

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, May 29, 2012 at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, May 29, 2012 at 1:30 p.m. in the Council Chambers at City Hall

****PROCLAMATIONS – 1) Trinidad's Talented Performing Arts Youth Performer's Day; and 2) Trinidad Triggers' Baseball Team Celebration Month****

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

- 1) 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 – Interim City Manager applicant interview
- 2) Public hearing for consideration of an ordinance pertaining to the acceptance of a grant and loan from the Colorado Water Conservation Board (CWCB) for the funding of the North Lake Dam Rehabilitation Project
 - a) Second reading of an ordinance pertaining to the acceptance of a grant and loan from the Colorado Water Conservation Board (CWCB) for the funding of the North Lake Dam Rehabilitation Project
- 3) Consideration of Engineering Construction Services proposal from RJH Engineering for work to be accomplished during construction of the North Lake Dam Rehabilitation Project
- 4) Consideration of Water Conservation Plan
- 5) Consideration of bid results for the North lake Dam Rehabilitation Project
- 6) 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 – Interim City Manager applicant interview

The meeting was called to order at 1:30 p.m., and the pledge of allegiance was recited.

Mayor Rino presented a Proclamation to the members of Dance Connection and K(Inspire) Pre-Professional Dance Studio recognizing the talented and successful participants and especially their performances at the state competition in Denver recently.

The Trinidad Triggers Baseball Team was presented with a Mayoral Proclamation proclaiming June as the team's celebration month. Kim Schultz, Trinidad-Las Animas County Chamber of Commerce Executive Director, took the opportunity to again thank the City Council for the support they have received. She said they are proud of their accomplishments and the team is a good-will ambassador on the road in southern New Mexico and west Texas. Justin Lowry, the Trigger's Coach, presented the City with a team photo from their opening night. He asked each team member present to introduce themselves and state where they are from. Each member did so and expressed their appreciation to the City.

Roll call was taken.

There were present: Mayor Rino, presiding
Councilmembers Baca Gonzalez, Bolton, Bonato, Pando, Shew, Velasquez

Also present: Acting City Manager Beatty
City Clerk Garrett

Mayor Rino asked to rearrange the order of the agenda to move item #1 just before item #6, thereby holding the executive sessions simultaneous to each other. A motion to change the order of the agenda to consider items 2 through 5, 1 and 6, in that order, was made by Councilmember Bonato and Councilmember Shew seconded the motion. Upon roll call vote, the motion carried unanimously.

Public hearing for consideration of an ordinance pertaining to the acceptance of a grant and loan from the Colorado Water Conservation Board (CWCB) for the funding of the North Lake Dam Rehabilitation Project. Utilities Superintendent Jim Fernandez advised Council that staff recommends that they proceed with the ordinance approving the grant and loan package. Mayor Rino declared the public hearing open. Acting City Manager Beatty reiterated staff's belief that the grant

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and loan are a full package and the CWCB anticipates the City would approve the loan as a consequence of accepting the grant. The CWCB wishes to ensure the City has ample proceeds to carry the project forward. Mayor Rino confirmed that no one present wished to speak for or against the ordinance and closed the hearing.

Second reading of an ordinance pertaining to the acceptance of a grant and loan from the Colorado Water Conservation Board (CWCB) for the funding of the North Lake Dam Rehabilitation Project. The ordinance title was read aloud. A motion to approve the ordinance on second reading accepting the grant and loan as written was made by Councilmember Shew. The motion was seconded by Councilmember Baca Gonzalez and carried unanimously upon roll call vote. The ordinance was adopted and will become effective on June 8, 2012.

ORDINANCE NO. 1927

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, PERTAINING TO THE ACCEPTANCE OF A GRANT AND LOAN FROM THE COLORADO WATER CONSERVATION BOARD (CWCB) FOR THE FUNDING OF THE NORTH LAKE DAM REHABILITATION PROJECT

Consideration of Engineering Construction Services proposal from RJH Engineering for work to be accomplished during construction of the North Lake Dam Rehabilitation Project. Supt. Fernandez advised Council as an aside that the City still has an obligation to get an opinion letter from bond counsel as part of the contract. He continued that regarding this proposal, it is for all of the engineering work during the construction of the project. Supt. Fernandez added that Councilmember Baca Gonzalez had significant input in changes made to the Standard Conditions, which RJH has reviewed and accepted. Supt. Fernandez said that with those changes, staff recommends acceptance of the proposal. Mayor Rino asked the dollar amount. Supt. Fernandez stated it is in the amount of \$333,200. Acting City Manager Beatty clarified that the Proposal and Standard Conditions are now established to provide a 'not to exceed' basis, the total of which is \$333,200 as set forth in Table A.1 in the proposal. Councilmember Baca Gonzalez moved to approve the Engineering Construction Services proposal from RJH Engineering as presented. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote.

Consideration of Water Conservation Plan. Utilities Superintendent Jim Fernandez advised Council that this item was placed on the agenda in anticipation of the plan's completion. He said for the most part it is, however it is currently under review by the CWCB. He requested this item be tabled. Mayor Rino asked when they will get the conservation plan for releasing water from North Lake and how low it will get. Will we be able to sustain the current level during the entire year? Supt. Fernandez reminded that the lake had previously been dropped five to six feet. He said it is expected to stay at that level throughout the construction and once the work is complete the City will be able to replenish the lake to its full content. He reiterated that he did not believe it will be dropped any lower than it is now. A motion to table consideration of the water conservation plan was made by Councilmember Pando and seconded by Councilmember Baca Gonzalez. The motion carried unanimously upon roll call vote.

Consideration of bid results for the North Lake Dam Rehabilitation Project. Utilities Superintendent Jim Fernandez called to Council's attention the final page of the information provided and identified it as the bid summary. He also noted that the memo from RJH Engineering with their recommendation regarding the low bidder was attached as was the engineering summary and estimate for the project. He informed Council of the presence in the audience of a representative from the engineering firm, Bob Huzjak, RJH Engineering, as well as Floyd Abeyta representing the low bidder. Mayor Rino asked if bonding was required. Supt. Fernandez advised that the contractor is required to submit a bid and performance and payment bond for the project. Mayor Rino asked if the low bidder submitted in writing their intent to complete the project for the \$972,000 they bid. Supt. Fernandez confirmed that they did. Mayor Rino asked how much the grant was for. Supt. Fernandez said it is in the amount of \$739,235 and the loan is up to the same amount. Mayor Rino asked what happens if the City doesn't use the loan total, expecting that we will not. Supt. Fernandez said his understanding is that whatever funds are not used have to be returned. Mayor Rino asked if the City is committed to pay the \$85,000 per year or if the loan can be pro-rated or paid off. Supt. Fernandez said he thought it could be paid off and it would be wise to do so. Councilmember Baca Gonzalez said the promissory note states that it can be pre-paid in whole or in part at any time without premium or penalty. Councilmember Bolton said she had a question on the number of change orders we can expect, given the disparity between the two bids. Are we going to be looking at a lot of change orders that will raise the cost? Mayor Rino said they would expect some change orders but suggested they try to limit the number to limit the cost. He added that change orders happen pretty frequently in construction projects. Councilmember Baca Gonzalez said she read the engineer's joint contract documents used for the actual construction work and found there were very minimal references to change orders. She added that she sent Acting City Manager Beatty an e-mail suggesting they clearly identify in the contract that change orders in the amount of \$30,000 or more come to City Council for consideration as well as those in aggregate of that amount. Supt. Fernandez assured Council that change orders will be brought to them and regarding the dollar amounts, they are an unknown at this point. Floyd Abeyta, President of Sun Construction, Inc., the low bidder, addressed Council. He said two items that come to mind is that having reviewed the plans he found them to be a good set and he doesn't see any grey areas where he could identify change orders. He added that he thinks the City has a good engineer. Mr. Abeyta also stated that he has been in business for 29 years and makes more money without changes orders because change orders slow the project down. With respect to this project he said they need to get started so they don't hit snow and he said they will be very aggressive about getting the project done. He concluded that he doesn't see anything right now that he anticipates as a change order. Councilmember Baca Gonzalez asked the number of construction days allowed, beginning to end. Acting City Manager Beatty answered that there are 180 days allowed. Councilmember Shew made a motion to accept the low bid from Sun Construction, Inc., for the North Lake Dam Rehabilitation Project in the amount of \$972,417.67 (the bid submitted was \$972,438.88 but a math error was identified by the engineer). The motion was seconded by Councilmember Pando and carried by a unanimous roll call vote.

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 – Interim City Manager applicant interviews. A motion to

enter into executive session for the stated purpose was made by Councilmember Bonato and seconded by Councilmember Baca Gonzalez. The motion carried by a unanimous roll call vote and the executive session ensued at 2:00 p.m.

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Upon conclusion of executive session at 3:25 p.m., Councilmember Baca Gonzalez moved to adjourn the meeting and the motion was seconded by Councilmember Pando. Mayor Rino declared the meeting adjourned upon a unanimous roll call vote.

ATTEST:

JOHN RINO, Mayor

AUDRA GARRETT, City Clerk