

November 2, 2011

CITY OF TRINIDAD  
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Wednesday, November 2, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

There were present: Mayor Pro-Tem Shew, presiding  
Councilmembers Aragon, Pando, Rino, Toupal

Also present: City Attorney Beatty  
City Clerk Garrett  
City Manager Gil de Rubio

Absent: Mayor Garduno  
Councilmember Velasquez

The pledge of allegiance was recited.

Mayor Pro-Tem Shew offered his congratulations to Mayor-Elect John Rino and the Council-Elect.

**READING OF THE MINUTES.** Regular Meeting of October 18, 2011 and Special Meeting of October 25, 2011. Mayor Pro-Tem Shew called for any questions or additions. A motion to dispense with the reading and approve the minutes as submitted was made by Councilmember Toupal and seconded by Councilmember Rino. The motion carried unanimously.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** None.

**REPORT BY CITY MANAGER.** Appreciation and Congratulations. City Manager Gil de Rubio expressed his heartfelt appreciation to out-going Council members Toupal and Aragon. He said he appreciated their presence on the board during his first year as City Manager. He also extended his congratulations to Councilmember Rino for his being elected Mayor, and Bernadette Baca-Gonzalez, Carol Bolton and Joe Bonato for their election to City Council.

**Financial Reports.** City Manager Gil de Rubio identified at Council's seating places financial reports, including sales tax reports. He said sales tax is holding its own with August showing a slight increase from last August of approximately 1.4%. Year to date from August to August the City has yielded an approximate increase of 4.07% which equates to \$127,152 over FY 2010. City Manager Gil de Rubio directed Council's attention to the financial reports. He said the General Fund ended September at \$724,097 in revenues over expenses. He said he projects the General Fund to be at the break-even point at the end of the year and said it's doing well, commending staff for holding expenses down. He added that General Fund is roughly 9% below expected expenditures as of the end of September. City Manager Gil de Rubio said the Power & Light Fund finished September with \$92,656 net income. He said the cash balance is still a little in the hole with an unrestricted reserve of roughly \$1.25 million and net balance of \$1.228 million. The Water fund ended September with \$535,606 in revenues over expenses. The fund has a \$6.5 million net balance, of which \$1.8 million is cash and \$4.7 million is unrestricted cash reserve. He said the Gas fund is healthy with \$610,952 in revenues over expenses, however he reminded Council that once the deferred gas cost is discounted it results in a net income of about \$124,000. The fund has a \$1.8 million net balance with \$1.277 million in unrestricted cash reserve. Actual cash balance is \$541,000. He continued that the Sewer Fund is in the hole by \$460,537 and said that next year the City will have to do something about it. Lottery has an estimated undesignated fund balance of \$52,000. Tourism yielded a undesignated net balance of \$197,299 and Capital Improvements has an estimated undesignated fund balance of approximately \$395,000, taking into account all committed and future projects. He offered to answer questions and added that if they thought of questions to not hesitate to contact him.

**REPORT BY CITY ATTORNEY.** Appreciation and Congratulations. City Attorney Beatty echoed City Manager Gil de Rubio's expression of gratitude to Council members Aragon and Toupal for their devoted service to the City over the years. He likewise congratulated John Rino in his election to the mayoral seat as well as Council-Elect Carol Bolton, Bernadette Baca-Gonzalez and Joe Bonato. He congratulated all Council members on the voters' approval of the two Home Rule Charter amendments. He concluded that he appreciated the voters' and Council's time in considering those amendments.

**ARPA.** City Attorney Beatty called to Council's attention at their seating places a few updates regarding the Arkansas River Power Authority and the Cougar Canyon Resorts consolidated litigation.

**Upcoming items.** City Attorney Beatty reported that a few items in the pipeline for future consideration include New Elk Coal Company's water deliveries in 2012 pursuant to their water lease agreement with the City. He said that item will be presented to Council next week. Additionally, he said staff will be presenting some facility use agreements and amendments to facility use agreements for Central Park's upper field baseball facility to potentially accommodate the Pecos League Trinidad Trigger's baseball team in cooperation with Trinidad School District No. 1, HTA, TSJC, and other users of that space. He said Trinidad School District No. 1 and TSJC are currently considering a proposed amendment to their facility use agreement.

**COMMITTEE REPORTS.** None.

**UNFINISHED BUSINESS.** Public hearing for consideration of a supplemental budget ordinance identifying and appropriating a previously unanticipated revenue source for the Capital Projects Fund for the fiscal year beginning on January 1, 2011, and ending on December 31, 2011. Mayor Pro-Tem Shew declared the public hearing open and called for comment. There being none, the hearing was closed.

Second reading of a supplemental budget ordinance identifying and appropriating a previously unanticipated revenue source for the Capital Projects Fund for the fiscal year beginning on January 1, 2011, and ending on December 31, 2011. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Aragon and seconded by Councilmember Toupal. The motion carried by a unanimous roll call vote of Council, was approved and will become effective on November 12, 2011.

ORDINANCE NO. 1920

A SUPPLEMENTAL BUDGET ORDINANCE IDENTIFYING AND APPROPRIATING A PREVIOUSLY UNANTICIPATED REVENUE SOURCE FOR THE CAPITAL PROJECTS FUND FOR THE FISCAL YEAR BEGINNING ON JANUARY 1, 2011, AND ENDING ON DECEMBER 31, 2011

Public hearing for consideration of an ordinance amending Chapter 14 ("Planning and Zoning"), Section 14-100 ("Off-Street Parking") of the Code of the City of Trinidad, Colorado, to accommodate possible reductions in the required number of parking spaces for mixed-use developments. Mayor Pro-Tem Shew declared the public hearing open and called for comment, for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance amending Chapter 14 ("Planning and Zoning"), Section 14-100 ("Off-Street Parking") of the Code of the City of Trinidad, Colorado, to accommodate possible reductions in the required number of parking spaces for mixed-use developments. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Rino and seconded by Councilmember Pando. The motion carried by a unanimous roll call vote of Council, was approved and will become effective on November 12, 2011.

ORDINANCE NO. 1921

AN ORDINANCE AMENDING CHAPTER 14 ("PLANNING AND ZONING"), SECTION 14-100 ("OFF-STREET PARKING") OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, TO ACCOMMODATE POSSIBLE REDUCTIONS IN THE REQUIRED NUMBER OF PARKING SPACES FOR MIXED-USE DEVELOPMENTS

**MISCELLANEOUS BUSINESS.** Club liquor license renewal request by BPOE Trinidad Elks Lodge #181 at 120 S. Maple Street. A motion to approve the license renewal was made by Councilmember Rino and seconded by Councilmember Toupal. The motion carried by a unanimous roll call vote of Council members present.

Consideration of renewal of lease agreement between the City of Trinidad and Maniscalco Brothers and Sons, Inc. Councilmember Rino commented that this has been a long-standing lease. PWD Valentine agreed and said that it renews every five years and the renewal period is at that point. Councilmember Rino moved for the renewal of the lease agreement. The motion was seconded by Councilmember Toupal. Roll call was taken on the motion which carried unanimously.

Resolution supporting the Arkansas River Compact Administration's consideration of two (2) proposed amendments to the Trinidad Dam and Reservoir's Operating Principles regarding the City's 3,000 acre-foot storage account. City Attorney Beatty said the Arkansas River Compact Administration will hold their meeting in early December regarding the potential proposed amendments to the Operating Principles. He said the City's water law counsel is recommending the City pursue these amendments affecting outside water rights and an increase in acres pertaining to the Johns Flood Ditch system. A motion to adopt the resolution was made by Councilmember Toupal and seconded by Councilmember Rino. The motion carried unanimously upon roll call vote.

RESOLUTION NO. 1373

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING THE ARKANSAS RIVER COMPACT ADMINISTRATION'S CONSIDERATION OF TWO (2) PROPOSED AMENDMENTS TO THE TRINIDAD DAM AND RESERVOIR'S OPERATING PRINCIPLES REGARDING THE CITY'S 3,000 ACRE-FOOT STORAGE ACCOUNT

Councilmember Rino inquired as to the status of the paving project. PWD Valentine advised that the contractor started on San Pedro and North Avenue and those streets are done. They then mobilized to Godding Avenue when the snow hit. The ground temperature needs to be 45 degrees and rising so they will have to wait until it warms up again to continue.

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

**PAYROLL,** October 15, 2011 through October 28, 2011. A motion to approve the payroll was made by Councilmember Rino and seconded by Councilmember Toupal. 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 Pando and seconded by Councilmember Rino. The meeting was adjourned by unanimous vote of Council.

ATTEST:

FRANKLIN SHEW, Mayor Pro-Tem

AUDRA GARRETT, City Clerk