

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, June 18, 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, Shew
Also present:	Acting City Manager	Fineberg
	City Attorney	Downs
	City Clerk	Garrett
Absent:	Councilmember	Velasquez

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of June 4, 2013 and Special Meeting of June 11, 2013. A motion to approve the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

PUBLIC HEARING. New Hotel and Restaurant Liquor License request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street. Mayor Baca Gonzalez declared the hearing open and announced that she would be presiding over the hearing. She stated the purpose, an application for the issuance of a new Hotel and Restaurant Liquor License request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street. Mayor Baca Gonzalez advised that the procedure for receiving evidence concerning the applicant's request for issuance of a new Liquor License will be governed by state law and city ordinances. The Applicant has the burden of establishing that the City's granting of the Applicant's request is warranted under applicable law. Mayor Baca Gonzalez asked the applicant if they wished to provide an opening statement and said the information required to be elicited would be through questioning by the City Attorney. Richard Sawaya addressed Council and said that the reason they decided to ask for this license is to provide a service to their customers in the evening, since they will be opening for dinner. People have asked them why they don't serve liquor. Mr. Sawaya said they've put in a full kitchen having decided to make it a full restaurant. He said the request for the liquor license is for the convenience of their customers. They will not be staying open until 2:00 a.m. City Attorney Downs declined to provide an opening statement. He asked Mr. Sawaya a series of questions to which Mr. Sawaya provided the following testimony: Mr. Sawaya provided his full name as Richard George Sawaya, the principal of RGS Sawaya, LLC. The business was set up because of the restaurant and he said he has some other properties that will sooner or later become part of the limited liability corporation. For instance, the building itself in a few years will be incorporated into that part of the restaurant. RGS Sawaya, LLC owns Café What a Grind which has been in business for seven, going on eight, months. What a Grind under previous ownership was there for about five years before he took the business over as owner. The premise is located at 341 N. Commercial Street and he testified that he made application for the license on April 15, 2013. Currently he employs eight people and of them probably seven will be serving alcohol, the eighth will probably have to take TIPS training if he stays. Of the seven employees two have had TIPS training and this Saturday all of the rest will be trained, including him. Mr. Sawaya also testified that he owns the premises and is the landlord who rents to Café What a Grind. He has owned the building since 1982. He said he and his niece were the petition circulators. Lorin Manuel (his niece) will be the General Manager and two current employees, Ruben and Frankie, will also have managerial responsibilities to allow Ms. Manuel the ability to take time off because she has a young boy who needs special care. He testified that he and Lorin Manuel have submitted to background checks however results have not been returned that he is aware of. Further he testified that he has complied with everything the state and local staff have asked of him for this application. He said he anticipates the results of the background check to be positive for both he and Ms. Manuel, clear of any criminal convictions. Regarding the petition he said they had no problem having people sign it and 100% of the signers were in favor of the granting of the license. A lot of times they ran out of paper and people signed the back of the petition. Some of the signers were not citizens of Trinidad but are employed in Trinidad. Besides the Circle Lounge this would be the only liquor licensed establishment on Commercial Street, and the only restaurant on Commercial Street serving alcohol. Having circulated the petition Mr. Sawaya said it is his belief that the neighborhood's needs are not being met by the existing establishments in the neighborhood. Mr. Sawaya said it is isolated down in that area and in his own way he is trying to start something in the area. A lot of people come down and he said he thinks having a liquor license would give them a choice. It is needed down there. He further provided that in having circulated the petition he believes it is the desire of the adult inhabitants of the neighborhood that the liquor license be granted. A diagram was submitted and he said he understands their obligation that alcohol not be removed from the licensed premises. They are not a liquor store and will follow the laws as closely as they can. They will not serve intoxicated persons; they are there as a restaurant and will stop serving someone who wants to sit in there all day. City Attorney Downs, having completed his questioning, submitted the application packet into the record. Mayor Baca Gonzalez asked Mr. Sawaya if he had any questions of the City or of City Council. Mr. Sawaya told Council that the intersection in their area is becoming a traffic hazard. He said watching from his business four out of 15 cars that he saw never stopped at the stop sign at Commercial and Cedar Street from the Cedar Street side. Also people have hit the stop sign many times and people don't stop for pedestrians. Ms. Manuel told Council that she was the one who took the petition around to businesses and those businesses were very excited because they hope it brings more traffic to the area. Customers are also very supportive. She added that another reason they are seeking the license is because she's literally had tables walk out on her when she told them she didn't serve alcohol. Mayor Baca Gonzalez confirmed there to be no rebuttal and no interested parties who wished to speak on this matter. Councilmember Mattie commented that Richard Sawaya is a life-long resident of the community, and has been a business man with a stellar reputation, having spent the majority of his life in the furtherance of our economic well-being. This is yet another adventure to further the economic benefit to the community and said he is wholly supportive of it. Mayor Baca Gonzalez thanked Mr. Sawaya for investing in our town. She called for closing arguments. City Attorney Downs submitted that it appears that the applicant has met the legal standard for issuance of the license. Mayor Baca Gonzalez closed the hearing. Councilmember Mattie stated the following for the record: This matter came on for hearing on the application of RGS, Sawaya, LLC d/b/a

Café What A Grind at 341 N. Commercial Street in Trinidad, Colorado, for a Hotel and Restaurant Liquor License, before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on June 18, 2013, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, letters of recommendation, reports of the City Clerk and other City staff, petitions admitted into evidence at the hearing and testimony taken during the hearing makes the following **FINDINGS**:

1. The neighborhood consists of that area located within the City's corporate limits.
2. Mr. (Richard George) Sawaya testified in favor of granting the license. No other persons testified in favor of or in opposition to the granting of the license.
3. The City Clerk's report showed that there are 39 liquor-licensed outlets within the neighborhood. Of these, there are four 3.2% Beer Off-Premises licenses, one 3.2% Beer On-Premises license, one Club license, 12 Hotel and Restaurant licenses, one of which has Optional Premises, eight Liquor Store licenses, and 11 Tavern licenses, one Arts license and one Beer and Wine license.
4. The applicant submitted a petition regarding the liquor license application, which was admitted into evidence. A total of 65 signatures appeared on the petition, of which 52 were residents or business owners/managers from within the neighborhood, 21 years of age or older, all favoring issuance of a liquor license at this location. No petitions opposing the issuance of the license were submitted.
5. The applicant through testimony and other evidence, made a prima facie showing that the reasonable requirements of the neighborhood are not being met by existing liquor outlets, and that the adult inhabitants of the neighborhood favor issuance of the license.
6. Based on the evidence presented at the hearing and the investigative materials provided for the hearing, the City Council finds that the reasonable requirements of the neighborhood are not being met by the existing liquor outlets, that the adult inhabitants of the neighborhood favor issuance of the license to the applicant, and that the applicant officers are of satisfactory moral character.

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local liquor licensing authority, hereby approves the application of RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street in Trinidad, Colorado. Mayor Baca Gonzalez asked if the approval should be conditioned on favorable fingerprint results. City Attorney Downs recommended Council approve the liquor license conditioned upon satisfactory results of the background checks. Councilmember Bolton so moved and Councilmember Bonato seconded the motion. Roll call was taken and the motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bonato reported that he attended the community meeting regarding the Trinidad prison facility. He said he was glad to see a good turnout, including several members of Council and the Mayor. Also present was the County Commissioners and Sheriff Casias. He said we need to keep fighting to keep the prison open. We can't suffer any more job losses. He thanked everyone who attended. The meeting was very productive and a lot of questions were asked. It was clear that we can't lose our prison and Council and the Commissioners are supporting the prison. Councilmember Bonato also reported on his attendance of the Santa Fe Trail Festival. He said it was nice to have the coal car race back. The UMWA team won the race and he thanked the Fire Department for their participation and the City for having a coal car in the race. Everyone was very competitive. He added that we need to get the word out that photo identifications are needed to enter the area where alcohol is being served. Councilmember Bonato opined that a shaded area needs to be provided for senior citizens to sit and enjoy the music. We need common sense with some requirements next year. It was a nice event. Finally Councilmember Bonato reported that on Friday he attended a ceremony at Trinidad Elks Lodge where they showed the proper way to dispose of the American flag. He told Council he has been a member of the Elks for 23 years and this was the first time he had seen such a ceremony. Veterans were on hand to include Mr. Rios and Mr. DeBono. He thanked the Elks and Masons for being so important to our community and bringing people together. Wherever there are veterans there will be Elks. He also thanked the Elks for putting the flag up on Simpson's Rest.

Councilmember Miles reported she also attended Santa Fe Trail Festival and echoed Councilmember Bonato's complimentary remarks. She said she too attended the prison assessment meeting and that there was a good turnout of over 100 people. There were some very pointed and vehement comments expressed to the people who are doing the study. The community support for the prison was well represented that night. She said she received an e-mail from City Manager Acre providing a way to dial into a proceeding of this panel on June 20th. She asked Acting City Manager Fineberg to ask City Manager Acre or Executive Assistant Anna Ridolfi to please get the information out to the media about the link for the dial in connection. She continued that while at the prison utilization meeting she and Councilmember Bolton were able to talk to State Senator Larry Crowder about the Southwest Chief and started promoting his involvement with it. He will be here to meet with Council on July 2nd. She said her impression was that it was clear he hadn't thought a lot about the issues, but is generally supportive. It will be a good opportunity to get solid facts and figures in front of him. Councilmember Miles said she also got a call from Representative Tim Dore today whereby they spoke in excess of fifteen minutes. Representative Dore will likewise be at the meeting here on July 2nd. He thought the idea of him getting together with Senator Crowder, U.S. Representative Cory Gardner and Council would be good and he promised to get more up to speed. He expressed frustration about how rail is handled in Colorado and she said she took away from the conversation that he would like to help Trinidad if the facts bare out. Councilmember Miles suggested the City get representatives from La Junta here as well for that meeting. Senator Crowder also mentioned that he'd perhaps get CDOT involved for Colorado matching funding for the TIGER grant. Councilmember Miles next pointed out that the Downtown Assessment has been published. There are interesting things going on in Trinidad. We may be on the verge of a Creative District designation. With the combination of that and strategic work that is going on at the Economic Development office, she suggested they have a work session to try to figure out to what extent Economic Development, the Tourism Board, the City and the Arts and Culture Commission should be involved. Mayor Baca Gonzalez said City Manager Acre is starting to sketch out up-coming work sessions so this

may be perfect timing.

JUNE 18, 2013

Councilmember Mattie said he too attended the Santa Fe Trail Festival. He said he heard a concern from Paula Manini at the History Museum about the boundary not including the museum. She was told to talk to the City Manager and after she did she was satisfied with the resolution reached. He said he attended the prison meeting. There will be a conference of the State Planning and Budgeting Office on Thursday, June 20th from 1:30 p.m. to 3:30 p.m. He offered to provide the link to listen in. Mayor Baca Gonzalez said she would provide a copy of the handout with the link to the media. Finally he reported on his attendance at the last Conversations with Council at the Community Center that was poorly attended. Reporter Steve Block from the Times Independent suggested it was poorly attended because there were five separate meetings that day.

Councilmember Bolton reported that she attended the prison meeting, but didn't elaborate because she thought Councilmembers Bonato, Miles and Mattie adequately addressed it. She thanked those people who did attend the prison meeting because it needs all the support it can get.

Councilmember Bonato asked if it is known whether City Manager Acre got in touch with Pat Patrick, Chairman of the Tourism Board, about attending the next I-25 Economic Development Coalition meeting. He said it would be really important because they are trying to draw tourism. The next meeting is on June 24th.

Mayor Baca Gonzalez provided the dial-in link information for the Prison Utilization Study meeting coming up on June 20th. She provided the information to the City Clerk who provided it to the media. She said people can dial in and listen to the discussion about the state-wide issue affecting the prisons.

Councilmember Bonato reported that today there was a group of college students from Denver that visited the Ludlow memorial. The group is involved with historic sites and goes to different ones to provide some renovation work to them. He said they will be at the memorial tomorrow to paint the fence around the monument and memorial and do some weed cutting. Pankaj Khadka from the Chronicle News said the group will be here in Trinidad thereafter to visit the Baca House and Bloom Mansion and then will travel back to Pueblo. Mayor Baca Gonzalez asked Acting City Manager Fineberg to make a note to send the students a thank you letter to be signed by all members of Council. They are working hard and expending their time and effort, the least we can do is acknowledge their good citizenship. Councilmember Bonato said to get in touch with Mike Romero for their address.

REPORT BY CITY MANAGER. Creative District. Acting City Manager Fineberg reported that his understanding is that last Friday the Selection Committee for Creative Industries chose five Creative Districts, however they haven't released which ones were chosen yet. He said he hoped to know next week some time through a Creative Industries' announcement. They are coordinating a press release with the Governor's office. Mayor Baca Gonzalez offered to make it available to the media once received.

Vehicle Traffic. Acting City Manager Fineberg said regarding the concerns raised by Mr. Sawaya about cars not stopping at the corner of Cedar and Commercial Streets, it wasn't the first time he's heard that. He suggested the City may have a chance to address it with implementation of the DOLA project through traffic calming devices.

REPORT BY CITY ATTORNEY. CML Conference. City Attorney Downs advised Council that he will be attending the CML conference in Vail for the next three days.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of Ordinance of the City of Trinidad, Colorado, to allow budget billing for all utility customers. Mayor Baca Gonzalez declared the hearing open and called for public comment. There was none. She asked for Council comments and there were none. She stated that she was pleased this was on their agenda because for a long time budget billing has been available only to residential customers and this opens it up to businesses and non-profits. She added that she thinks it will help them to control the sometimes big fluctuations in utility costs. There being no further comments, the hearing was closed.

Second reading of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of Ordinance of the City of Trinidad, Colorado, to allow budget billing for all utility customers. The title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote of Council.

ORDINANCE NO. 1940

AN ORDINANCE AMENDING ARTICLE 1 ("UTILITY BILLING") OF CHAPTER 12 ("MUNICIPAL UTILITIES") OF THE CODE OF ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, TO ALLOW BUDGET BILLING FOR ALL UTILITY CUSTOMERS

Public hearing for consideration of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b), Conditional Uses, of the Code of Ordinances of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits. Mayor Baca Gonzalez declared the public hearing open and called for comments from the audience, Council and staff. There were none. She thanked all members of Council for doing a very good job in reviewing the ordinances and staff for updating the ordinances. The hearing was closed.

Second reading of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b), Conditional Uses, of the Code of Ordinances of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits. The

ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Shew. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote of Council.

ORDINANCE NO. 1941

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 14, PLANNING AND ZONING, ARTICLE 4, ZONING ORDINANCE, DIVISION 1, GENERAL PROVISIONS, SECTION 14-27(1)(B), CONDITIONAL USES, OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD, COLORADO, TO PROVIDE A CLEAR PROCEDURE FOR THE APPLICATION, APPROVAL AND REVIEW OF CONDITIONAL USE PERMITS

MISCELLANEOUS BUSINESS. Retail liquor store license renewal request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue. Greg Robinson, owner of Arizona Liquor Store, addressed Council. A motion to approve the renewal was made by Councilmember Miles and was seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote of Council.

Tavern liquor license renewal request by Gina Louis Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail Drive. Gina Lujan addressed Council. Councilmember Bolton made a motion to renew the tavern license and Councilmember Shew seconded the motion. Upon roll call vote, the motion carried unanimously.

Temporary modification of premises request by Mount Carmel Health, Wellness and Community Center at 911 Robinson Avenue (July 12, 13, & 14, 2013 – Mt. Carmel Festival). Karl Gabrielson addressed Council on behalf of Mt. Carmel. He told Council that this is the 3rd annual festival. It will start Friday evening and there will be music and events. It is a mini festival similar to the Santa Fe Trail Festival in that they will have food and craft vendors and entertainment in the evening. The event will run all day and evening on Saturday and on Sunday they are having a benefit for the building fund for the Catholic Church. It is the Our Lady of Mount Carmel Feast. A motion to approve the temporary modification as requested was made by Councilmember Bonato and seconded by Councilmember Shew. The motion carried unanimously upon roll call vote.

Consideration of 2013-2014 Colorado Welcome Center Statement of Work. Mayor Baca Gonzalez reminded that this item was presented at their last work session. Councilmember Miles recalled that in their work session packet they had been presented a copy of last year's contract. Mayor Baca Gonzalez said it was provided as an example because the current one hadn't yet been received. Councilmember Miles said the one being considered this evening seems to be a laymen's definition of the work and asked City Attorney Downs if there are any important legal provisions that have been taken out of it, such as insurance requirements. City Attorney Downs said he hadn't compared the two documents. Councilmember Miles expressed concern for the lack of legal language. For instance she said there are no defaults, no remedies for defaults; she wouldn't know what happens if the work isn't done and it was previously fairly clearly defined in the contract. There were notice periods and opportunities to remedy. Councilmember Bonato asked if it could be tabled. Councilmember Miles said a lot has changed and City Attorney Downs agreed and noted that he wasn't asked to render an opinion on the document. He added that it would be appropriate to table it. Councilmember Bolton asked if there are time constraints. City Clerk Garrett said she believed it needed to be approved by July 1st and that this is a continuing agreement. Councilmember Miles suggested it be tabled to a special meeting on June 25th. Mayor Baca Gonzalez suggested that it could be that the Office of Economic Development and International Trade simply changed their paperwork to a different format. Councilmember Bolton agreed and said the information they received cites that this year the Colorado Tourism Office has simplified the contract to be an easy to understand Statement of Work. Councilmember Miles asked where that leaves the City with this simplified statement of work. Mayor Baca Gonzalez said the relevant question is whether this new paperwork puts the City at a disadvantage. She asked City Attorney Downs to talk to the Colorado Tourism Office. Councilmember Miles asked what if there are disputes. A motion to table consideration of 2013-2014 Colorado Welcome Center Statement of Work to a special meeting on June 25th was made by Councilmember Miles. Councilmember Bolton seconded the motion which carried unanimously pursuant to a roll call vote.

EXECUTIVE SESSION. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C. R. S. Section 24-6-402(4)(e); and/or for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402-(4)(b) – Discussion regarding ARPA litigation. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton and seconded by Councilmember Shew. Upon roll call vote the motion carried unanimously. The executive session ensued at approximately 8:00 p.m.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 18th day of June, 2013, 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 S. Downs
City Attorney

Upon conclusion of the executive session at 9:00 p.m., the meeting resumed.

MISCELLANEOUS BUSINESS. Potential motion regarding Stipulations in the ARPA lawsuit. As recommended by City Attorney Downs, Councilmember Bolton moved to accept the stipulation negotiated in mediation on May 23, 2013, in ARPA vs. City of Trinidad, 12CV44, pending in Prowers County Court. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote. Upon the recommendation of City Attorney Downs, Councilmember Bolton made a motion to reject the negotiated stipulation reached in mediation on May 23, 2013, in Trinidad vs. ARPA, 11CV30, pending in Las Animas County District Court. Councilmember Shew seconded the motion. Roll call was taken

and the motion carried unanimously.

JUNE 18, 2013

BILLS. Councilmember Bonato questioned an expenditure on page 6 payable to Big O Tires in the amount of \$4,056.20. He said all it showed was the size of tires, but not how many were bought or what units they were for. He said the new police cars, the Chargers, come with 18s he believed and those cars should have a guarantee if they wear out a new set of tires on a new Chrysler. Mayor Baca Gonzalez elaborated that the payment is under Public Safety, check #43232. Mayor Baca Gonzalez said she would get the details. Councilmember Bolton questioned a payment identified on page 27, the last entry from the Capital Improvements fund, check #43389 in the amount of \$4,300 to White Wolf, for house/shed demolition. City Attorney Downs suggested that may be for a demolition of a condemned house owned that the building inspector has been working on. Acting City Manager Fineberg added that if that is the case a lien would be placed against the property. Councilmember Bolton questioned why it would have been paid from the Capital Improvements fund. Acting City Manager Fineberg said he'd look into it. A motion to approve payment of the bills as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Shew. Roll call was taken on the motion to approve the bills and it carried unanimously.

PAYROLL, May 25, 2013 through June 7, 2013 and June 8, 2013 through June 21, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried unanimously.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk