

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, November 27, 2012 immediately following 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, November 27, 2012 immediately following work session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Consideration of Memorandum of Understanding between the City of Trinidad and the Trinidad Triggers, Trinidad State Junior College, and Trinidad School District No. 1
- 2) Consideration of Central Park Facility Use Agreement between the City of Trinidad and the Pecos League
- 3) EXECUTIVE SESSION – To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) – Land acquisition adjacent to the City Landfill for purposes of expanding the Landfill
- 4) 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)
 - a) Pending litigation
 - b) Liquor licensing matters/quasi-judicial matters
 - i) Mantelli’s Partnership d/b/a Mantelli’s at 137 W. Main Street
 - ii) Robert Leonetti d/b/a Park Café at 608 Arizona Avenue
 - iii) Gino’s Sports Bar, LLC at 991 E. Main Street
- 5) EXECUTIVE SESSION – For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees
 - a) City Attorney vacancy consideration
 - b) Discussion of Interim (Acting) City Manager position
- 6) Consideration of City Attorney vacancy

The meeting was called to order at 3:35 p.m. The pledge of allegiance was recited.

Roll call was taken.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew, Velasquez
Also present:	Acting City Manager	Gagliardi
	Interim City Attorney	Downs
	City Clerk	Garrett

Consideration of Memorandum of Understanding between the City of Trinidad and the Trinidad Triggers, Trinidad State Junior College, and Trinidad School District No. 1. Mayor Baca Gonzalez advised that this agreement will be signed in counterpart with the first signatory being the City of Trinidad because the City owns the field. Councilmember Miles stated that she has had business dealings with the Triggers including sponsorship of the team and her selling branded products and asked if she has a conflict of interest. Interim City Attorney Downs said she might and advised that it would be best for her to abstain. Councilmember Velasquez asked if she too had a conflict because many of the players patronize her business. Interim City Attorney Downs answered that he didn’t believe that to be a conflict. A motion to approve the Memorandum of Understanding as presented was made by Councilmember Mattie and seconded by Councilmember Bolton. Councilmember Shew asked if Council votes to approve this and the other parties do not agree to it what occurs. Mayor Baca Gonzalez said if someone has a concern it will be entertained and legal counsel will communicate to see if it can be resolved by an initialed amendment. She reiterated that the reason the City will sign first is because we own the property. She added that it is not anticipated that there will be any material or significant feedback from the college or high school to prevent them from proceeding with the agreement and anything that does arise will be immediately addressed.

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Councilmember Miles identified a typographical error in Section 3 of the Facility Use Agreement whereby the second sentence should read "In the case of a conflict between the MOUA and the Facility Use Agreement..." rather than "this MOUA and the Facility Use Agreement..." Roll call was taken and the motion carried unanimously, excepting Councilmember Miles who abstained.

Consideration of Central Park Facility Use Agreement between the City of Trinidad and the Pecos League. Mayor Baca Gonzalez pointed out that the Memorandum of Understanding sets forth specific roles and responsibilities; the Facility Use Agreement is the major document that will control the actual rental of the facility. She advised that the first signatory should be the City of Trinidad. If there are any concerns from the other parties they will work diligently to resolve them. A motion to approve the agreement as presented was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried with all Council members voting aye excepting Councilmember Miles who abstained.

EXECUTIVE SESSION – To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) – Land acquisition adjacent to the City Landfill for purposes of expanding the Landfill; 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) - Pending litigation and Liquor licensing matters/quasi-judicial matters: i) Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street; ii) Robert Leonetti d/b/a Park Café at 608 Arizona Avenue; iii) Gino's Sports Bar, LLC at 991 E. Main Street; and for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees - City Attorney vacancy consideration and discussion of Interim (Acting) City Manager position. Councilmember Mattie moved to enter into executive session for the stated purposes. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote. The executive session ensued at 3:45 p.m. and that portion not constituting legal advice was electronically recorded as required by the Open Meetings Law of Colorado. Legal advice ensued at 3:45 p.m. and continued until approximately 4:30 p.m. Land acquisition discussion ensued at about 4:30 p.m. and ended at approximately 4:45 p.m. when legal advice resumed until approximately 5:45 p.m. At approximately 5:45 p.m. personnel matters were discussed until 7:20 p.m. Upon conclusion of executive session at 7:20 p.m., the special meeting resumed.

I, Les Downs, Interim City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 15th day of November, 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.

Les Downs
Interim City Attorney

Consideration of City Attorney vacancy. Councilmember Bolton made a motion to appoint Les Downs as City Attorney for the City of Trinidad. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk