

FEBRUARY 21, 2012

CITY OF TRINIDAD  
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, February 21, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

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|---------------------|----------------|---|
| There were present: | Mayor          | Rino, presiding                                       |
|                     | Councilmembers | Baca Gonzalez, Bolton, Bonato, Pando, Shew, Velasquez |
| Also present:       | City Manager   | Gil de Rubio  |
|                     | City Attorney  | Beatty  |
|                     | City Clerk     | Garrett   |

The pledge of allegiance was recited.

**READING OF THE MINUTES.** A motion to approve the minutes of the regular meeting of February 7, 2012, as submitted was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. The motion carried by a unanimous roll call vote.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** Mickey Griego addressed Council. He said that earlier this month a bully, named Steve Bolton, circulated an e-mail and published a letter to the editor incoherently attacking certain members of the City Council. He thereafter staged and initiated a recall petition against Councilmember Pando. He said the theme of his attack seemed to accuse local citizens on behalf of "intimidation, threats and lies". Since Steve Bolton has been a frequent visitor before Council, you recognize this is actually the way he behaves. He is the one who repeatedly threatened and attempted to intimidate Council, and along with cohorts Tom Murphy and Eric Michaels, does exactly what he accuses Council members of doing. He lies, he threatens and he seeks to intimidate. He is angry, rude vigilant and combative. That's how bullies act. Mr. Griego continued that except for Carol Bolton and Bernadette Baca Gonzalez, he has known all of the other members of Council for the majority of his life. He said they are known to be fine citizens, courteous and people who act in a dignified and respectful manner. Neighbors and friends know they are not liars or intimidators and don't treat people that way. Mr. Griego said they know them to be honorable and dedicated members of Council. He told Council they do not deserve this disrespect. He said on behalf of their friends and neighbors who incidentally make up the majority of this community, Council has their respect and support in doing what you do. He concluded his belief that Steve Bolton, Eric Michaels and Tom Murphy are acting with the support and the encouragement of the City Manager. He added that if he were in their position he would try to remove the cancer that is afflicting our great City and terminated the City Manager in accord with all of the City and State regulations immediately.

Kim Schultz, Executive Director of the Trinidad & Las Animas County Chamber of Commerce, addressed Council. She reminded Council of their brief discussion at the previous work session regarding the Triggers baseball team and their interest in meeting someone with the organization. Ms. Schultz introduced Justin Lowry, the Triggers coach, from Georgia. She added that Justin has been working with the Chamber and has an office located inside of the Chamber. Coach Lowry addressed Council. He said they are looking forward to coming to Trinidad and that this is always a great thing for a small town. He reiterated the fact that he's looking forward to it. Mayor Rino welcomed Coach Lowry to Trinidad on behalf of Council. Ms. Schultz commented that he almost has his team. Upon inquiry, Coach Lowry said the team members will all get in town by April 28<sup>th</sup>.

Tom Sheffield, Vice President, Pioneer Natural Resources, head of the Rockies region, addressed Council. Mr. Sheffield explained that they had a communication meeting with their employees this morning and so as to avoid rumors he is taking a public stance to let people know the facts. He continued that at that meeting Pioneer announced they will be relocating 34 of its Trinidad employees to positions offered in Texas where they have a lot of activity. Mr. Sheffield said that with the low natural gas prices, Pioneer has to try to cut its costs. They have elected to withdraw from well-site construction business, the pipeline business and the drilling business. This will leverage the local community and the contractors in the long run. The employees who are offered the relocation are being offered a package to move. Some may elect to stay, however, and they will start up a relocation service and employment service working with the work force group to keep those people gainfully employed. Mr. Sheffield stressed that Pioneer is not going anywhere and they will sustain their continued giving (funding), such as the GAP program and others. He said they are already being hit up to help the baseball team, and Pioneer will be ready to help. Mayor Rino asked Mr. Sheffield if the employee reductions are expected to continue or if this is where it will cap. Mr. Sheffield said they don't have any more plans at this time, but obviously if gas prices are down for a long period of time Pioneer will have to roll up their sleeves and decide what to do next. He pointed out, however that Pioneer had 530 employees in 2008; they have about 430 now and with this relocation of 34 will still have about 400 locally. They have 2300 wells and spend \$110 to \$120 million per year just to operate those wells. There is a \$60 to \$80 million dollar per year direct impact to the community. City Manager Gil de Rubio thanked Mr. Sheffield for addressing Council to dispel rumors that culminated this afternoon. He additionally thanked Pioneer on behalf of the City for all of their continued public and private contributions. Mr. Sheffield provided Council with a copy of the press release issued by Pioneer.

Ted Martinez addressed Council stating that he felt it to be his civic duty. He explained that articles in today's newspaper really bothered him. He said when he was previously on City Council they didn't always get along. He even had people go to his house and threaten to harm him and his property after voting on an issue. Mr. Martinez said he didn't call the police, realizing those people were just needing to blow off steam. His decision was the right one on that vote as it turned out. Mr. Martinez said that regarding Councilmember Pando, while they don't always agree, this recall is totally stupid, ridiculous and uncalled for, and unfair. Public funds shouldn't be wasted on a special election. He added that he is not in favor of the recall and if the election comes to fruition Mr. Martinez said he would vote in favor of Councilmember Pando's retention. He continued that with respect to the Flags Project, he didn't think the City was flush with money right now to burn. The utilities have gone up, the price of gasoline is going up, and consequently it'll cost more for the trucking and food. He said he thinks the City should tighten the belt and live within their means. Mr. Martinez told Council that the

last time he remembered the City Manager serves at the pleasure of Council, and Council is not supposed to interfere with the day to day duties of the City Manager. The City Manager can't spend large amounts of money without City Council approval. If the City has that kind of money to spend on frivolous projects, it should be going towards cutting down the cost of utility bills.

Tom Murphy addressed Council. He directed a question to Councilmember Pando. He asked if in the letter to the editor in the newspaper that Councilmember Pando had written stating that the root of the problem was one particular person, was the party he was referring to him and if he wrote the letter himself without assistance. Councilmember Pando responded affirmatively to both questions. Murphy said he will get on the agenda, hopefully the next one because three minutes is not enough time because he wants to cover the topics of boycotts and racism and a number of other things. He added that he has the documents to support it and concluded that he hoped the people in attendance would show up again.

Terry Sears next addressed Council. Mr. Sears said he has lived here a couple of years now and has decided to get involved in City affairs and wants to see money spent appropriately. He reminded Council that he was a manager of a 9,000 resident retirement community having a budget of over \$30 million and all the same departments that the City has. Mr. Sears said he supports the recall because he feels the actions of the previous Council have put the City in jeopardy for hundreds of thousands of dollars. They were disingenuous. There were LED lights put in front of City Hall and in front of Council members' homes that had lighting on their streets. These Council persons said they were presented at the work session where they were discussed. Having checked with two Council members, they both met and went line item budget with the City Manager, so they were aware of what was going on with that but didn't raise questions until the second reading of the budget. At the last meeting the Mayor said he couldn't find where there was a requirement for there to be economical lights. Mr. Sears said it only took him ten minutes on the internet to find out that it was one of the last bipartisan things done by our government in 2007. It was the Energy Saving Act with a mandate by 2014. On December 23<sup>rd</sup> of this last year some conservative Congressmen who wanted to fight for the 100 watt bulbs put a line item in the spending budget in congress that de-funded the enforcement of that. However it doesn't take away the requirement to have lighting in place that will use 30% less energy by 2014. He reiterated that it took him ten minutes to find that. Mr. Sears said he feels the previous Council put the City in great jeopardy additionally by one of the Council members throwing a temper tantrum that prevented the City Manager from getting his review. By not yet conducting the City Manager review, the City is has violated his contract and the City Charter. He added that any attorney representing the City Manager would take the City to the cleaners if they terminate him without egregious cause. Mr. Sears continued that another Council member should resign because that member put the City at economic risk by threatening another public official. It's a conflict of interest even if she is not convicted of the charges that are against her. By threatening a department head she created a hostile work environment for that employee and so the City could not fire him without incredibly egregious cause. Ms. Sears surmised that the previous Council put the City at great economic risk and that is why he is supporting the recall. Mr. Sears revisited the City Manager's review and recalled that they had agreed that rather than doing a public review each council member could do a one on one review with him, however, only three did one, meaning the Council members were not doing their duty.

**REPORT BY CITY MANAGER.** Meeting with County Commissioners. City Manager Gil de Rubio said it is about time that Council meet with the County Commissioners and that he would be setting up such a meeting with the County Administrator. He asked Council to get him any agenda items they would like to have on the agenda. He added that former County Commissioner Ken Torres called him and will be coming in to go over some of the City's projects. Additionally he said he plans to go with him to Denver to see if they can acquire additional state funding.

**Work Session.** City Manager Gil de Rubio asked if Council would like to hold a work session the ensuing week on February 28<sup>th</sup>. He reminded that staff was supposed to be in Denver that day for a court appearance but have learned that their appearance is not required. The City Attorney has been working on a personnel policy and a draft could be perhaps ready for that work session, but it would be a light agenda. Mayor Rino commented that he would not be available as he had made other arrangements since the work session was not planned that day, but that it is Council's pleasure. Councilmember Baca Gonzalez asked about them meeting with the City's water attorney. City Manager Gil de Rubio said he will be at their next regular meeting instead because Mr. Kahn rescheduled. Council agreed to only have a work session if there are pressing issues that arise.

**REPORT BY CITY ATTORNEY.** City Attorney Beatty advised that he had nothing to report this evening.

**COMMITTEE REPORTS.** None.

**UNFINISHED BUSINESS.** Public hearing for consideration of an ordinance amending the zone classification of property located in the C.P. Treats Northside Addition, Block 19, Lots 1, 2, and 3, except the south 19.3 feet of Lot 3, of the City of Trinidad, Colorado, from Established-Community Commercial to Established-Low Density Residential zoning, as requested by Hope and Bernard Brunelli, known as 821 Nevada Avenue. Mayor Rino opened the hearing and called for comments for or against the zone change. There being none, the hearing was closed

Second reading of an ordinance amending the zone classification of property located in the C.P. Treats Northside Addition, Block 19, Lots 1, 2, and 3, except the south 19.3 feet of Lot 3, of the City of Trinidad, Colorado, from Established-Community Commercial to Established-Low Density Residential zoning, as requested by Hope and Bernard Brunelli, known as 821 Nevada Avenue. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Shew and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

#### ORDINANCE NO. 1925

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION OF PROPERTY LOCATED IN THE C.P. TREATS NORTHSIDE ADDITION, BLOCK 19, LOTS 1, 2, AND 3, EXCEPT THE SOUTH 19.3 FEET OF LOT 3, OF THE CITY OF TRINIDAD, COLORADO, FROM ESTABLISHED-COMMUNITY COMMERCIAL TO ESTABLISHED-LOW DENSITY RESIDENTIAL ZONING

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**MISCELLANEOUS BUSINESS.** Tavern liquor license renewal request by Alfred L. Mantelli d/b/a Trinidad Lounge at 421 N. Commercial Street. A motion to approve the tavern license renewal was made by Councilmember Pando and Councilmember Velasquez seconded the motion. Roll call was taken and the motion carried unanimously.

Special Events Permit (Malt, Vinous and Spirituous) request by Trinidad & Las Animas County Chamber of Commerce at 206 N. Animas Street for March 3, 2012 (Wild Turkey Federation Dinner). Councilmember Shew moved to approve the permit and the motion was seconded by Councilmember Baca Gonzalez. Upon roll call vote, the motion carried unanimously.

Retail liquor store license renewal request by Luis A. Lopez II d/b/a Santa Fe Trail Hops & Vines at 1530 Santa Fe Trail Drive. A motion to renew the license was made by Councilmember Bolton and Councilmember Velasquez seconded the motion. Roll call was taken on the motion, which carried unanimously.

Appointment to the Arts & Cultural Advisory Commission. Councilmember Bolton moved for the appointment of Marilyn Leuszler to the Commission. Councilmember Baca Gonzalez seconded the motion. The motion carried by majority with the following votes cast:

Aye – Baca Gonzalez, Bolton, Shew, Rino  
Nay – Bonato, Pando, Velasquez

Consideration of Monument Lake 2012 Operations Proposal. City Manager Gil de Rubio advised Council of Mike Robb's inability to be at the meeting this evening due to a family emergency. Mayor Rino expressed his interest in having Mr. Robb available at another meeting to review the entire proposal to see his plans for the upcoming year and the financial statement. City Manager Gil de Rubio said he would arrange for him to be present and told Council that with respect to an earlier question raised, there is only one annual fee charged at Monument Lake, not a seasonal fee. A motion to table this item to the next meeting that Mr. Robb is able to appear at was made by Councilmember Shew and seconded by Councilmember Baca Gonzalez. The motion carried unanimously upon roll call vote.

Formal advisement of receipt by the City Clerk of recall petition and Council's acknowledgement of the requirements set forth as a result of the filing. City Clerk Garrett called to Council's attention within their Council packets the written advisement of receipt of a recall petition started by five registered voters stating their intentions and the grounds on which the recall is sought and explained that the notice is pursuant to the Home Rule Charter, Section 3.3, Recall. The notice includes information as to what will occur in the next few days and up to 60 days. Councilmember Bonato asked if there was an estimate as to the cost of the recall election to the taxpayers. City Clerk Garrett estimated it to be between \$6,000 and \$8,000 because the City will be unable to coordinate with the County for the Primary election on June 26<sup>th</sup> due to the timing and Charter requirements. She explained that there is a provision in the Charter that allows nomination petitions to be submitted up until 30 days before the election and the deadline to certify the ballot content to the County is April 27<sup>th</sup>, which is the Friday after the Monday when the recall petition is due containing the 591 signatures. Therefore there would be no way to coordinate and would have to be a stand-alone election. Mayor Rino asked if the City will handle the election or if it would be contracted to the County Clerk. City Clerk Garrett said she is anticipating parts of the election to be contracted with the County Clerk's office. Obviously the City doesn't have counting machines, so we would want to use theirs and we may contract with them in some of the aspects, but not all.

Consideration of First Amendment to Intergovernmental Agreement between the City of Trinidad and the Las Animas County Board of Commissioners for placement of a water tap at the Perry Stokes Airport. City Manager Gil de Rubio reminded that this is a request for an extension of time for the water line at the airport and that the County has invested tens of thousands of dollars on this project already. They got behind schedule because of the recession. A motion to approve the First Amendment to the IGA as presented was made by Councilmember Baca Gonzalez and seconded by Councilmember Bolton. Roll call was taken and the motion carried unanimously.

First reading of an ordinance amending Chapter VII ("Finance and Taxation"), Section 7-47.1(1), of the Code of the City of Trinidad, Colorado, for the purpose of revising requirements of membership in the Tourism Board of the City of Trinidad, Colorado, and setting a hearing date for consideration of said ordinance. Councilmember Bolton introduced the ordinance and it was read in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on March 6, 2012, was made by Councilmember Bonato and seconded by Councilmember Shew. Mayor Rino asked if it is opened up to County membership, will County membership be restricted in number. City Attorney Beatty answered that the intent of the ordinance revision is to make the Tourism Board composition consistent with Section 8.3 of the Home Rule Charter, which provides that the standard rules of membership of boards and commissions should be residents of the City. However, it provides additional language that states "in the event that a board or commission may have responsibilities or duties which affect certain areas outside the City limits, the Council may appoint qualified residents of the affected area to that board or commission; provided, that the majority of the voting members of such board or commission shall always be residents of the City". He explained that because the Tourism Board only have five members, three will need to be City residents; if the ordinance is approved, two members could be from the County. Councilmember Pando asked why it can't be left as Trinidad resident and since we are having such a problem recruiting from the lodging industry, change it to open that position to someone related to the tourism industry, as opposed to it being County wide. He stated that he feels it should be Trinidad residents as members. Mayor Rino commented that was his earlier suggestion – restrict it to City residents but not confine the membership to restaurant or hotel business people. Mayor Rino asked how many board members there are now. City Attorney Beatty said there are four of the five seats filled, or one vacancy. He said the ordinance can be amended if Council desires. Mayor Rino called for a vote on the motion on the floor. The following votes were cast to approve the ordinance on first reading and consider it further at a public hearing on March 6<sup>th</sup>:

Aye – Baca Gonzalez, Bolton, Bonato, Shew

Nay – Pando, Velasquez, ~~Shew~~ Rino

The motion carried by a majority vote.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER VII ("FINANCE AND TAXATION"), SECTION 7-47.1(1), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF REVISING

3/6/12 correction  
J.H.

First reading of an ordinance amending Chapter III ("Alcoholic Beverages"), Section 3-18 ("Prohibited acts; penalty"), of the Code of the City of Trinidad, Colorado, for the purpose of allowing the consumption of fermented malt beverages at the Upper Field Baseball Facility of Central Park, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Baca Gonzalez and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on March 6, 2012, was made by Councilmember Bolton and seconded by Councilmember Shew. Councilmember Bonato asked if the alcohol will be in the grandstands only or throughout the park. Kim Schultz, Chamber of Commerce Executive Director, answered that it would be restricted to the grandstands only. Mayor Rino asked how they will supervise and monitor should someone take a beer out to the parking lot. Ms. Schultz said they will have security to patrol; no one can leave with alcohol. Additionally, they will stop serving at the seventh inning so when the game is over they should be in a position to clear out. People should not be roaming outside the area. Mayor Rino said his concern is underage kids obtaining alcohol whereby someone buys two or three beers and hands them out in the stands. He clarified that he is not saying that will happen, but that it will need to be supervised closely. Ms. Schultz agreed and said that is why they will only use TIPS certified servers. The Chamber has trained over 100 people in TIPS and about 70 of them are their volunteers. She said their staff is well trained and knowledgeable to perform this duty. Mayor Rino asked if the license will be under the Chamber. Ms. Schultz responded affirmatively. Councilmember Baca Gonzalez suggested that as part of familiarizing the patrons with the rules and expectations, the Chamber make announcements to make all attendees aware of where they are permitted to consume alcohol and where they would be in violation of the ordinance. Ms. Schultz said they will and will also have the rules posted. Additionally, they will look at their ingress and egress points to monitor. There will be no coolers allowed nor any outside beverages. Folks that are consuming 3.2% malt beverages will have wrist bands, they will have ushers and security. Ms. Schultz said the Chamber is still trying to make this a family entertainment venue. There will only be 3.2% beverages. The games will be from 7:00 to 10:00 p.m. and the Chamber will do everything in their power to make it a safe event for our City and County. Mayor Rino reiterated that he is concerned about the potential for violations. Councilmember Bonato suggested the Chamber post what people can and can't do and it be patrolled very heavily. It will help people to understand and make them think twice about doing something they aren't supposed to do. Ms. Schultz agreed and thanked Council for their suggestions. Roll call was taken and the motion carried unanimously to hold a public hearing on March 6<sup>th</sup>.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER III ("ALCOHOLIC BEVERAGES"), SECTION 3-18 ("PROHIBITED ACTS; PENALTY"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF ALLOWING THE CONSUMPTION OF FERMENTED MALT BEVERAGES AT THE UPPER FIELD BASEBALL FACILITY OF CENTRAL PARK

Resolution of the City of Trinidad establishing a temporary advisory board to advise the Trinidad City Council regarding the expenditure of revenues from the one percent (1%) sales tax dedicated for Capital Improvement projects of the City. Councilmember Shew moved to adopt the resolution and the motion was seconded by Councilmember Pando. Roll call was taken and the motion carried unanimously.

RESOLUTION NO. 1380

A RESOLUTION OF THE CITY OF TRINIDAD ESTABLISHING A TEMPORARY ADVISORY BOARD TO ADVISE THE TRINIDAD CITY COUNCIL REGARDING THE EXPENDITURE OF REVENUES FROM THE ONE PERCENT (1%) SALES TAX DEDICATED FOR CAPITAL IMPROVEMENT PROJECTS OF THE CITY

Appointment of members to Capital Improvement Projects Advisory Board. Mayor Rino asked City Clerk Garrett to read the names of the appointees. City Clerk Garrett advised that Mayor Rino's appointments include: Mary Cress, Jesse Manzanares, and Deborah Bernhardt; Councilmember Baca Gonzalez's appointments include: Anthony Mattie and Darrel Lee Phelan; Councilmember Bolton's appointments include: Peggy Westmoreland and Luis Lopez, II; Councilmember Bonato's appointments include: Sophie Leone and Charlene Tortorice; Councilmember Pando's appointments were: Duane Roy and Richard Compton; Councilmember Shew's appointments were Pat Patrick and Phil Rico; and Councilmember Velasquez's appointments were Jennic Garduno and Carlos Chacon. City Clerk Garrett confirmed that all appointees are registered to vote and residents of the City. A motion to approve the appointees as presented was made by Councilmember Baca Gonzalez and the motion was seconded by Councilmember Velasquez. Roll call was taken and the motion carried unanimously. Councilmember Baca Gonzalez thanked all of the appointees who agreed to serve on this board, noting some of their presence in the audience. She said their participation is appreciated.

Resolution of the City of Trinidad, Colorado, supporting an application to the Great Outdoors Colorado Local Parks and Outdoor Recreation Grant Program to obtain funding for the purpose of constructing a multi-purpose sports field in Central Park. Mayor Rino asked why this is proposed for Central Park when there is already a soccer field at Los Ninos Park, rather than making Central Park a multi-purpose field. City Manager Gil de Rubio answered that this is the only site that could accommodate NCAA field requirements. Los Ninos Park is smaller in dimension and Central Park is larger. Mayor Rino said he thought they were all regulation size fields. City Manager Gil de Rubio said that it depends on the affiliation or organization playing on that field. He reiterated that Central Park will accommodate NCAA. Councilmember Velasquez asked about the kids playing baseball in the summer and how the Park will accommodate everyone. City Planning Director Louis Fineberg answered that the field will be built to accommodate everyone, football, soccer field, NCAA tournaments - it will be an AstroTurf field. He said he doesn't see why it couldn't be a baseball field also. Councilmember Velasquez said she's wondering what they will do about scheduling, pointing out that there are a lot of kids

who play ball in the summer. They play at Central Park and South Side Park now, including adults. Planning Director Fineberg said it will be difficult to accommodate everyone, no question. The idea is to create a situation to get the most use out of the field as possible. Mayor Rino asked if the entire field will be AstroTurf. Planning Director Fineberg said it will be, that's what the grant is for. Mayor Rino asked if the lower field baseball diamonds will be AstroTurf also. City Manager Gil de Rubio said those will remain as is. Councilmember Shew asked if they had any drawings. City Manager Gil de Rubio said he'd bring drawings to the next work session. Public Works Director Valentine said the entire field is currently sod. It will be torn out and replaced with AstroTurf. The two backstops at the opposing ends of the field will stay as is. It won't have a dirt infield, it doesn't now. It's mostly for tee-ball. City Manager Gil de Rubio said it shouldn't interfere with the soccer. Replacing the sod with AstroTurf will reduce maintenance. With the high school using the field for football, it takes a lot of ground maintenance, however, with AstroTurf there will be no sprinklers, no upkeep. The college and high school embellished a soccer programs. That's why we needed one this size. The City has no other parks that will accommodate a soccer field this size. Theoretically they can have a soccer game with a tee-ball game going on. Councilmember Bonato asked with the football practices, will there be a lot more wear and tear and how the City will replace it, citing the cost of the AstroTurf. Planning Director Fineberg said the \$450,000 includes the turf, the bleachers, installation, warranty – the entire project. The lifespan of the AstroTurf is ten years. The college will be a partner in the program. He added that GOCO will fund the project up to \$350,000 and no more than 70% of the total project cost. The match is 30% - 10% cash and 10% in-kind. If the project is approximately \$450,000, about \$135,000 is the match. The college has agreed to contribute to the match. City Manager Gil de Rubio added that the high school has also agreed to contribute. Councilmember Shew asked if they will improve the lighting. City Manager Gil de Rubio said he and Dean Duran have been going over it and will relocate some poles to have an ample amount of light. City Planning Director Fineberg noted that there are grants available for lighting improvements as well. If this grant is awarded they could apply for that grant to upgrade the lighting. Councilmember Bonato asked if the walking trail around the park will be eliminated. City Planner Fineberg said it will remain. Mayor Rino asked when the grant will be ready for submission. City Planner Fineberg answered that the deadline is March 2<sup>nd</sup>. He said he is working with the college's grant writers and he will probably be driving it to Denver to hand-deliver it on March 2<sup>nd</sup>. Mayor Rino asked if he thought the City would be successful with the grant. City Planner Fineberg answered that he met with GOCO representatives last Friday. The City is submitting two applications and if there is not enough money, GOCO will ask the City which one we want. He reminded that grants are a competitive process and have been very competitive over the past few years. However, the City hasn't received a GOCO grant in a while, which may be in our favor. Mayor Rino asked if there is a plan in case the City isn't successful. City Manager Gil de Rubio said there will be another grant coming out this fall. He elaborated that he, TSJC President Lopez and City Planner Fineberg tried to go for this grant last fall but were restricted in time. So plan b would be to try to get that other grant, but it is for only about \$250,000. City Planner Fineberg interjected that grant is for upgrade and has very specific category such as lighting, artificial turf – you have to go for pieces rather than the whole thing. Councilmember Baca Gonzalez asked if it would behoove the City to do this. City Planner Fineberg said he is unaware of a better grant. City Manager Gil de Rubio noted that they have been working for about six months on this. City Planner Fineberg added that GOCO favors partnerships and the City has good ones on this application. A motion to approve the resolution was made by Councilmember Baca Gonzalez and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

RESOLUTION NO. 1381

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING AN APPLICATION TO THE GREAT OUTDOORS COLORADO LOCAL PARKS AND OUTDOOR RECREATION GRANT PROGRAM TO OBTAIN FUNDING FOR THE PURPOSE OF CONSTRUCTING A MULTI-PURPOSE SPORTS FIELD IN CENTRAL PARK

Resolution of the City of Trinidad, Colorado, supporting an application to the Great Outdoors Colorado Local Parks and Outdoor Recreation Land Acquisition Grant Program to obtain funding to acquire approximately twelve (12) acres of land in and adjacent to the Boulevard Addition for the purpose of establishing the City's first nature park along the Purgatoire River. City Planning Director Fineberg advised Council that the City is seeking a GOCO grant to acquire funding for 12 acres of privately owned land in the Boulevard Addition, consisting of City, County, CDOT and private owners. All of the private owners have agreed to sell the property to the City should the City get this grant. The City has obtained an agreement from CDOT for the City's use of this land for recreational purposes. The entire project area is around twenty-five acres which would make a very nice nature park and would be Trinidad's first. Councilmember Bonato asked about the discussion at work session whereby someone said it wasn't a good idea. City Planner Fineberg clarified that the aquatic biologist from the Fishing is Fun program, which is where the City was originally going to seek funds from, was not convinced the Purgatoire was the best place to fish. He wanted to see what came of the Trout Unlimited project first and then have the City submit for the grant. He suggested the City should acquire the property now to extend the project up the river later if we are successful. He opined that the land has more value than just fishing. It is an ascending wild area approximate to the downtown with a natural trail system. It would be a project that would unfold in phases, the first being the acquisition of the land and the second would be to develop the amenities in the park with another grant and the third would be to connect it to the river walk with a bridge so one could cross right from downtown to this area. It could be used for wildlife viewing, for trails, picnicking, bar-b-ques. Councilmember Bonato asked how many private owners are involved. City Planner Fineberg said there are three with one being a majority owner of ten acres and two acres is owned by another two. Mayor Rino asked if in the future he brings a diagram or map showing where the area is. City Planner Fineberg said the area is on the south side of the river walk, past Safeway under I-25 and look across the river it encompasses that area. Councilmember Baca Gonzalez said this would be a great hike and bike area. She moved to approve the resolution as presented. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote.

RESOLUTION NO. 1382

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING AN APPLICATION TO THE GREAT OUTDOORS COLORADO LOCAL PARKS AND OUTDOOR RECREATION LAND

ACQUISITION GRANT PROGRAM TO OBTAIN FUNDING TO ACQUIRE APPROXIMATELY TWELVE (12) ACRES OF LAND IN AND ADJACENT TO THE BOULEVARD ADDITION FOR THE PURPOSE OF ESTABLISHING THE CITY'S FIRST NATURE PARK ALONG THE PURGATOIRE RIVER

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Resolution of the City of Trinidad, Colorado, supporting an application to the Colorado Department of Public Health and Environment's Recycling Resources Economic Opportunity Fund Grant Program in order to obtain funding for the purpose of establishing a recycling drop-off collection center at the City Landfill and to make the scale at the City Landfill operational. Planning Director Fineberg said this grant would be to set up a recycling drop-off center at the landfill and for funding to purchase the software necessary to make the scale at the landfill operational. The project is based on the New Mexico hub and spoke model which Colorado is adopting. The City will be applying to be a collection and transfer center and later hope to be a hub for our surrounding communities. City Manager Gil de Rubio elaborated that it is hoped that Trinidad would have recycling available five days per week for its citizens, and hopefully in years to come maybe offer curb side recycling. Councilmember Bonato asked if this would make the scale at the landfill fully operational. City Planner Fineberg said it would be used to purchase software to make it operational. Councilmember Bonato asked if there are plans to move the scale to a more convenient place at the landfill. PWD Valentine answered that there are no plans to move it. It currently sits in a concrete platform. However, he said they intend to move the gate house to a more convenient location. Councilmember Bolton move to adopt the resolution as submitted. Councilmember Bonato seconded the motion, which upon roll call vote carried unanimously.

RESOLUTION NO. 1383

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND GRANT PROGRAM IN ORDER TO OBTAIN FUNDING FOR THE PURPOSE OF ESTABLISHING A RECYCLING DROP-OFF COLLECTION CENTER AT THE CITY LANDFILL AND TO MAKE THE SCALE AT THE CITY LANDFILL OPERATIONAL

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Consideration of a letter of support for a "Bikes Belong" grant application. City Planner Fineberg addressed Council. He told them that this application is a long shot because it is very competitive. The grant would be for the funding of the planning work necessary for bicycle lanes that connect from the City's boundaries to downtown. He told Council that there was a very serious bicycling accident involving a member of the community in the past few days. It only underscores why the lanes are needed. Mayor Rino asked City Manager Gil de Rubio if the City has contacted DOLA regarding grants. City Manager Gil de Rubio said that he spoke to Lee Merkel regarding the upcoming grant cycle a couple of weeks ago. However, he was not sure how much if any funding they were getting in the next fiscal year, 2013 - 2014. With the state's different fiscal year, they are starting to get money back for grants and in the 2014 - 2015 year it should rev up some more. Mayor Rino asked if they've released calendar dates on meetings or when the applications are due. City Manager Gil de Rubio answered that they have grant cycles in the spring and the fall. Mayor Rino asked that DOLA be contacted to see when it will be available. City Manager Gil de Rubio reminded that DOLA hasn't had money in a few years because they used it for the state capital building. The funding they had for North Lake they cancelled out. Councilmember Baca Gonzalez moved to authorize the mayor's execution of the letter of support. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

Appointment of a mediator for the ARPA litigation. City Attorney Beatty advised Council that staff and litigation counsel recommend the appointment of Paul Bardacke as the mediator for our ARPA litigation. Councilmember Bolton moved for the appointment as recommended and Councilmember Shew seconded the motion. Roll call was taken on the motion, which carried unanimously.

**BILLS.** A motion to approve the bills was made by Councilmember Baca Gonzalez. The motion was seconded by Councilmember Bolton. Roll call was taken on the motion. The motion carried unanimously.

**PAYROLL,** February 4, 2012 through February 17, 2012. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried unanimously.

Garfield hill water tank. Councilmember Bonato asked City Manager Gil de Rubio about the removal of the water tank on Garfield hill. He said his understanding is that a company out of Michigan is removing the tank for about \$13,000. He said he'd like to know where the tank is going since metal is so high. City Manager Gil de Rubio said the company is taking the tank for scrap. Councilmember Bonato asked how we can give away City property. Utilities Superintendent Jim Fernandez explained that the City offered the tank as scrap metal in the specifications. By giving the contractor the metal as salvage, it reduced the cost of the project to the City. Councilmember Bonato expressed concern that the City didn't know how the scrap metal was worth. He re-asked how we can give away City property. Councilmember Baca Gonzalez commented that it is part of the consideration. Councilmember Bonato said he understands that the bid from the local contractor was \$31,000 and the bid from the Michigan contractor was \$13,000 and he was told to take the scrap metal. City Manager Gil de Rubio said if the local would have gotten the bid they would have gotten the tank also. Mayor Rino asked if the \$13,000 proposal included the contractor keeping the tank for salvage. City Manager Gil de Rubio said that it did; it was part of the RFP for both. Councilmember Bonato asked if the City is responsible to return the land back to its natural habitat. Supt. Fernandez said there should not be much reclamation. The tank will be cut into scrap metal and there will be very little reclamation. The concrete slab on the ground will remain. Councilmember Baca Gonzalez said the tank's removal will remove an eyesore. Councilmember Bonato reiterated his concern of giving property away. City Manager Gil de Rubio said if the City chose the local contractor we would have paid \$17,000 more and they would have taken the tank

also as part of the RFP.

**EXECUTIVE SESSION** – For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), ARPA litigation. City Attorney Beatty proposed a slight enlargement for the reason for executive session to include discussion regarding Cougar Canyon in addition to the ARPA litigation. Councilmember Shew moved to enter into executive session for both reasons stated for legal advice. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote. The executive session ensued at 8:26 p.m.

*I, Jerod A. Beatty, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 21<sup>st</sup> day of February, 2012, was permissible under CRS Section 24-6-402 (4)(b).*

*As City Attorney, it is my opinion that the discussion of the matter announced in the motion to enter into executive session constituted a privileged attorney-client communication. Therefore, it is my recommendation that no further record be kept of this executive session.*

  
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Jerod A. Beatty  
City Attorney

Upon conclusion of executive session at 9:05 p.m. the meeting resumed.

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

ATTEST:

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JOHN RINO, Mayor

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AUDRA GARRETT, City Clerk