

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, March 19, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Velasquez
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett
Absent:	Councilmember	Shew

PROCLAMATION – TRINIDAD HIGH SCHOOL MINER GIRLS' BASKETBALL TEAM WEEK. Mayor Baca Gonzalez recognized Coach George Dasko in the audience. Mr. Dasko addressed Council. Mr. Dasko explained that a number of the girls on the team are now in other sports and were consequently unable to attend. He said the team is a great bunch of girls. He commended their hard work, dedication, teamwork and admirable behavior. He explained that their behavior is important to him. They want to win, but want to build solid citizens. Mr. Dasko said he, the schools and the community are proud of the team. If they keep knocking on the door they will win the State Championship. Mayor Baca Gonzalez read aloud the proclamation naming March 17th through March 23rd, 2013 as Trinidad High School Miner Girls' Basketball Team Week.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of March 5, 2013. Councilmember Bolton pointed out under the City Manager's report that in the portion where he spoke about the CML conference there is a word omitted in the last sentence. A motion to approve the minutes as corrected was made by Councilmember Bonato and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote of Council members present, excepting Councilmember Velasquez who abstained due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

REPORT BY CITY MANAGER. Spring Clean Up. City Manager Acre pointed out at Council's seating places a flier reminding about the spring clean up event slated for this weekend being coordinated with Parks & Blvds. Supt. Dave Esquibel and Wayne Pritchard. People will meet at Cimino Park and divide and conquer. He said there is a potential for some weather but if it is just cold people can bundle up and still get some work done. City Manager Acre concluded that he hoped to get a good turnout.

Financial Report. City Manager Acre also pointed out at Council's seating a copy of the latest financial report. He said there are some concerns in the general fund because of continued decrease in sales tax revenue. Although January through March are not good months typically, there has been a decline in sales tax since July, 2012. January, 2013, yielded an 8% decrease compared to last year. He said he'll be meeting with departments to see how expenses can be decreased and how to possibly increase revenues. While it's not good news, he said he didn't think it was terrible news either. As the City looks to close out 2012, he said it looks like preliminarily we won't have to dip into our reserves as much as had been budgeted. It was budgeted that about \$900,000 would come out of reserves to balance the budget but it appears that it will be around \$400,000 instead. He said he will also work with the new Finance Director on some ideas he has to reduce expenses and increase revenues.

Finance Director Position. City Manager Acre advised Council that he, Rose Blatnik and Leanne Fabec from the County will be conducting four interviews tomorrow for the Finance Director's position, one of which will be by phone. He said he's planning some informal interactions between the finance and billing staff and other staff who would work with the Finance Director and the interviewees. They have four good candidates.

Pioneer Natural Resources. City Manager Acre told Council he had a good meeting with Karen Brown from Pioneer Natural Resources last week. She will bring together people from Pioneer Natural Resources for a report in April. He said he hoped to have good news on what they've been working on that will benefit the City, although it is not more jobs.

Mt. San Rafael Hospital. Council was informed by City Manager Acre of a meeting he had with the CEO of the hospital, Mr. Quist, to discuss concerns about them being open and transparent. He said he'd try to have a dialogue with him on a monthly basis. He said they are also discussing ways that the City, the hospital and the school district can decrease health costs looking at 2014 because we are using the same insurance broker.

County. City Manager Acre said that he and County Administrator Leanne Fabec are trying to coordinate a joint meeting between Council and the Commissioners, perhaps at an April work session. Also, he reminded that Executive Assistant Anna Ridolfi may have talked to Council about setting up a meeting with the State Representative, Senator and the head of the Department of Corrections. He said he thought they had a date set but there was a conflict with DOC Director Clements' schedule so they are trying to rearrange the meeting. Mayor Baca Gonzalez commented that we would like to have Mr. Clements and our representatives here to see how critical it is that we keep the Trinidad Correctional Facility.

Sales Tax. Councilmember Miles said she is concerned about the sales tax revenue trend. The decline seems to be accelerating. She said it is a good idea to be looking for revenues elsewhere. City Manager Acre said he's asked Rose Blatnik to have a conversation with the State to ensure the City is getting all of the sales tax we can get. He added that when he was at his City/County Managers' Association meeting the economist who addressed the group said this part of the state

is not quite out of the recession yet. He said it seems Trinidad lagged going into it and so we are lagging coming out of it. City Manager Acre said he's not sure if people are just tightening their belts with recent restructuring and layoffs with Pioneer Natural Resources or if people are just being more cautious. We need to monitor the sales tax until we see a reverse in that trend.

North Lake. Councilmember Mattie said since we are at the close of winter and the onset of spring, the City needs to redirect its attention to the North Lake Project. City Manager Acre agreed and said the work should start back up in April. Mayor Baca Gonzalez said she hoped to get an update at an April meeting, recalling that during the winter months the engineer had some ordering and other things to get things geared up. City Manager Acre said when the remobilization date becomes more solid he can schedule an update.

Central Park Concessions. City Manager Acre advised that an RFP has been let out for concessions at the Central Park ballfield. He said he had one person who has expressed interest and that the Triggers may still take a look at it.

REPORT BY CITY ATTORNEY. Task Force Recommendations. City Attorney Downs told Council he hoped they had received his reading he sent via e-mail of the 165 page report on Amendment 64 from the Governor's Task Force. It is now going to be sent over to an ad hoc legislative committee who will be making recommendations in terms of how it goes forward. Mayor Baca Gonzalez commented that the three or four page report that accompanied the Task Force report is a good cheat sheet because it was comprehensive in summarizing the committees work.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance amending Chapter 10, Municipal Court, Section 10-5, Municipal Judges – Appointment; oath; salary; powers – by adding subsection (6) to provide the Municipal Judge the authority to order restitution. Mayor Baca Gonzalez reminded at this item was discussed at work session of February 26th and approved on first reading on March 5th. She declared the public hearing open and called for public comment and those from the City Manager, staff or City Council. There being none, the hearing was closed.

Second reading of an ordinance amending Chapter 10, Municipal Court, Section 10-5, Municipal Judges – Appointment; oath; salary; powers – by adding subsection (6) to provide the Municipal Judge the authority to order restitution. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Miles. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote. The ordinance was approved and will become effective on March 29, 2013.

ORDINANCE NO. 1936

AN ORDINANCE AMENDING CHAPTER 10, MUNICIPAL COURT, SECTION 10-5,
MUNICIPAL JUDGES – APPOINTMENT; OATH; SALARY; POWERS – BY ADDING
SUBSECTION (6) TO PROVIDE THE MUNICIPAL JUDGE THE AUTHORITY
TO ORDER RESTITUTION

MISCELLANEOUS BUSINESS. Special events permit application (malt, vinous and spirituous) filed by Confederacion Mutualista Mexicana e Hispano Americana at 150 E. Main Street for April 6, 2013 (Peacock Ball). Ralph Ponce, President of Confederacion Mutualista Mexicana e Hispano Americana, addressed Council. Councilmember Bolton asked if the emergency backup lights have been fixed (as noted in the inspection reports). City Clerk Garrett advised that there is still an issue. The Fire Chief will continue to follow up and the Director at the A. R. Mitchell is aware of the problem. The Fire Chief suggested Council approve the application conditioned upon the matter being corrected as it is a life/safety issue. Councilmember Miles asked if the servers will be TIPS certified. Mr. Ponce answered that they are all TIPS certified. A motion to approve the permit with the stipulation that it is conditioned upon the backup lights being corrected was made by Councilmember Bolton. Councilmember Miles seconded the motion. Upon roll call vote, the motion carried unanimously.

Hotel and restaurant liquor license renewal request by Brix at 231 E. Main Street. Clayton Marquez and Joey Salazar presented themselves on behalf of the application. Mr. Salazar told Council that they are finally finished and ready for business. Councilmember Bolton asked if the issue with the emergency backup lights has been corrected. Mr. Salazar answered that it has been. Councilmember Bolton complimented the beautiful facility and wished them luck. Councilmember Miles also extended compliments and congratulations. Councilmember Velasquez moved for the renewal of the license. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote. Mr. Salazar said they are opening on Thursday (March 21st) at 6:00 p.m.

New tavern liquor license request by Mount Carmel Health, Wellness & Community Center at 911 Robinson Avenue. City Attorney Downs noted the presence of Scott Candland to represent the applicant. He told Council this is a new tavern liquor license application and the only appropriate matters for Council to undertake this evening are to set the public hearing date on a date outside of 30 days and to tentatively set the neighborhood boundary, which has historically been City limits, for purpose of petitioning for the liquor licensing application. Mayor Baca Gonzalez asked an appropriate hearing date. City Clerk Garrett said the earliest regular meeting date is May 7th, however Council could consider an earlier date at a special meeting at the request of the applicant, noting there was no official request made by this or the ensuing applicant for an earlier hearing date. Mr. Candland told Council that May 7th would be fine. He said he hoped there are no unexpected problems in obtaining the license and added that they feel like they contribute to the community. A motion to set the matter for public hearing at 7:00 p.m. on May 7th and set the tentative neighborhood boundary as the corporate City limits was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote.

New tavern liquor license request by Southern Colorado Repertory Theatre, Ltd., at 131 W. Main Street. Mayor Baca Gonzalez said it appears that the same situation exists with this application as the previous item. She recognized Jim

Davis to represent the application. City Attorney Downs said that is correct - the same considerations are to be given. It is for a new tavern liquor license for SCRT. He also pointed out that SCRT has a special events permit (for certain dates). Mayor Baca Gonzalez asked if May 7th is a suitable date for the hearing. Mr. Davis said their application is complete and filed and noted that the Planning Commission has recommended approval with two conditions – if SCRT ceases operations the conditional use permit expires and they can only offer liquor during theatrical performances or other events. City Attorney Downs informed Council that another thing a new license applicant has to do is to petition or canvas the neighborhood to show the needs are not being met by existing establishments and that it is the desire of the adult inhabitants that the license be issued. Councilmember Bonato made a motion to set the matter for public hearing at 7:00 p.m. on May 7th and set the tentative neighborhood boundary as the corporate City limits. The motion was seconded by Councilmember Mattie. Councilmember Miles advised that she is on SCRT’s Board and will be abstaining. Councilmember Bonato asked if Mr. Davis will have to get signatures in the neighborhood. City Attorney Downs answered affirmatively and added that Mt. Carmel will have to as well. Councilmember Mattie asked if this is for a permanent license and if they have a temporary license to cover the upcoming performances. Mr. Davis said it is and that they applied for Special Event Permits for seven dates, four in February and three in March. Mr. Davis said the whole purpose of having the tavern license is to be able to have more than 15 events (dates) that will produce revenue to help SCRT survive. Mr. Davis asked if under a typical time table with the hearing on May 7th if they would be able to secure a license by the beginning of June. City Clerk Garrett advised that Council can take up to 30 days to render a decision or could render one immediately. With SCRT having paid for concurrent review it expedites the State’s processing. The motion carried by a unanimous roll call vote.

Memorial resolution acknowledging the contributions of Ted Frank Martinez upon his passing. Mayor Baca Gonzalez read the resolution aloud. A motion to adopt the resolution to be forwarded to the family of Mr. Martinez was made by Councilmember Bonato and seconded by Councilmember Bolton. Roll call was taken on the motion and carried unanimously.

RESOLUTION NO. 1409

A MEMORIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, ACKNOWLEDGING THE CONTRIBUTIONS OF TED FRANK MARTINEZ UPON HIS PASSING

WHEREAS, Almighty God, in His infinite wisdom, has seen fit to take Ted Frank Martinez from this earthly life; and

WHEREAS, during his lifetime, Ted Frank Martinez, distinguished himself as an artist, civil servant and humanitarian; and

WHEREAS, Ted Frank Martinez faithfully served the people of the City of Trinidad as a member of the Home Rule Charter Commission in 1993; a member of the Arts and Culture Advisory Commission from May, 2007, to February, 2009; and, as City Councilmember from January, 1998, to January, 2002; and

WHEREAS, upon the passing of Ted Frank Martinez, the City of Trinidad wishes, by this Resolution to acknowledge his many contributions to the community and to express its regret and sorrow to the Family of Ted Frank Martinez.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

The Mayor and City Council do hereby extend their condolences to the Family of Ted Frank Martinez, and by this Resolution do hereby remember the many outstanding contributions made by Ted Frank Martinez, to the Trinidad Community.

BE IT FURTHER RESOLVED that this Resolution shall become a part of the official minutes of the proceedings of the Trinidad City Council and a copy of the same shall be provided to the Family of Ted Frank Martinez.

INTRODUCED, READ AND ADOPTED this 19th day of March, 2013.

/s/ BERNADETTE BACA GONZALEZ, MAYOR
/s/FRANKLIN SHEW, Mayor Pro Tem /s/CAROL BOLTON, Councilmember
/s/JOE BONATO, Councilmember /s/ANTHONY MATTIE, Councilmember
/s/MICHELLE MILES, Councilmember /s/LINDA VELASQUEZ, Councilmember

Consideration of Monument Lake 2103 Operations Proposal. Mayor Baca Gonzalez reminded that this matter was discussed at Council’s work session on March 12th. She recognized Mike Robb in the audience, welcomed him and thanked him for attending. A motion to approve the 2013 Operations Proposal as presented was made by Councilmember Mattie and seconded by Councilmember Miles. Councilmember Bolton said she had an issue with it even being before Council for approval. She said if you read the park lease agreement it clearly states that the Plan of Operation is to be filed by February 1st of each year and that Council has 30 days in which to advise the lessee of acceptance or otherwise. It further states that failure to respond in writing within the 30-day period shall constitute acceptance of the plan. She opined that the plan has already self executed. We have nothing to vote on. City Manager Acre commented that someone pointed out to him that it is 30 days after the plan is submitted to Council. Councilmember Bolton said that is not how it reads. City Manager Acre said he guessed it could be interpreted either way but his interpretation is that the City Manager submits the plan to City Council and City Council has 30 days to advise the lessee as to whether it accepts or rejects the plan. He added that all it takes is a motion by City Council and he didn’t think there was any dispute between the parties on what is in the plan. Councilmember Bolton reiterated her interpretation. Mayor Baca Gonzalez proposed the motion be amended to ratify approval of the proposal. Councilmember Bonato asked City Attorney Downs for his opinion. City Attorney Downs said he’s discussed this with a number of people and feels the intent of the document is to say within 30 days of presentation to City Council it has to be acted on. He said he sees where it can be construed differently, but the intent is to not hold anyone’s feet to the fire and to negotiate in good faith and have Council approve the plan every year going forward. He

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opined that the intent is that Council has 30 days from the day it is presented to them. He pointed out that Mr. Robb is present and Council has indicated that they are going to approve the plan anyway, and suggested that it be filed away for renewal next year. Councilmember Bolton argued that lack of action constitutes acceptance of the plan. It has already been accepted. Mr. Robb addressed Council and explained that the past practice has been that once it goes to City Council there is a 30 day timeframe. He said he submitted the plan at the end of January this year. There was a lag time in scheduling it on Council's agenda this year but, typically this is the way it has been handled - once it has gone to Council that's when the 30 day time period starts. Councilmember Mattie said it is a valid point but that it is an academic question at this point and the Mayor's suggested amended motion addresses that point. He suggested rather than arguing the point they move on with it and figure it out later so they are better prepared. Councilmember Mattie amended his motion to ratify the proposal as submitted. Councilmember Miles amended her second. Councilmember Bolton said this was just not handled properly, not saying Mr. Robb is at fault in any way. She repeated her interpretation that it has self executed and has been accepted. Roll call was taken on the motion. The motion carried with all Council members present voting aye excepting Councilmember Bolton who cast a dissenting vote. Mayor Baca Gonzalez said she would appreciate staff taking a hard look at it in the future so there are no ambiguities.

First reading of an ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance. Mayor Baca Gonzalez reminded that this ordinance was discussed at the last work session. City Attorney Downs commented that with the passage of time it seems more clear how urgent it is to have a moratorium. There are more and more difficulties. The ordinance was introduced by Councilmember Bolton and read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on April 2, 2013 was made by Councilmember Mattie. The motion was seconded by Councilmember Miles and carried by a unanimous roll call vote. Councilmember Bolton commented that she feels it is important to let the media and public know that this is a temporary moratorium through October 1, 2013, and not permanent in any way.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR A MORATORIUM UNTIL OCTOBER 1, 2013, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

Appointment to the Southern Colorado Economic Development District Board of Directors. Councilmember Velasquez moved for the re-appointment of Louis Fineberg. Councilmember Miles seconded the motion which carried by a unanimous roll call vote.

Resolution designating a representative of the City to the NPGA Board of Directors and to the GSA Management Committee, and alternate representatives to the same. A motion to adopt the resolution naming City Manager Acre as the representative on the board and the committee and Utilities Superintendent Jim Fernandez as the alternative representative to both was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken on the motion and carried unanimously. City Manager Acre said he looks forward to serving the City on the board and hopes to make more than just the one required meeting, noting that he may attend via phone.

RESOLUTION NO. 1410

RESOLUTION DESIGNATING A REPRESENTATIVE OF THE CITY TO THE NPGA BOARD OF DIRECTORS AND TO THE GSA MANAGEMENT COMMITTEE, AND ALTERNATE REPRESENTATIVES TO THE SAME

Consideration of amending Council rules and order of business as it pertains to the Regular Meeting Agendas of the Trinidad City Council to identify Committee Reports only when there are reports to be provided and to add Council Reports. City Manager Acre said it was suggested during the work session discussion that Council Reports be moved up from where it was presented at the work session. He suggested it be prior to the City Manager and City Attorney Reports. When there are committee reports it would be in the same order as it appears presently. He said he believes they only need a motion to change the order of business. Councilmember Bolton moved to amend the Council rules and order of business to identify Committee Reports only when needed and add Council Reports prior to the City Manager and City Attorney's report. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote.

Authorize Mayor's execution of a letter of support for Las Animas and Huerfano Counties SHIP (State Health Insurance Program). Councilmember Bonato made a motion to authorize the Mayor's execution of the letter and Councilmember Miles seconded the motion. Several Council members commented on the importance of retaining this program. Mayor Baca Gonzalez added that the provisions for selecting Medicare and Part D are becoming so complicated and will become more so with Obama care. Funding a program like this to meet with senior citizens to assist them in making informed decisions is very important. She extended appreciation to Ms. Georgette Santistevan for bringing this concern to Council's attention. It's not a lot of money, but the money spent will go a long way in helping our senior

citizens. The motion carried unanimously upon roll call vote.

BILLS. A motion to approve payment of the bills as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Bonato. Roll call was taken on the motion to approve the bills and it carried unanimously.

PAYROLL, March 2, 2013 through March 15, 2013. A motion to approve the payroll was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried unanimously.

Communications with Council. Councilmember Miles announced that the second session of Communications with Council is scheduled for Tuesday, March 26th from 5:00 until 6:45 p.m. in the Pioneer Room at TSJC. She said at the suggestion of some people they will alternate it between lunch time and the evening hour. City Manager Acre said it would be published in the newspaper as well.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

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