

JUNE 5, 2012

CITY OF TRINIDAD
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, June 5, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Rino, presiding
	Councilmembers	Baca Gonzalez, Bolton, Bonato, Pando, Shew, Velasquez
Also present:	Acting City Manager/ City Attorney	Beatty
	City Clerk	Garrett

The pledge of allegiance was recited.

READING OF THE MINUTES. Regular Meeting of May 15, 2012 & Special Meetings of May 22 & May 29, 2012. Councilmember Bolton made a correction to the Special Meeting minutes of May 22nd to correct the spelling of the last name of the representative of the Rocky Mountain Elk Foundation who spoke that day. The correct spelling was recited as Noard rather than Norad. A motion to approve the minutes of May 15th and May 29th as submitted and May 22nd as corrected was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Jim Muzzlin, Purgatoire River Anglers Trout Unlimited Chapter President, addressed Council and read and presented a letter to them on behalf of their Board of Directors. He read, "Dear Mayor Rino and City Council Members – We want to thank you for your response to our alarm two weeks ago about the work being done by City workers in the Purgatoire River Demonstration Project area. We appreciate that the work was stopped immediately and the City workers went in right away to begin the repair of the damage to the trails. It appears that the destruction taking place in the flood plain, the riparian area, was not intentional as it first appeared, but rather a matter of City workers not understanding the delicate nature of that environment. ¶ We hope that lessons have been learned by all, and the Planning Department as well as all other City departments involved will work together with Trout Unlimited, the Purgatoire River Water Conservancy District, and the dozens of other stakeholders, in future projects along the Purgatoire River within the City limits of Trinidad. ¶ Trout Unlimited would like to collaborate with the City and be involved in all future planning on any projects along the river. We also request the following repairs be made as quickly as possible: • That the trails be rolled and compacted as they were before. This may have already been done, but may need to be done again if equipment is brought in to plant more trees. • That the meadow in the flood plain by the picnic table be restored. This wetland riparian area helps clean the water running off from the road and parking lot above before it reaches the river and provides erosion control. The willows and other plants in this area provided food and shelter for the insects and, therefore, the fish. The thick vegetation also helped maintain the trail by keeping people from taking a short-cut to the top of the hill instead of using the trails. Re-planting needs to be done quickly so that desirable plants, rather than invasive weeds, will grow in that area. Volunteers from TU have offered to help the City workers with reseeded and planting willow cuttings. The Executive Director of the Colorado State Council of Trout Unlimited has offered to help restore this area if funds are needed because it is essential for the health of this new trout fishery. However, we feel the City is responsible for the damage done by City workers and should take the lead in the repairs. ¶ We also ask the City to help us design and install interpretative signs in this area, acknowledge the donors, and to inform and educate visitors to the area. In April we received \$1,000 donation from Colorado Trout Unlimited to use for signs in this area. Meeting with Louis Fineberg about signs was on our To Do List. ¶ The potential for the Purgatoire River area for recreation and tourism is important to the future of Trinidad. We would like to move forward with the second phase of the river improvements by late 2012 with the City Council's, City Administration, and the community's blessing and involvement. Thank you, Jim Muzzlin, Chapter President on behalf of the Purgatoire River Anglers Trout Unlimited Board of Directors."

Dan Ruscetti who signed in to speak deferred his comments until the ordinance concerning bear-proof containers was considered.

Jennifer Laidig addressed Council in support of the establishment of a Tree Board. Ms. Laidig told Council that it is a great idea that can only serve to enhance the community and can be a source of education to the residents and business owners. The Board can help prioritize the trees in need of maintenance in the City. Later it can also help the City in seeking funding for upkeep and other tree planting. She concluded that a Tree Board can only help make our City more beautiful.

Mark Loveall, Colorado State Forest Service, La Veta District, representing Huerfano and Las Animas Counties, addressed Council. He said he is also in favor of the Tree Board and ordinance restricting the topping of trees. A city or community is characterized by its buildings, architecture, layout of streets, and its parks and open areas. The community is also characterized by its trees along the streets and the parks. The right tree in the right spot and how well the trees are maintained reflects on the character and knowledge of the community leaders and its employees. He told Council they will be starting tonight to create a Tree Board to bring a focal point of knowledge for the proper care of Trinidad's trees. That Tree Board will work hard, if there is general appreciation shown to them, to develop plans with guidance from those with forestry expertise, including the Colorado State Forest Service. There are those who are willing to help on projects that cannot serve on the Tree Board. There is a wealth of energy willing to help. Mr. Loveall said this will be a great value that he hoped Council will put to work and urged Council to support the Tree Board.

Will Duniho, Commercial Landscaping, addressed Council. He said he runs a professional tree service in town and has done so for the past 20 years. He said he feels there is a need for a Tree Board to guide people with the right trees to plant, how to prune them and perhaps classes could be provided. They also need to involve the kids to get them interested in this horticultural work. Mr. Duniho said there are several areas that need to be addressed, including Kit Carson Park and the Golf Course. He suggested the Board could work at getting donations of \$2 per capita just for work to be done on the

trees. He added that the river walk area also needs to be addressed. Mr. Duniho said with the area just coming out of a drought, the trees have died back one-third. Now with a little rain it is starting to push the insects out of the trees and they are starting to come back to life. The dead wood needs to be taken off now. A lot of these trees can be saved. He told Council of having received a call to cut down one of the oldest Sycamore trees in town and rather than do so, he recommended a method in hopes of saving the tree instead. Mr. Duniho said he's seen over the past 20 years that most people don't have quite enough money to do just the right thing, although they really do want to. People mean well, but it is all in education. When a branch is cut off that is bigger than three to four inches in diameter, shoots shoot off from where it was cut and it looks flush, but where it was cut never heals. He said that practice has been done for years before he came to Trinidad and he has taken a lot of trees out of town, but there's more that needs to be done. Mr. Duniho concluded that he is in favor of the five-member Tree Board who will bring five minds together to do the right thing and get input from people and start addressing some of these problems. If the money isn't there maybe they could step up and help pay for some of it. We also have to plant trees as well. We don't need to lose all of these trees. He added that topping is never recommended because the tree never heals. He said he'd rather cut a tree down and start over than to top it.

REPORT BY CITY MANAGER. Trinidad Triggers. Acting City Manager Beatty called to Council's attention an e-mail from Kim Schultz, Executive Director of the Chamber of Commerce, inviting all members of Council to throw out a pitch at one of the remaining home Trinidad Triggers' games this summer. Council members were asked to contact Anna Ridolfi at the City or Kim Schultz at the Chamber to schedule it.

Governor's Cabinet Tour. Acting City Manager Beatty also called to Council's attention in that same e-mail from Kim Schultz, Executive Director of the Chamber of Commerce, an event sponsored by Action 22 on June 26th, the Governor's Cabinet Tour. He explained that members of Governor Hickenlooper's Cabinet will be at Mt. Carmel Health and Wellness Center and he strongly encouraged as many members that can to attend and participate.

Special Meeting. Council was reminded of the special meeting scheduled for 1:30 p.m. on June 26th for consideration of a liquor license application for The Clubhouse Grille at the municipal golf course.

Joint Work Session. Acting City Manager Beatty told Council that a tentative joint work session has been scheduled with the Las Animas County Commissioners next Tuesday, June 12th at 1:30 p.m. at the County Commissioners' Chambers. County Commissioner Loudon will likely not be able to attend. He asked Council's alternate availability on Monday, June 11th at 1:30 p.m. After brief discussion as to Council member's availability, Acting City Manager Beatty said he'd move forward with scheduling the work session for Tuesday.

ARPA (Arkansas River Power Authority) Update. Acting City Manager Beatty advised Council that he and Councilmembers Shew and Baca Gonzalez attended the monthly ARPA meeting last Thursday at which the ARPA Board agreed to seek a long-term power supply agreement. He noted that has been one of the City's goals and deemed it to be progress and good news.

Soccer field. Council was informed by Acting City Manager Beatty of a meeting City staff had with Trinidad State Junior College President Lopez and staff as well as a representative from School District No. 1 regarding accommodating the college's forthcoming soccer program. He said they were trying to work through potential scheduling conflicts and seem to have done so. He said it looks as though the City will be able to accommodate all of its existing programs and still allow the college soccer program to practice on Los Ninos field and then stripe Central Park lower field to accommodate their game play.

Acting City Manager Agreements. Acting City Manager Beatty pointed out at Council's seating places a draft Acting City Manager Employment Agreement and Confidentiality and Conflict of Interest Agreement that can be addressed later in the agenda.

Grant Update. Acting City Manager Beatty deferred to Planning Director Louis Fineberg to provide an update regarding grants and the Requests for Proposal process for the CDOT Enhancement Grant for the Corazon de Trinidad historic district. Planning Director Fineberg addressed Council. He first told Council that the City was unsuccessful in securing the Bikes Belong grant and the Boulevard Addition grant, noting that they were very competitive grants. With respect to the Bike, Belong grant he said he never really expected to get it but thought he would try anyway. The fall round for GOCO is August 29th and he said he'd re-apply for the Boulevard Addition grant then and promised to be a pain until the City gets it. He concluded that he expects to get that grant eventually, but it will be a matter of time. He told Council that the good news is that the City obtained the State Historical Fund grant in the amount of \$31,875 for construction documents for the old lumber company building on Plum Street. The City will be working through the contract and as quickly as possible will get that project underway. Regarding the CDOT Transportation Enhancement Grant, Planning Director Fineberg told Council that the City received seven proposals for the design work. Staff met as a committee to review them and short-listed two firms for interviews, SEH out of Pueblo and SGM of Gunnison.

REPORT BY CITY ATTORNEY. City Attorney Beatty covered all items under the City Manager report.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. Consideration of Water Conservation Plan. Utilities Supt. Jim Fernandez addressed Council. He advised that this item was again placed on the agenda in anticipation that the plan would be available for Council's review, however it is not yet ready. He said his understanding is that the CWCB has completed its review of the plan and made some minor changes. The City is waiting now on the engineering firm to polish it up and make it presentable. Supt. Fernandez said it is hoped that the plan will be available for Council's consideration next meeting.

MISCELLANEOUS BUSINESS. Special events permit request (malt, vinous and spirituous) by Southern Colorado Repertory Theatre (SCRT) at 611 State Street for June 15, 16, July 4, 6, 7, 27, & 28, 2012. Councilmember Shew moved to grant the permit and Councilmember Baca Gonzalez seconded the motion. Roll call was taken on the motion which carried unanimously.

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Retail liquor store license renewal request by Kenneth R. Geggelman d/b/a Trinidad Beer, Wine & Liquor Depot at 111 E. Kansas Avenue. Councilmember Baca Gonzalez moved for the approval of the renewal and the motion was seconded by Councilmember Pando. Roll call was taken on the motion, which carried with all Council members voting aye.

Warehouse storage permit request by Kenneth R. Geggelman d/b/a Trinidad Beer, Wine & Liquor Depot at 111 E. Kansas Avenue. A motion to approve the warehouse storage permit was made by Councilmember Bolton. Councilmember Shew seconded the motion. Mayor Rino asked where the storage area is and if it is to rent out. Acting City Manager Beatty answered that it is at the back end of the building from Kansas Avenue and that the permit is for the storage of his own inventory. Roll call was taken on the motion and it carried unanimously.

Transfer of ownership of a hotel and restaurant liquor license request by David H. Liu d/b/a Chef Liu's at 1423 Santa Fe Trail (formerly Shun De, Inc. d/b/a Chef Liu's Chinese Restaurant). Councilmember Pando made a motion to set the transfer of ownership for public hearing at 7:00 p.m. on June 19, 2012. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote of Council.

Temporary permit request by David H. Liu d/b/a Chef Liu's at 1423 Santa Fe Trail. Councilmember Velasquez moved for the approval of the temporary permit and Councilmember Bolton seconded the motion. Roll call was taken on the motion which carried unanimously.

Appointment to the Tourism Board. Councilmember Shew made a motion to appoint Cheryl Clark to the Tourism Board (to fill the lodging vacancy under the new ordinance criteria for membership). The motion was seconded by Councilmember Bonato and carried unanimously upon roll call vote.

First reading of an ordinance requiring wildlife-proof refuse containers and dumpster enclosures for non-residential and multiple-family residential uses, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and read aloud in its entirety. Dan Ruscetti addressed Council. He said he was at the work session last week when Mayor Rino asked why this was being presented again and Planning Director Louis Fineberg said it was because Council had missed information the first time around, but no one explained what that information was. He suggested Mayor Rino re-ask the question this evening. He said evidently he said something wrong the first time around and apologized if he did. Mr. Ruscetti said the ordinance doesn't make sense at all. It looks as though they are concentrating on the fast food restaurants containers. He recalled that Councilmember Velasquez asked at the Planning meeting if the bears would move into the residential areas and was told no. Mr. Ruscetti said he doesn't believe bears know the difference between Boston Chicken and 1209 Garfield Avenue. Regarding multi-family areas, which is a use targeted by the ordinance, he said these are usually people just starting out in life or someone who doesn't have a good paying job and don't own their own home. He stated that he's sure the apartment owners will not absorb the expense, rather they would pass it on down to their tenants. He stressed that these are multi-family households when Councilmember Velasquez was told they would go into residential areas. Isn't this the same trash, only in a larger quantity in a residential area? There may be five families using one container, or there may be five cans lined up and down the street. It would be the same difference. Mr. Ruscetti said he understands and does believe it will help to put in lids and chains or bars to help at the restaurants. He said he does that now with his restaurant customers. He said the pipes and chains with clips he has on his work great, except when the young people who work there don't want to remove the hardware and throw the trash on top of the container instead. Who's at fault then? The bear will get it because it is sitting on top of the container - the trash can has the right kind of lid. The "bear-proof" lids he said cost \$200 each, such as at Bueno's restaurant. He said he brought a picture to the Planning Commission meeting showing that the lid was wide open. He said he had asked Bueno's why they were open and was told that the opening is so small they can't get their bags of trash in so they left it up. They work great when the lids are closed, but when they are not used properly what do you do? Mr. Ruscetti said he thinks this is a big expense to him and to the business owners and the people in Trinidad for four months out of the year - the time frame that we have bear problems. He suggested instead that if there is trash on the ground they should have Code Enforcement get the owner to clean it up or get a fine for littering. He reiterated that he didn't think they need to spend thousands of dollars for a four month problem. Mayor Rino said he thinks it is a problem with bears in the non-residential areas. The bears were in the Quality Inn's/Bueno's containers every night last year. The owner had to do something to protect himself and the employees. He asked what the real expense will be, how drastic it is. Mr. Ruscetti said he won't charge his customers any extra because this is not their problem, it's his problem. One of the other companies stated they will charge \$200 and the other one will charge \$25 per month. There'll be people paying \$25 per month from October to February when the bears are sleeping, paying an extra expense when there are no bears around. He opined that to be unfair to customers. Mayor Rino likened it to having snow plows in the summer that are unused. He said they need something workable. Mr. Ruscetti said his point is if the ordinance is approved and the container is not used properly, what happens then? Or, what if the bears move into the residential area - will the residential areas need bear-proof containers? Mayor Rino said he thinks the residential people can solve their own problem if they want to. A small container is a lot easier to take care of and some could put it in their garages or shed, etc. But, that can't be done with the large containers such as at the multi-family units and restaurants. Mr. Ruscetti questioned those who don't have garages or sheds, etc. Do you keep your trash in your house for a week? He said there are arguments all around. He reiterated that he understands and believes the restaurants do need these containers but said he doesn't feel it will be a solution to our problem. It will help, but won't cure the problem. He asked how the durability of the container is to be tested to make sure it qualifies under the ordinance, a 60-second bear-proof container. How do we know that? Mayor Rino said we don't - no one does. Mr. Ruscetti said they will have 72 hours to fix a damaged container. He asked if the Division of Wildlife will be liable for the repair to the container because it is part of a bear problem. If there's damage out in bear country the Division is liable - are they going to be liable for the containers? Pat Patrick addressed Council as a private citizen. He expressed his appreciation to Council for re-visiting this issue. He said he was possibly the person being referred to who said Council may have gotten insufficient information or inaccurate information. Mr. Patrick said he asked Planning Director Fineberg to bring this ordinance back to the table so that they could hear from everyone involved. He said he didn't believe they heard from the experts with wildlife or from the other two trash carriers. As a matter of minutes and record he said he'd be referring to how those carriers testified, but it is contained in the minutes of the Planning Commission as well. Passing this ordinance is only the beginning and that's what has been pretty much said by everyone involved. What will be very important is that this ordinance focus on our current major problems, but it has to be coupled with an intense education program. The Colorado Division of Parks and Wildlife

has these programs all over Colorado. Coincidentally there was an article in the Pueblo Chieftain today about bears and bear-aware programs. The potential of combining this ordinance with an educational component could result in a major impact in this community. Mr. Patrick said the Planning Commission has heard additional information and part of it came from hearing from three trash haulers. The other two trash haulers are in favor of this ordinance. They explained that they would establish what amounts to a payment plan if someone felt that this was a burden on them to get these bear-proof containers, which there is a national standard for in terms of how long a container will hold up. One trash hauler said they'd set up a payment plan and the other said it would be approximately \$25 per month for the first year to offset the cost. A spokesman from the hospital came to the Planning Commission meeting and said they have virtually eliminated their problem and it actually created a cost savings for them because their employees didn't have to go out and frequently pick up trash rather than doing other things. It also reduced a contamination problem that was brought into the hospital. Mr. Patrick continued that he has an apartment that he rents as part of his property. He said he's arranging to go together with his tenant to get a small metal container and he'll add a small amount that they pay for trash to their rent and they'll have in their alley a bear-proof container which will cost him just about the same as he's paying now for one that isn't bear-proof and will cost his tenant less. He said other landlords and tenants could work out these issues. Mr. Patrick said the Division of Wildlife had testified at the Planning Commission meeting that this would be a good start although it is not the end all or solution. The Planning Commission made up of seven individuals that Council appointed voted unanimously to forward the ordinance to Council in support of it. Many people in our community have already voluntarily taken action and they don't need an ordinance. There are others that maybe need a nudge and some help to put the ordinance in place at those locations defined in the ordinance. Mr. Patrick concluded that how we treat our domestic and wild animals says a lot for the kind of people we are. Councilmember Shew asked DOW Officer Bob Holder how the bear education program is going and asked him to come talk to the one at his house because he doesn't seem to be well educated. Bob Holder, District Wildlife Manager in Trinidad West District, and Jeremy Gallegos, District Wildlife Manager in Trinidad East District, addressed Council. He said they wouldn't offer opinions but will offer statements of the law. He said concerning the durability of the containers, if you talk to Planning Director Fineberg they'd learn there have been several studies done throughout the United States about bear-resistant containers. Regarding Mr. Ruscetti's request of the Division being liable for the dumpsters, state law allows for damage payment if it is related to agricultural products. The Division is not liable for real or personal property not related to agriculture, ie. hummingbird feeders, hot tub covers, etc. The Legislature discounted those things approximately 15 years ago. Mr. Holder told Council for their information that in Las Animas County last year, which was kind of an extraordinary bear year, they had 16 bears they had to euthanize, 5 trapped and relocated, 8 orphaned cubs, and 62 hunter-harvested bears, all just in Las Animas County. Mr. Holder told Council that when he and Officer Gallegos respond to a bear call they fill out a human-bear conflict form where they describe what happened and what the public can do to maybe change some of those things. He said they didn't have time to fill out all of the forms for the number of calls they had last year. They did however fill out 94 conflict forms last year and had 13 road kills and other mortalities, including poaching. Within a three mile radius of Trinidad they filled out 35 conflict forms, they had two rehab cubs here that they got out of town, they had two bears that were euthanized, seven bears were trapped and relocated, five traps were set unsuccessfully, four road kills right in town and obviously no hunter harvests. On the Raton Pass they had seven additional road kills. Mr. Holder surmised that that gives Council an idea on the numbers they dealt with last year. Mayor Rino commented there seems to be a number of bears in the City. Mr. Holder said we did and asked them to consider that when we have bears showing up in town there's a reason. It's not just that there's trash in town, but that there's a food shortage in the hills. This year we are not seeing the number of conflicts in town, because of the frequent moisture we are getting. We are getting a different gradient of food at different elevations and are starting to see more conflicts at a higher elevation rather than here in town. We don't have the numbers here in town that we had; we lost a lot of bears last year. Councilmember Shew moved to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 19, 2012. The motion was seconded by Councilmember Baca Gonzalez and carried unanimously upon roll call vote.

ORDINANCE NO.

AN ORDINANCE REQUIRING WILDLIFE-PROOF REFUSE CONTAINERS AND DUMPSTER ENCLOSURES FOR NON-RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL USES

First reading of an ordinance amending Chapter 19, Article 1 of the City of Trinidad Code of Ordinances to include §19-5.1 ("Unlawful to Permit Tree Topping") for the purpose of regulating the excessive and extreme pruning of trees located on public lands and further amending Chapter 19 by adding Article 3 ("City Tree Board") for the purpose of establishing a tree board to advise the City and its constituent departments on matters regarding tree planting, care and planning, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 19, 2012 was made by Councilmember Shew and seconded by Councilmember Baca Gonzalez. Upon roll call vote the motion carried unanimously.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1 OF THE CITY OF TRINIDAD CODE OF ORDINANCES TO INCLUDE §19-5.1 ("UNLAWFUL TO PERMIT TREE TOPPING") FOR THE PURPOSE OF REGULATING THE EXCESSIVE AND EXTREME PRUNING OF TREES LOCATED ON PUBLIC LANDS AND FURTHER AMENDING CHAPTER 19 BY ADDING ARTICLE 3 ("CITY TREE BOARD") FOR THE PURPOSE OF ESTABLISHING A TREE BOARD TO ADVISE THE CITY AND ITS CONSTITUENT DEPARTMENTS ON MATTERS REGARDING TREE PLANTING, CARE AND PLANNING

Selection of Interim City Manager. Mayor Rino reminded that Council had interviewed two individuals. Councilmember Shew made a motion to retain Ralph Gagliardi as Acting City Manager for the City. Councilmember Velasquez seconded the motion. Roll call was taken and the following votes were cast:

- Aye - Bonato, Pando, Shew, Velasquez, Rino
- Nay - Baca Gonzalez, Bolton

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The motion carried by majority. Mayor Rino asked Mr. Gagliardi who was in attendance to come in and visit with City Attorney Beatty regarding contract documents tomorrow and suggested he start on Monday. Mr. Gagliardi addressed Council and stated that he changed his mind regarding a previous statement he made. He explained that he's stated if he didn't have Council's unanimous support he would decline the position, however said instead he would make the two Council members who voted against his retention like him and satisfied with his work ethic. He added that he's been dubbed as 'one of the good ole' boys' and said he's not sure if that's a compliment or a derogatory comment. Mr. Gagliardi said he is a life-long resident. The sign of a successful person means you might have a few enemies because not everyone will like you all the time. He said he's an independent person and that he has no ties or favors to pay back. He'll use just good common sense and his office will be open at any time. He said he'll work 14 to 16 hours per day if he has to. He also dispelled rumors that he's heard that he'll be out to axe a few department heads. He said that is garbage and concluded that he will strive to have Council's confidence in any of his judgment calls.

Resolution declaring the existence of a special emergency involving the health and safety of the citizens of Trinidad and their property as it regards the unsafe structural condition of the Jaffa Opera House located at 100 West Main Street. Acting City Manager Beatty said he'd appreciate Council's consideration of this resolution as it was not an item on Council's previous work session agenda. He asked Council's consideration of this proposed resolution declaring the existence of a special emergency regarding the Jaffa Opera House located at 100 West Main Street. The City has been attempting to work with the property owner to compel them to take action and the process has been slow to date. Staff would like to proceed pursuant to the International Property Maintenance Code adopted by the City. If a special emergency is declared it will assist staff with our procurement policy as well. He pointed to a draft construction contract for Council's consideration which is still being worked through. The plans incorporated into the contract involve the construction of a pedestrian walkway in front of the building and along Alley A. It includes also the scaling of loose material on the façade and installation of safety netting to catch any loose debris that may fall. Finally, it includes the removal of the concrete barriers that are currently obstructing one lane of Main Street. Councilmember Bolton asked if the walkway will be scaffolding or wood-frame construction. Acting City Manager Beatty answered that it will be engineered wood-frame construction. Councilmember Bolton asked if the resolution language should include that a lien will be filed against the property. Acting City Manager Beatty said staff will work with the property owner to seek direct reimbursement before filing a municipal lien. If the City is unable to obtain reimbursement, a lien will indeed be filed. Councilmember Baca Gonzalez pointed out that language is independent under City ordinance. Acting City Manager Beatty confirmed that and said the City's Property Maintenance Code addresses it along with the City municipal code. A motion to adopt the resolution was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. The motion carried unanimously upon roll call vote.

RESOLUTION NO. 1387

RESOLUTION DECLARING THE EXISTENCE OF A SPECIAL EMERGENCY INVOLVING
THE HEALTH AND SAFETY OF THE CITIZENS OF TRINIDAD AND THEIR PROPERTY AS IT
REGARDS THE UNSAFE STRUCTURAL CONDITION OF THE JAFFA OPERA HOUSE
LOCATED AT 100 WEST MAIN STREET

BILLS. A motion to approve the bills as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Shew. Councilmember Bonato asked if check #12539 was the final payment to Purgatoire Valley Construction for the Flag Project. Acting City Manager Beatty answered that it was. The payment was the retainage. Roll call was taken on the motion to approve the bills and carried unanimously.

PAYROLL, May 12, 2012 through May 25, 2012. A motion to approve the payroll was made by Councilmember Pando and seconded by Councilmember Shew. The motion carried unanimously. Councilmember Baca Gonzalez pointed to there being two payroll reports to approve, that of April 28, 2012 to May 11, 2012 also. She moved for its approval as well. The motion was seconded by Councilmember Shew and carried unanimously.

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

ATTEST:

JOHN RINO, Mayor

AUDRA GARRETT, City Clerk