

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, August 14, 2012 following the work session at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD  
TRINIDAD, COLORADO

*AMENDED*  
SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, August 14, 2012, following the work session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Consideration of additional funding request by Sun Construction, Inc. for the North Lake Dam Rehabilitation Project
- 2) Acceptance of resignation from John Rino as Mayor
- 3) Resolution determining that a special election is required pursuant to Chapter III, Article 3.3 ("Recall"), of the Home Rule Charter for the City of Trinidad, Colorado, and that such election should be held as a polling place election
- 4) Resolution authorizing the City Clerk to appoint Judges of Election, the use of electronic equipment, and designating the polling places for the special municipal election

The meeting was called to order at approximately 3:15 p.m.

Roll call was taken.

There were present: Mayor Pro-Tem Shew, presiding  
Councilmembers Baca Gonzalez, Bolton, Bonato, Mattie

Also present: Acting City Manager Gagliardi  
City Attorney Beatty  
City Clerk Garrett

Absent: Councilmember Velasquez

The pledge of allegiance was recited.

Consideration of additional funding request by Sun Construction, Inc. for the North Lake Dam Rehabilitation Project. City Attorney Beatty advised Council that City staff recommends a formal motion and consideration by City Council regarding whether Council wishes to proceed with the project and with the proposed change order as submitted by Sun Construction, Inc. Councilmember Bonato moved to approve the request. Councilmember Mattie seconded the motion. Councilmember Baca Gonzalez asked that the motion be clarified. City Attorney Beatty said it would be to give consideration to Sun Construction, Inc. for \$272,000 of additional funding in furtherance of proceeding with the North Lake Dam Rehabilitation Project pursuant to a possible bifurcated work schedule to complete some items identified by the City's engineer in the Fall of 2012 and the remainder in the Spring and Summer of 2013. Councilmember Baca Gonzalez said they would be essentially pre-approving a change order because of the late start. She asked if the contract with Sun Construction will be modified to show the increased amount as a total or will the contract reflect the original amount and Council is authorizing a change order up to \$272,000. Administrative Assistant Linda Vigil answered that was one of the questions that arose at the pre-construction meeting yesterday afternoon. The answer provided was that the original contract will stay the same and an amendment to the original contract will be forthcoming from RJH for legal review. Councilmember Bolton asked if it will show the bifurcation of work in the two phases. Ms. Vigil answered affirmatively. Councilmember Baca Gonzalez suggested the motion should be to approve an amendment to the existing contract recognizing the increase of \$272,000 necessitated by the late start. Terry Sears asked if he understood correctly that if Council accepts the \$272,000 in additional funding the contractor said there would be no more change orders through the completion of the project. Mayor Pro-Tem Shew said there probably will be change orders depending on what we run into. Councilmember Baca Gonzalez agreed that you can't say 'never' to change orders, however she said she is very parsimonious in reviewing the change orders and felt that this one was appropriate. She also recognized that subsequent change orders would be presented to Council for approval. Acting City Manager Gagliardi asked if Mr. Abeyta had previously promised no further change orders. Mayor Pro-Tem Shew recalled that it was only in the sense of what they were going to do to get the project back on schedule that there'd be no further change orders. Otherwise there was no guarantee that there would be no more change orders. Councilmember Bonato suggested that with a project this big they can expect change orders; however he didn't expect them to be large amounts. Steve Bolton commented that the work hasn't even started and the cost is already going up 30%. He asked what they consider big. He asked what the second highest bid was because this one is now up over \$1 million. Councilmember Baca Gonzalez said it was considerably higher and Mr. Abeyta's bid even with this change is still less than the engineer's estimate. City Attorney Beatty advised Council that he wasn't able to attend the pre-construction meeting. He asked Council's consideration of a motion to approve Sun Construction's additional funding request in the

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amount of \$272,000 in furtherance of finalizing the construction agreement to proceed with the North Lake Dam Rehabilitation Project; the proposal from the City's engineer will very likely entail completion of the project partially in the Fall of 2012 and the remainder in the Spring and Summer of 2013. Councilmember Baca Gonzalez so moved, adding that it be through an amendment to the original contract. Councilmember Mattie seconded the motion. Roll call was taken and the motion carried unanimously.

Acceptance of resignation from John Rino as Mayor. City Attorney Beatty advised Council that pursuant to Section 5.14 of the City of Trinidad Home Rule Charter, upon resignation of a member of the City Council, it is the duty of the Council to declare a vacancy exists. Councilmember Baca Gonzales moved for City Council to accept the resignation of John Rino and declare that a vacancy exists on City Council. Councilmember Bolton seconded the motion, which carried unanimously upon roll call vote.

Resolution determining that a special election is required pursuant to Chapter III, Article 3.3 ("Recall"), of the Home Rule Charter for the City of Trinidad, Colorado, and that such election should be held as a polling place election. City Clerk Garrett said the date proposed is September 18<sup>th</sup> as a cost savings measure. The County allowed the City to use its equipment for the last election at no cost, however we paid one of the Clerk's that does the County's elections exclusively for her time. The early election date would allow for the City to retain the equipment for the required 30 days after election and for the City to return it to the County in enough time for their November 6<sup>th</sup> election. Upon inquiry she further explained that this election's timeline would essentially mirror the last special election timeline. Consequently, nomination petitions would be available beginning tomorrow and are due back by Friday – three days. City Clerk Garrett asked Council's opinion on extending office hours again this election cycle until 7:00 p.m. for those three days. She advised that no one came in after 5:00 p.m. on any of the three days last election. She noted the availability of Sebastiani Gym for the election for that date. Council concurred that the hours not be extended. A motion to approve the resolution determining a special election is required, that it be a polling place election and that it be held on September 18, 2012, was made by Councilmember Bolton and seconded by Councilmember Shew. Upon roll call vote the motion carried unanimously. The resolution was adopted.

## RESOLUTION NO. 1392

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, DETERMINING THAT A SPECIAL ELECTION IS REQUIRED PURSUANT TO CHAPTER III, ARTICLE 3.3 ("RECALL"), OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, AND THAT SUCH ELECTION SHOULD BE HELD AS A POLLING PLACE ELECTION

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Resolution authorizing the City Clerk to appoint Judges of Election, the use of electronic equipment, and designating the polling places for the special municipal election. Councilmember Bolton moved to adopt the resolution and the motion was seconded by Councilmember Bonato. Roll call was taken and the motion carried unanimously.

## RESOLUTION NO. 1393

RESOLUTION AUTHORIZING THE CITY CLERK TO APPOINT JUDGES OF ELECTION, THE USE OF ELECTRONIC EQUIPMENT, AND DESIGNATING THE POLLING PLACES FOR THE SPECIAL MUNICIPAL ELECTION

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City Attorney Beatty advised that pursuant to the Charter amendment approved in November, 2011, sitting City Council members may seek the office of Mayor without giving up their seat. In the event a sitting Councilmember is elected as Mayor, the vacancy would be filled by appointment by the City Council.

There being no further business, Councilmember Bolton moved to adjourn the special meeting and Councilmember Mattie seconded the motion. The motion carried unanimously upon roll call vote.

ATTEST:

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FRANKLIN SHEW, Mayor Pro-Tem

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AUDRA GARRETT, City Clerk