-Lieu of Park Dedication

From table 21-6-202B of the UDC

41 units @0.013 acres/unit = 0.533 acres \$87,120/acre x 0.533 acres=

\$46,434.96

Water Development Fee

Using the water development schedule from the original Carroll Annexation agreement.

41 residential units * 2.5 people per unit * 85 gallons/day * 365 days = 3,180,062.5 gallons

3,180,062.5 gallons ÷ 325850.943 gallons per acre-foot = 9.759 acre-feet. The agreement states that this fee will be 7% of

consumptive use at current market price per acre-foot of water.

9.759 acre-feet * 7% = 0.683 acre-feet

0.683 acre-feet * \$20,000/acre-foot = \$13,660

\$13,660

This all totals to \$169,161.01.

The nature of this low-income development means that there are very slim operating margins, and that unexpected costs can potentially sink a project. In this case, the developer did not anticipate the full construction of the adjacent segment of Carroll Street; they anticipated constructing a half-street, which is prohibited by the UDC (§21-5-105.k). According to the developer's bid documents, this adds approximately \$118,363 in construction costs (see attached bid sheet - Alternate 2).

In any development involving installation of public improvements, the developer can apply for a zone of benefit recovery charge and thereby have a chance to recoup a portion of the installed street and infrastructure. Because this project is being developed by a non-profit corporation under LIHTC terms, they have indicated they cannot receive unexpected revenue in the form of a reimbursement for infrastructure from development that would be included in a potential cost recovery zone.

To overcome this stumbling block, staff proposes that City Council waive the fees for the water and sewer taps and building permit up to \$109,066.05 or the actual as-built cost of the southern half of Carroll Street, whichever is less, in exchange for the developer to establish a cost recovery zone which designates the City as the beneficiary of the recovery zone, on the condition that the proposed development commit to providing affordable housing with the 40 units, available at 30-60% of area median income for the next 40 years.

This exchange has the advantage of promoting infill development and much needed low-income housing which has not historically occurred and would not likely occur otherwise, while giving the City the potential opportunity to recover some or all of the fees that are being waived. This also gives the City a future bargaining chip and potential incentives for other development in that area to be used at Council's discretion. Additionally, City Council has waived building permit fees and tap fees for other organizations in the past, such as Alamosa County and Habitat for Humanity, so there is consistency with this decision.

The amount that would be established by a zone of benefit recovery charge would be the qualified and accepted cost of the required public improvements, currently estimated by the developer's bid documents to be \$118,363. Since the final cost will be unknown until the street is constructed, the proposed agreement would waive the first \$70,000 in fees outright (the City assumes that the as built costs of the south half of Carroll would be at least \$70,000) and hold the remaining amount of the waived fees in trust until the zone of benefit recovery is known and established, thereby establishing the upper limit of waived fees as that amount or \$109,066.05, whichever is less.

A proposed contract for services, similar to those used in other contexts of fee waivers like Habitat for Humanity is attached.

It is important to acknowledge that the City assumes the risk of not recouping some or all of these fees should parcels within the pending cost recovery zone not develop in the next 30 years. There is no guarantee that the City would recover any of the waived fees.

Issue Before the Council:

Does Council wish to approve a waiver of fees for the water and sewer taps and building permit up to a total of \$109,066.05 or the actual as-built cost of the southern half of Carroll Street, whichever is less, on the condition that the developer establish a zone of benefit recovery charge and assign the City as the beneficiary of said recovery charge, and that the proposed development commit to providing affordable housing with 40 units, available to households earning 30-60% of area median income, for the next 40 years?

Alternatives:

The following is a non-exclusive list of options Council may take.

- **(recommended alternative)** Approve a waiver of fees for the water and sewer taps and building permit up to a total of \$109,066.05 or the actual as-built cost of the southern half of Carroll Street, whichever is less, on the condition that the developer establish a zone of benefit recovery charge and assign the City as the beneficiary of said recovery charge, and that the proposed development commit to providing affordable housing with 40 units, available to households earning 30-60% of area median income, for the next 40 years, and authorize the Mayor to sign the attached contract or one that the City Attorney deems substantially similar.
- Elect to waive a combination of any or all of the water development, building permit, and fee-in-lieu of park dedication, and tap fees on the condition that the developer establish a zone of benefit recovery charge and assign that to the city, and that the proposed development commit to providing affordable housing with the 40 units, available at 30-60% of area median income for the next 40 years.
- Elect to waive any or all of the water development, building permit, and fee-in-lieu of park dedication, and tap fees only require that the proposed development commit to providing affordable housing with the 40 units, available at 30-60% of area median income for the next 40 years (i.e. do not require the developer to establish and assign a zone of benefit recovery charge).
- Decline the request, thereby requiring all fees be paid and all infrastructure to be installed.

Fiscal Impact:

Waiving the tap fees and building permit fees would result in a loss of up to \$109,066.05 in fees. Without the waiver, it is possible the project would not develop, in which case the City also would not realize these fees. The requirement of the developer to establish a cost recovery zone and assign the City as the beneficiary gives the City a chance (but not guarantee) to recover some or all of those costs.

Legal Opinion:

The City Attorney will be present for comment.

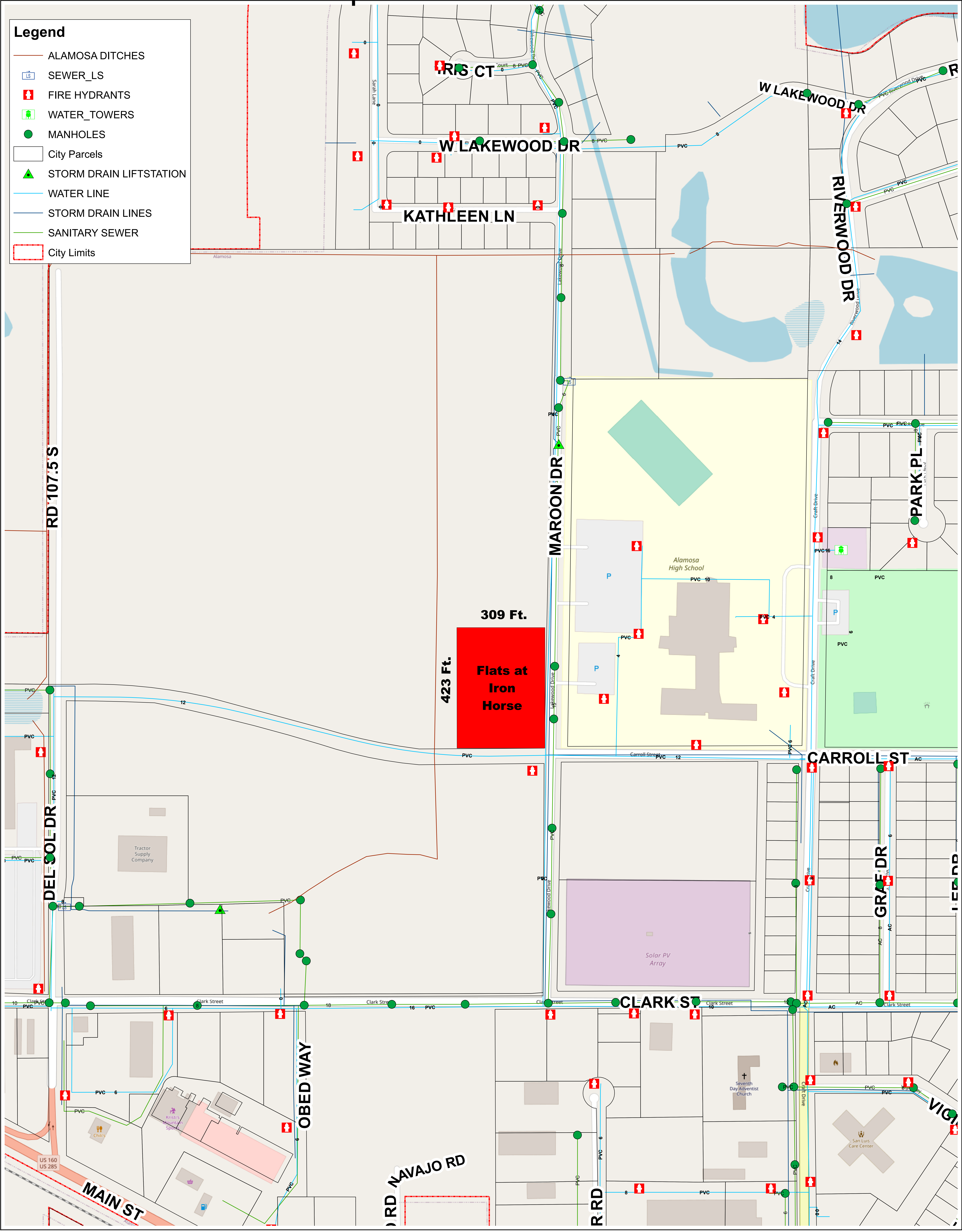
Conclusion:

Creating affordable housing is a complex solution to a complex issue -requiring creativity, flexibility, and ingenuity from all parties involved. As the City decides how to take a more active role in housing availability and affordability, this situation presents a creative solution which encourages development for a severely under-served segment of the Alamosa population.

ATTACHMENTS:

Description	Type
☐ Location Map	Backup Material
☐ Waiver Request	Backup Material
☐ Estimated Construction Costs	Backup Material
☐ Contract for Services low income housing	Exhibit

Proposed Flats at Iron Horse



The Honorable Ty Coleman
Mayor, City of Alamosa
300 Hunt Avenue
Alamosa, Colorado 81101

Re: City Impact Fee Waiver Request, The Iron Horse

Mayor Coleman;

As the Developer for The Iron Horse, we are requesting the Alamosa City Council grant a waiver of some of the impact and tap fees associated with the development of this community. The Iron Horse is a forty-one (41) unit apartment community built using the Low-Income Housing Tax Credits ("LIHTC"). This program requires forty (40) of the units be restricted to households that make no more than sixty percent (60%) of the Area Median Income ("AMI") for a period of forty (40) years. The remaining unit will be for the property manager's residence.

A family of four that earns \$42,600 annually qualifies for a unit restricted to sixty percent (60%) AMI. For perspective, some of the potential residents would include employees who have worked for 10 years at the Alamosa School District, including paraprofessionals, maintenance workers and administrative assistants. Other companies whose workforce would potentially qualify for a unit at The Iron Horse include Walmart, City Market, Holiday Inn Express, Dollar Tree, Fairfield Inn and Suites, and Tractor Supply. All of these companies are located within a mile of The Iron Horse. In addition to the sixty percent (60%) units, The Iron Horse will also include units that are restricted to households earning fifty percent (50%), forty percent (40%), and thirty percent (30%) AMI. The Iron Horse will have eight (8) units with income limits set at thirty percent (30%) AMI. These units, whose rents start at approximately \$331 per month, are ideal for seniors on a limited, fixed income. As of today, we have already established a list of interested parties that includes seniors on social security benefits.

To receive the LIHTC required for The Iron Horse, an application was submitted to the Colorado Housing and Finance Authority ("CHFA") that included an extensive economic proforma showing sources and uses that would be needed to complete the project construction. When compiling these numbers, our construction cost estimates for the Carroll Street extension only included the northern half of the roadway. At that time, the City of Alamosa did not have a method to recover such a cost from the future development. However, a cost recovery zone is now allowed by the City of Alamosa, requiring The Iron Horse development to build the southern half of the Carroll Street extension at an estimated cost of \$118,363 that was not included in the original LIHTC application.

To help ensure the long-term viability of The Iron Horse and allow it to serve the San Luis Valley community, we are requesting a waiver of some of the impact and tap fees imposed by the City of Alamosa. This waiver request, in the amount of \$118,363, is to offset the construction costs associated with the southern half of the Carroll Street extension required as part of the construction of The Iron Horse. A copy of the current cost estimate is attached for reference. Based on estimates from the City of Alamosa, the following are the anticipated fees for The Iron Horse:

Building Permits & Plan Review:	\$ 69,416
Tap Fees, Water & Sewer:	\$ 39,650
Park Dedication, Fee-in-Lieu:	\$ 46,435
<u>Water Development Fee:</u>	<u>\$ 13,660</u>
Total:	\$169,161

While establishing a cost recovery zone to recapture the construction costs for the Carroll Street extension is available in Alamosa, it is not available to The Iron Horse due to restrictions surrounding the LIHTC program. As a result, any additional costs associated with the construction of the Carroll Street extension would be a burden placed upon the project. Because the ownership of The Iron Horse is unable to recover the costs, it is willing to assign its rights associated with the cost recovery to the City of Alamosa to offset the waiver request being made.

The Iron Horse is a vital piece of the housing landscape for Alamosa. This is the first LIHTC award for new construction in nearly 20 years. Because there have been few developments of affordable housing over that time period, Alamosa has a pent up demand as exhibited in the market study that was conducted. Based on that data, the capture rate for The Iron Horse is 3.7% - markedly below the twenty-five percent (25%) threshold established by CHFA. The need for affordable housing communities like The Iron Horse is also exhibited through the housing portfolio owned by the Alamosa Housing Authority. Across their fifteen (15) properties, AHA currently has an occupancy rate of ninety-nine percent (99%) and maintains a waitlist of ninety-five (95) households.

Creating affordable housing is a complex process that requires ingenuity from several parties, including local municipalities. Providing a waiver of the fees in exchange for an assignment of cost recovery zone rights is a creative method of encouraging affordable housing in areas of Alamosa that need infrastructure to support such development. This allows an affordable housing development to maintain units at lower income levels, such as the eight (8) units that will be restricted to thirty percent (30%) AMI at The Iron Horse. It also encourages additional development, both residential and commercial, in these areas that remain vacant without the necessary infrastructure.

Currently, the City of Alamosa is conducting a Housing Needs Assessment to help provide a picture of the current housing market in Alamosa, which will include everything from affordable housing developments to luxury residences. Typically, such an assessment would encourage a municipality to consider soliciting developers that utilize the LIHTC program to help provide new housing units for those demographics that are underserved by traditional housing development. It would also provide a list of potential creative vehicles the City Council has at its disposal to help encourage the development of affordable housing. This proposal would be one such catalyst that will provide forty (40) units of affordable housing in Alamosa for the next forty (40) years.

Respectfully,



John T. Vance
Property Developer

	Project Description: Budget proposal for Phase I of The Flats at Ironhorse Apartments located in Alamosa, CO consisting of 41 apartment units and complete site package.
	BUDGET WORKSHEET

Project..... The Flats @ Iron Horse	Estimator.....	Bldg. Size..... 39,851 SF
Location..... Carroll St. & Maroon Dr., Alamosa, CO	Run Date..... 9/16/2020	Budget..... \$ 7,786,553
Architect..... CSHQA	Type of Construction..... Construction Type	Cost/SF..... \$ 195
Owner..... NWRECC	Duration..... 420 Days	Cost/Unit..... \$ 189,916

Spec.	Systems/Component	Notes	QTY	UOM	\$ / unit	Total
Alternate No. 1		Notes	QTY	UOM	Cost	Total
Description: OFFSITE IMPROVEMENTS TO CARROL STREET						
	Mobilization	BUDGET	1	LS	\$ 10,000	10,000
	Surveying	BUDGET	1	LS	\$ 2,500	2,500
	Erosion Controls / SWPPP	BUDGET	1	LS	\$ 3,500	3,500
	Excavate / Haul-off	BUDGET	710	CY	\$ 38.00	26,961
	Subbase Course - Pit Run - 12"	BUDGET	429	TN	\$ 20.90	8,966
	Aggregate Base Course	BUDGET	208	TN	\$ 27.00	5,603
	3" Asphalt	BUDGET	4,660	SF	\$ 4.00	18,640
	6" Vertical Curb & Gutter	BUDGET	294	LF	\$ 26.00	7,644
	6ft Sidewalk - 4" Thick	BUDGET	1,705	SF	\$ 5.75	9,804
	Traffic Control	BUDGET	15	DAYS	\$ 500	7,500
						-
					Subtotal =	101,117
					Mark Up =	6,855.8
					Total - Alternate =	107,973

Alternate No. 2		Notes	QTY	UOM	Cost	Total
Description: OFFSITE IMPROVEMENTS TO CARROL STREET						
	Mobilization/Demob	BUDGET	2	EA	\$ 5,000.00	10,000
	Surveying	BUDGET	1	LS	\$ 2,500.00	2,500
	ESC/SWPPP	BUDGET	1	LS	\$ 3,500.00	3,500
	Traffic Control	BUDGET	15	DAYS	\$ 500.00	7,500
	Excavation/Hauling	BUDGET	730	CY	\$ 38.00	27,754
	Valley Gutter/Sloped Conc.	BUDGET	33	SY	\$ 28.50	941
	Sidewalks	BUDGET	1544	SF	\$ 6.36	9,820
	6" Vertical Curb (Radius)	BUDGET	28	LF	\$ 9.20	254
	6" Curb & Gutter (24" W)	BUDGET	497	LF	\$ 26.00	12,922
	- Radius	BUDGET	110	LF	\$ 29.90	3,299
	Asphalt Paving (3" D)	BUDGET	1095	SY	\$ 17.50	19,157
	Road Mix Agg. (6" D)	BUDGET	1095	SY	\$ 7.30	7,991
	Pit Run Agg. (12" D)	BUDGET	1095	SY	\$ 1.04	1,138
	Tactile Surfacing (Ped Ramps)	BUDGET	21	SF	\$ 22.00	462
	Manhole Collars	BUDGET	1	EA	\$ 1,525.00	1,525
	Drop Inlets	BUDGET	2	EA	\$ 640.00	1,280
	Striping	BUDGET	275	LF	\$ 1.60	440
						-
					Subtotal =	110,483
					Mark Up =	7,879.6
					Total - Alternate =	118,363

SUBTOTALS OF ALTERNATES =		226,336
PROJECT TOTAL w/ALTERNATES =		7,786,553
SUBTOTAL; O & P OF ALTERNATES =		6,856

**CONTRACT FOR SERVICES AND
LIMITATION ON USE OF CERTAIN PROPERTY
FLATS AT IRON HORSE**

THIS AGREEMENT is entered into as of _____, 2020, between the City of Alamosa, 300 Hunt Ave., Alamosa, CO 81101 (“City”) and Northwest Real Estate Capital Corporation, an Idaho nonprofit corporation (hereinafter referred to as “Developer”), 210 W. Mallard Drive, Suite A, Boise, Idaho 83706.

WHEREAS, Developer intends to develop a 40-unit affordable housing community that will be built on the northwest corner of Maroon Drive and the Carroll Street extension to serve low and medium income families of the community (30-60% of the area median income) with affordable housing opportunities (the “Project”); and

WHEREAS Developer was awarded support in the form of Low Income Housing Tax Credits (LI HTC) from the federal government for the Project; and

WHEREAS, adequate affordable housing for low-income families of Alamosa is a vital need for the health and welfare of the community, and therefore is a concern of the Alamosa City Council; and

WHEREAS, Developer will be required to install certain public improvements as a condition of development of the Project. Some of the improvements would be eligible for the City’s cost recovery program set forth in Section 21-6-304 of the City’s *Code of Ordinances*, but the Developer believes that as a nonprofit it cannot take advantage of any potential cost recovery; and

WHEREAS, Developer did not anticipate the full construction of the adjacent segment of Carroll Street; it anticipated constructing a half-street, which is prohibited by the UDC (§21-5-105.k). According to the developer's bid documents, this adds approximately \$118,363 in construction costs; and

WHEREAS, the City has in the past encouraged low income housing and other public purpose development by waiver of building permit and tap fees; and

WHEREAS, water and sewer tap fees and building permit fees for this project are estimated to be on the order of \$109,066.05; and

WHEREAS, the City desires to encourage the development of low and moderate income housing within the City of Alamosa, but is unable to provide for such housing itself; and

WHEREAS, Developer can provide such housing, leveraging the federal LIHTC program, thereby increasing the supply of low and moderate income housing in the city of Alamosa and addressing the need identified above;

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

1. The City of Alamosa shall waive the fees for water and sewer taps and building permit for the Flats at Iron Horse project, up to a total of \$109,066.05 or the actual as-built cost of the southern half of Carroll Street, whichever is less.

2. The legal description for the project and for the land to which this Agreement applies, is

Lot 1, Block 1 of the Carroll Properties Addition No. 2, located in the Northeast Quarter of Section 5, Township 37 North, Range 10 East, New Mexico Principal Meridian.

3. Developer shall use its best efforts to establish a zone of benefit recovery charge for the Project to include the cost of all public improvements required by the UDC and eligible for reimbursement under Section 21-6-304 of the *Code of Ordinances of the City of Alamosa*.

4. Developer shall assign any reimbursement of a zone of benefit recovery charge it may establish for the Project to the City.

5. Developer agrees that, for 40 years from the date of issuance of the first certificate of occupancy for any building in the Project, any unit, other than the Project Manager's accommodation, in the Project shall be available only to persons with household income falling within 30%-60% of Alamosa County's Area Median Income and further agrees to limit the rent charged for such unit to amount(s) allowed by the Low Income Housing Tax Credits rent limits applicable at the time of leasing any such unit.

6. Nothing herein shall be deemed to make the City of Alamosa a party to or participant, venturer, partner, agent of or have any role whatsoever in any such services, all of which are subject to the exclusive jurisdiction and control of Developer, who agrees to indemnify and hold the City of Alamosa harmless from any and all claims and losses of every kind and nature whatsoever that may arise or occur from the operations of Developer.

7. This Agreement shall be binding on the parties, their successors and assigns. It shall run with the land encompassed by the Project as described herein. No third parties shall be deemed to have obtained any rights or responsibilities under this Agreement.

8. If any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law, state or federal, the validity of the remaining portions or provisions hereof shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not

contain the particular part, term, or provision held to be invalid. If the invalidity of any part, provision, representation or warranty of this Agreement shall deprive any party of the economic benefit intended to be conferred by this Agreement, the parties shall negotiate, in good-faith, to develop a structure the economic effect of which is as close as possible to the economic effect of this Agreement without regard to such invalidity.

9. This Agreement may be modified or amended only by a duly authorized written instrument executed by the parties hereto.

IN WITNESS WHEREOF, the parties have duly executed this agreement as of the date first written above.

NORTHWEST REAL ESTATE CAPITAL CORPORATION

By _____, **President**

By _____, **Secretary**

CITY OF ALAMOSA

By Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

First Reading, Ordinance No. 27-2020. An ordinance amending Section 21-6-301(f)(1) of The *Code of Ordinances of the City of Alamosa* to allow certain types of performance bond as collateral for required public improvements.

Recommended Action:

Approve Ordinance No. 27-2020 on first reading, and set for public hearing on November 4, 2020, at 7:00 p.m. or as soon thereafter as the matter may be heard.

Background:

The City's Unified Development Code (UDC) is found in Chapter 21 of the *Code of Ordinances*. Section 21-6-301(f)(1) requires collateral for any required public improvements prior to recording any subdivision or other development for which public improvements are required. Two forms of collateral are recognized: a) cash deposit; or b) letter of credit. Performance bonds are another type of collateral that were considered at the time the UDC was adopted, but were rejected because they are more involved to collect on and can involve defenses that are not available to the developer with either cash or a letter of credit. If the performance bond is not structured correctly it can be too easy for a developer to get out of and the City will be left needing to make the improvements.

A current developer is indicating a preference for a performance bond. Although the reason is not known, developers often prefer performance bonds to cash or letters of credit because they can be cheaper to obtain, and do not appear on the developer's balance sheet. An excellent blog post discussing the differences between performance bonds and letters of credit is included in the materials for further reference.

Staff has concluded that a performance bond, **if properly conditioned**, can sufficiently protect the City to ensure completion of required public improvements while allowing the developer to see the benefits described above. It is important to be clear that a regular performance bond does not adequately protect the City, but if certain conditions are added, it can.

Issue Before the Council:

Does Council wish to allow the use of properly conditioned performance bonds as another means of collateral to secure construction of public improvements?

Alternatives:

(1) (**recommended alternative**) Approve the proposed ordinance as written on first reading and set for public hearing on November 4, 2020, at 7:00 p.m. or as soon thereafter as the matter may be heard.

(2) Allow the use of performance bonds without the limiting language proposed in the ordinance. This does open the City up to the risk of having to construct the improvements.

(3) Decline to adopt the ordinance, and continue to accept only cash or letters of credit as collateral for installation of required public improvements.

Fiscal Impact:

None expected unless option 2 is selected.

Legal Opinion:

The City Attorney will be available for comment at the meeting.

Conclusion:

The proposed ordinance establishes a limited type of performance bond as an alternative method of satisfying the collateral requirement of the UDC for installation of public improvements, which could potentially remove a barrier to development.

ATTACHMENTS:

	Description	Type
▢	Ordinance 27-2020 Performance bonds	Ordinance
▢	Article on surety bonds vs. letters of credit	Backup Material

ORDINANCE NO. 27-2020

AN ORDINANCE AMENDING SECTION 21-6-301(f) (1) OF THE *CODE OF ORDINANCES OF THE CITY OF ALAMOSA* TO ALLOW CERTAIN TYPES OF PERFORMANCE BOND AS COLLATERAL FOR REQUIRED PUBLIC IMPROVEMENTS

WHEREAS, Section 21-6-301(f) of the City's Unified Development Code (UDC) requires that collateral be provided for any development wherein public improvements are required to be installed a date later than any approval for any stage of any such development; and

WHEREAS such collateral is currently limited to either 1) cash or 2) a letter of credit; and

WHEREAS, developers have expressed interest in being able to post performance bonds as an alternate method of providing collateral; and

WHEREAS, when adopting the UDC, the City had elected not to allow performance bonds as collateral because of the delay in collecting on such bonds and the possibility of protracted arguments with the surety concerning whether the developer had any defenses; and

WHEREAS, the City is open to accepting performance bonds as collateral if the disadvantages noted above can be rectified by conditions in the bond that waive such defenses; and

WHEREAS, Council deems it in the best interests of the City to make provision for properly conditioned performance bonds to be acceptable means of providing the collateral called for in Section 21-6-301(f);

NOW THEREFORE BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Section 21-6-301(f)(1) of the *Code of Ordinances of the City of Alamosa* is hereby amended to add a new subsection c. as follows:

c. A performance bond with a surety satisfactory to the director of public works. Any such performance bond must state that the surety's obligations are absolute and unconditional irrespective of any circumstance whatsoever that might constitute a legal or equitable discharge or defense of a surety and must include an express waiver by the surety of such defenses. Additionally, the payment trigger on any such performance bond shall not relate to the occurrence of an event of default, but rather simply be triggered by the due presentation of a proper notice of default signed by the public works director.

Section 2. Severability: Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect ten days after final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 7. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 21st day of October, 2020, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 4th day of November, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 4th day of November, 2020.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk

Surety bonds compared to LCs

August 19, 2020 | By [Paul Weber](#) in New York, [Connie Gao](#) in New York and [Rob Marsh](#) in London

Parties to project finance transactions are sometimes asked to accept surety bonds as security in place of letters of credit. There are key differences between the two instruments.

A letter of credit is a promise by a bank to advance up to a certain amount of money to one deal party if the other party defaults.

A surety bond is a guarantee in which a third party — often an insurance company — agrees to assume a defaulting party's financial obligations.

Although letters of credit and surety bonds are similar in function, there are legal differences that could affect a beneficiary's ability to obtain full and prompt payment on its claim.

Parties to commercial transactions have for years argued over the forms of security providing credit support to their deals. Beneficiaries, known as "obligees," prefer letters of credit over surety bonds because letters of credit generally are easier to collect upon, usually merely by presentation of certain documentation. Payment under surety bonds is usually a more drawn-out process and involves a greater risk of litigation on the underlying commercial transaction and any other defenses that may be available to the surety company.

The key distinctions between letters of credit and surety bonds arise from the business concepts and legal principles underpinning these forms of security.

Letters of Credit

A letter of credit is a written instrument that is traditionally issued by a bank. It authorizes a party to draw up to a certain amount of money under terms outlined by the instrument.

Three main parties are involved in a letter of credit transaction, namely, the issuer (bank), the customer of the issuer (applicant) and the beneficiary (obligee).

Usually, the letter of credit is accompanied by a promissory note from the applicant to the beneficiary and the applicant's agreement to reimburse the issuer upon its payment to the beneficiary. Parties select either the Uniform Commercial Code of the relevant jurisdiction, or "UCC," or the Uniform Customs and Practice for Documentary Credits, or "UCP," issued by the International Chamber of Commerce to govern their letter of credit.

Two types of letters of credit are frequently used in commercial transactions: documentary letters of credit and standby letters of credit. A documentary letter of credit, which is usually governed by the UCC, is one in which the beneficiary must present specified documents to the issuer in order to draw funds from the letter of credit. Documentary letters of credit are primarily used as direct payment devices to facilitate sales-of-goods transactions. The typical documents that a seller of goods (the beneficiary) must produce in order to draw from the letter of credit include a bill of lading, commercial invoice, certificate of insurance covering transport or import-export documentation.

In a standby letter of credit, the issuer must honor the letter of credit after it receives a statement (usually in the form of a properly completed draw certificate) from the beneficiary that the other party to the underlying contract is in default under the terms of the contract or that the conditions to a draw have otherwise been satisfied. Standby letters of credit are the prevalent security instruments supporting obligations under construction contracts for thinly-capitalized construction companies, special-purpose project companies or owners, power off-takers with shaky credit ratings or any other entity that may need some credit support for its obligations.

Surety Bonds

Surety bonds are forms of guarantees. Under a surety or guaranty, a third party becomes liable upon the default of the principal, who is the debtor or guaranteed party.

Surety bonds can be payment bonds or performance bonds and involve the following three parties: a surety (the entity that assures payment or performance of the contract between the principal and the beneficiary), a principal (the entity who has the obligation to pay or perform) and an obligee (the beneficiary, or entity that is owed the obligation).

A suretyship is different from more common forms of insurance because sureties can seek repayment from principals, but insurers normally cannot seek reimbursement from those they insure and, instead, rely on payment of premiums across a portfolio of surety bonds for reimbursement coverage.

Key Distinctions

All letters of credit operate under the doctrine of independent contracts, which says that the issuing bank's obligation to honor or pay upon a properly presented draft is independent of the underlying contract or commercial relationship between the account party and the beneficiary presenting the draft.

Accordingly, the issuer is required to pay on the letter of credit regardless of whether the underlying contract has been properly performed by the account party or whether the account party has defenses to due performance. However, the issuer need not honor a draft under a documentary letter of credit if the documents or the transaction itself are fraudulent.

Because letters of credit are independent from the underlying transactions, they are often more attractive to beneficiaries because there is no need to prove a breach of the underlying contract or the extent to which the beneficiary suffered damages. Further, traditional defenses and claims in contract law do not apply to letter-of-credit transactions because a letter of credit is governed by its own set of legal principles. Thus, from the point of view of a beneficiary, letters of credit are enforceable against an issuer regardless of the bankruptcy of the applicant.

Unlike a letter of credit, a surety bond attaches to the underlying contract and thus must be interpreted consistently with the underlying contract. The surety bond operates like a guaranty where a guarantor's obligation is secondary. This means that the surety's obligation does not mature until the principal obligor defaults on the underlying contract. In contrast, the obligation of an issuer in a letter-of-credit transaction is primary.

An obligee may see surety bonds as less desirable because they are not demand instruments like letters of credit. They involve a "claim adjustment process" in which the surety investigates the underlying default. This slows down the reimbursement process. Sureties will deny claims they believe are without merit.

At the same time, surety bonds, like other financial guarantees, are attractive to principals because they do not appear on a corporation's balance sheet, and their use does not diminish a company's line of credit. In addition, surety bonds are generally cheaper to procure and maintain and may not require posting of collateral to the surety by the principal obligor.

Making Sureties Work Like LCs

Because of these advantages, some sponsors are pressing certain obligees, including offtakers under power purchase agreements and virtual PPAs and interconnection agreement counterparties, to accept a surety bond over a letter of credit in order to facilitate a particular transaction.

The key to successfully persuading these counterparties to accept a surety bond is to craft the surety bond to minimize the disadvantages of a surety bond compared to a letter of credit.

One way to minimize the disadvantages of surety bonds is to draft the terms of the surety bond so that they provide protections to the beneficiary that are similar to those contained in a letter of credit. Since a traditional surety bond is subject to the surety's defense that no default of the underlying agreement has occurred, the obligee could change the payment trigger on the bond from one relating to the occurrence of an event of default to simply one triggered by the due presentation of a proper notice of default, notice of payment or other agreed-upon documentation.

Further, because the surety enjoys many of the same defenses that are available to a principal, the obligee should negotiate for language in the surety bond that waives the surety's ability to assert these defenses. Typical provisions should state that the surety's obligations are absolute and unconditional irrespective of any circumstance whatsoever that might constitute a legal or equitable discharge or defense of a surety and include an express waiver by the surety of such defenses. Courts have generally held that these broad waivers are enforceable.

Transactions Governed by English Law

Standby letters of credit were first developed in the United States because US banks were prohibited from issuing guarantees.

Outside of the US, it is common to use an on-demand instrument, in similar circumstances, as a form of quasi-security to secure the obligations of a party to a contract. In practice, these English law-governed quasi-security instruments are labelled as a "bond" or "guarantee."

Irrespective of the title of the document, the instrument should be clear whether it creates primary ("autonomous") or secondary ("accessory") obligations. Disputes over whether these documents create primary or secondary obligations frequently lead to litigation or arbitration.

In general, security instruments that impose autonomous obligations are often labelled on-demand bonds or guarantees, first-demand bonds or guarantees, demand bonds or guarantees or standby letters of credit.

Security instruments that impose accessory obligations tend to be called simply guarantees, default bonds or surety bonds.

An on-demand bond or guarantee will usually stipulate what documents have to be presented to the issuer in order to receive payment. The beneficiary need only issue a demand in accordance with the terms of the instrument and present the required documents. Unlike a conditional bond, there is no requirement to establish breach and quantum of loss. An on-demand bond operates independently of performance or non-performance of the underlying contract terms (hence, it is "autonomous"). These instruments operate like standby letters of credit by creating an autonomous payment obligation essentially in the nature of a standby letter of credit rather than a guarantee of a third party's performance.

Under a classic (as opposed to an on-demand) guarantee, the guarantor guarantees the performance of another party under an underlying contract and is a secondary obligor that has available to it all the defenses available to the primary obligor. In addition, the classic guarantor can often rely on modifications made to the underlying agreement after issuance of the guarantee to refuse payment on the basis that the risk it initially agreed to take has been changed. Also, the guarantor may require that the primary obligor's default be proven by the guaranteed party.

On-demand instruments often provide that they are payable upon presentation of a written demand and certain documents in a specified form. The instrument must state that the bank's undertaking to pay is irrevocable, unconditional and is a primary obligation. The bank must expressly waive all defenses related to the transaction in connection with which the bond is given or against the party against whose default the bond is meant to offer protection.

Despite the name, English-law standby letters of credit have more in common with on-demand instruments than with letters of credit. They enable the beneficiary to obtain payment from the issuer of the standby credit when the other contracting party has failed or is alleged to have failed to perform the contract.

In view of the apparent near equivalence of the two instruments, what determines the choice of one instrument over the other in an English law transaction?

The two key factors seem to be practice and location. The fact that US banks may only issue letters of credit has clearly led to the prevalence of standby letters of credit in international transactions involving American banks and in sectors where their use is the norm. In addition, standby letters of credit tend to be more widely used in connection with long-term contracts, such as project finance loans, and projects involving multilateral agencies. They are also found in oil and gas projects in the Middle East. On the other hand, in UK domestic construction and infrastructure projects, bonds and guarantees prevail.

There is a third factor. Calling on a bond should result in swift payment and receipt by the beneficiary. However, English courts in recent years have seen a number of cases concerning the proper interpretation of these security instruments. The attention given by the English courts to bonds and guarantees in recent years may also steer parties toward a standby letter of credit over an on-demand instrument.

Of paramount importance are clarity and certainty — and caution. Whatever instrument is chosen, the wording proposed may well have been used previously and, therefore, be regarded as "tried and tested." A precedent form is only tried and tested to the extent it has been analyzed by a court and not found to be wanting. It is important to understand its provisions fully. The key question to ask is whether the wording clearly describes the obligations of the parties and prescribes the desired outcomes for all of the relevant fact patterns.

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Consideration of application of My Brothers Place, LLC adopting the written findings granting the hotel/restaurant liquor license at 613 Main Street.

Recommended Action:

Review the proposed findings granting the license and discuss any modifications to make.

Background:

Council held the public hearing on the application of My Brothers Place, LLC for a hotel restaurant liquor license at 613 Main Street on October 7, 2020, and voted to approve the change, and have the City Attorney prepare proposed findings consistent with that approval. Those proposed findings are attached.

Issue Before the Council:

Does Council approve the proposed findings showing that the needs and desires of the adult inhabitants of the neighborhood would be served by the proposed change in location for the license?

Alternatives:

- 1) Adopt the proposed findings GRANTING the license as written.
- 2) Adopt the proposed findings with any desired modification.

Fiscal Impact:

None.

Legal Opinion:

The City Attorney prepared the drafts of the findings, and will be available for comment at the meeting.

ATTACHMENTS:

	Description	Type
▯	Proposed findings GRANTING My Brothers Place Hotel and Restaurant Liquor License	Reports

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

In Re the Matter of the Public Hearing Concerning My Brothers Place, LLC, at 613 Main Street

I. THE HEARING

This Application for a Hotel and Restaurant license at 613 Main Street came on for public hearing at a regularly scheduled meeting of the Alamosa City Council sitting as the Local Licensing Authority (the Authority) on October 7, 2020. Notice of the hearing was given pursuant to §44-3-311, C.R.S. All Councilmembers 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.

In Resolution 3, 1986, the Authority 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.

City Clerk Holly Martinez confirmed the poster giving notice of the hearing was originally posted on August 20, 2020, and remained posted through the date of the hearing. The poster was marked as Exhibit A. Legal notice was published in the Valley Courier on September 29, 2020.

The Authority takes administrative notice of the existence and location of the 14 hotel and restaurant licenses granted by the Authority for premises within the City, and of the total of 41 liquor licenses of all types granted by the Authority for premises within the City. The Authority takes administrative notice that the central commercially zoned corridor in Alamosa generally runs from east to west, one block north and south of Main Street; that additionally there is an intermittent (i.e. mixed zoning) corridor north and south along U.S. Highway 285, and along State Avenue.

B. Applicant. My Brother's Place, LLC.

C. Documentary Evidence. Petition sheets containing approximately 84 signatures were presented by the Applicant electronically prior to the hearing and admitted as Exhibit B. 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*, C.R.S. § 44-3-103, or parties in interest, as defined in C.R.S. 44-3-311(5). 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. At the public hearing, Andrew Lukondi, Manager of the Applicant, provided Council with a brief background. It has been the Applicant's experience that customers desire alcohol with their meals, and they get constant requests in particular for beer (being a pizza and sub shop). The applicant has a commitment to server training.

Darrell Cooper spoke against the Application, and urged Council to adopt a limit on the number of liquor licenses it will allow in the City.

No other persons spoke either in favor of or against the application.

II. APPLICABLE LAW

A hotel and restaurant liquor license, under the *Colorado Liquor Code*, may be issued to persons selling malt and vinous liquors for consumption on the premises 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. § 44-3-413.

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 neighborhood by the local licensing authority. C.R.S. § 44-3-301(2). A local licensing authority may deny the issuance of any new license whenever such authority determines that the issuance of the license would result in or add to an undue concentration of the same class of license and, as a result, require the use of additional law enforcement resources. *Id.*

Whether a license should be granted or denied is a matter resting within the discretion of the licensing authority. *Harvey v. Schooley*, 383 P.2d 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 273 (Colo. 1960). 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. § 44-3-301(2)(a). However, with respect to a second or additional license described in sections C.R.S. §§ 44-3-401(1)(j) to (1)(t), (1)(v), or (1)(w) or 44-3-412(1) or in a financial institution referred to in section 44-3-308(4) for the same licensee, the licensing authority *shall* consider the effect on competition of the granting or disapproving of additional licenses to such licensee and shall not approve an application for a second or additional license that would have the effect of restraining competition.

The number of persons signing or testifying for or against a license is not wholly determinative of either the reasonable requirements or the desires of the neighborhood. *Vigil v. Burress*, 404 P.2d 147 (Colo. 1965). Similarly, the mere existence of other outlets in the

neighborhood, although a factor to be considered by the licensing authority, is not in itself a sufficient ground for denying a license. *Nat'l Convenience Stores, Inc. v. City of Englewood*, 556 P.2d 476 (Colo. 1976). Denial of a license because of traffic and parking problems alone is not justified. *Mobell v. Meyer*, 469 P.2d 414 (Colo. 1970). The same rule applies to speculative reasons such as possible vandalism, noise, or disturbances. *Id.*

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 change of location for the license is sought is 2069 First 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.

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, 613 Main Street, is not within 400 feet of a primary or secondary school. See *Code of Ordinances of the City of Alamosa* Section 10-28.

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 restaurant receives constant requests for beer and other alcohol from customers, and a significant number of persons have signed a petition to that effect. The business would be enhanced by the ability to provide alcohol with the meals it offers.

Council takes note of the synergy provided by anchor restaurant venues in the Highway 160 corridor, and believes that a hotel/restaurant license in this location will increase business traffic in the corridor.

IV. CONCLUSIONS

Applicant has satisfied Council that there is a need and desire in the neighborhood for the issuance of the hotel and restaurant license applied for. Therefore, the Alamosa City

Council acting as the Local Licensing Authority hereby GRANTS the Application submitted by My Brothers Place, LLC, for a hotel/restaurant liquor license at 613 Main Street, Alamosa, Colorado.

Dated this 21st day of October, 2020.

Mayor Ty Coleman
City of Alamosa
Local Licensing Authority

Attest:
(SEAL)

Holly C. Martinez, City Clerk