

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, January 8, 2013 following work session 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, January 8, 2013 following work session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) First reading of an ordinance repealing and re-enacting § 12-12 of Article 2 of Chapter 12 of the Code of the City of Trinidad, Colorado, for the purpose of restructuring rates for electric service, power, and energy, and setting a hearing date for consideration of said ordinance
- 2) EXECUTIVE SESSION
  - a) 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;
    - i) For a conference with the City Attorney for attorney/client communications regarding City Manager applications
  - b) For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)
    - i) Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street
    - ii) Robert Leonetti d/b/a Park Café at 608 Arizona Avenue
- 3) Selection of finalists/interviewees for the position of City Manager

The meeting was called to order at 2:25 p.m.

Roll call was taken.

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

The pledge of allegiance was recited.

First reading of an ordinance repealing and re-enacting § 12-12 of Article 2 of Chapter 12 of the Code of the City of Trinidad, Colorado, for the purpose of restructuring rates for electric service, power, and energy, and setting a hearing date for consideration of said ordinance. (A copy of the ordinance with a clarification made to language for purposes of billing date/effective date clarity had been provided to Council prior to the meeting and is what was considered.) 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 1:30 p.m. on January 22, 2013 was made by Councilmember Shew and seconded by Councilmember Mattie. Councilmember Miles commented that she read through the rate design and opined that it was highly skewed toward large users. She said she has some very substantial questions of Mr. Euler. By her read she said the average user will not get a rate decrease, except the large users. She said she has substantial concerns about that and she will be talking to Mr. Euler this week with Acting City Manager Acre. Mayor Baca Gonzalez recalled a confidential memorandum provided to Council some time ago by former City Attorney Jerod Beatty whereby there were expressed concerns about a disproportionate impact affecting the large power users. Therefore she said it would seem that as the rates are adjusted it would be possibly logical that the one who would benefit most by these current adjustments will be the large power users. She offered to provide a copy of the memo with Councilmember Miles. Acting City Manager Acre said that if there are suggested changes between now and the public hearing it would not necessitate Council starting the process over. He added that he and Councilmember Miles will be calling Mr. Euler tomorrow. Roll call was taken on the motion and carried unanimously.

JANUARY 8, 2013

## ORDINANCE NO.

AN ORDINANCE REPEALING AND RE-ENACTING § 12-12 OF ARTICLE 2 OF CHAPTER 12 OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF RESTRUCTURING RATES FOR ELECTRIC SERVICE, POWER, AND ENERGY

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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 - For a conference with the City Attorney for attorney/client communications regarding City Manager applications; and for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) - Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street and Robert Leonetti d/b/a Park Café at 608 Arizona Avenue. A motion to enter into executive session for the stated purposes was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote and the executive session ensued at 2:46 p.m. Upon conclusion of the executive session at 3:38 p.m. the special meeting resumed.

*I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 8<sup>th</sup> day of January, 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.*

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*Les S. Downs*  
 City Attorney

Selection of finalists/interviewees for the position of City Manager. Councilmember Bolton made a motion to announce the names of the City Manager finalists as Tom Acre of Denver, Colorado, and John Schneiger, of New Port Richey, Florida. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote. Mayor Baca Gonzalez announced that interviews will be scheduled for January 22, 2013 and Council will make a selection on January 29, 2013.

There being no further business, Councilmember Shew moved to adjourn the special meeting and Councilmember Velasquez seconded the motion. The motion carried unanimously upon roll call vote and the meeting adjourned.

ATTEST:

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 BERNADETTE BACA GONZALEZ,  
 Mayor

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 AUDRA GARRETT, City Clerk