

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, July 1, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bolton, Fletcher, Mattie, Miles, Torres
Also present:	City Attorney	Downs
	City Clerk	Garrett
Absent:	Councilmember	Bonato

The pledge of allegiance was recited.

Mayor Reorda asked for a motion to move items 8a, 8b and 8c under Miscellaneous Business to the beginning of the agenda so the people representing the liquor licenses wouldn't have to stay for the entire meeting. Councilmember Miles moved to adjust the agenda accordingly and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

APPROVAL OF THE MINUTES. Regular Meeting of June 17, 2014 and Special Meetings of June 19, 2014 and June 24, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Torres. The motion carried unanimously, excepting the June 17th minutes whereby Councilmember Miles abstained due to her absence from that meeting.

MISCELLANEOUS BUSINESS. Special Events Permit (malt, vinous and spirituous) request by Arthur Roy Mitchell Memorial, Inc. at 150 E. Main Street for July 19, 2014 (Quick Draw Event). Susan Porterfield was present on behalf of the applicant. A motion to approve the permit was made by Councilmember Bolton. The motion was seconded by Councilmember Miles and carried unanimously upon roll call vote.

Retail liquor store license renewal request by Trinidad Beer, Liquor & Wine Depot, LLC d/b/a Trinidad Beer, Liquor & Wine Depot at 111 E. Kansas Avenue. Ken Gegelman was present on behalf of the applicant. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

Temporary modification of premises request by Mt. Carmel Health, Wellness & Community Center at 911 Robinson Avenue. Kim Schultz was present on behalf of Mr. Carmel Health, Wellness & Community Center. Councilmember Bolton moved to approve the temporary modification of premises request and the motion was seconded by Councilmember Fletcher. Roll call was taken on the motion and it carried unanimously.

PUBLIC HEARING. New Medical Marijuana Center application filed by M & M Distributing, LLC at 422 N. Commercial Street. Mayor Reorda opened the hearing and called for comments for or against the application. Gloria Ahern, addressed Council and was sworn in. She said she was here to further disapprove of the medical marijuana center at 422 N. Commercial Street. Ms. Ahern said she is one of the owners of Curves, Healthy Changes, LLC, at 413 N. Commercial Street and is opposed to them joining the neighborhood and doesn't feel it belongs in that neighborhood. She continued that she is concerned, even though last time she spoke about the amount of water it will take for these cultivating places, after research this week with the City Clerk's office she was not able to determine that matter has ever been researched. She urged Council to do research so the businesses and citizens of the City and County can be assured there will be no disturbance to the amount of water they are able to have. John Micheliza and Geraldine DeAngelis addressed Council and were sworn in and introduced themselves. Geraldine (Gerri) DeAngelis told Council that they were both born and raised here and had been in the alcohol business previously for 50 years as a Budweiser distributorship/dealers. In 2000 they sold the business and their building has been empty now for 14 years. When marijuana came around it was like a light bulb going off. Their facility will be the perfect facility because it is a secure facility. When they had the beer in the warehouse they never had any problems. Ms. DeAngelis continued that when marijuana came around they thought someone would want to buy the building. Three people looked at it; none panned out. So, she said they decided it was time to do something with the building themselves. John has two grandchildren and Ms. DeAngelis said she has six grandchildren all reaching college age, three in and one graduated. Also they thought it would be a plus for the City of Trinidad economically. John Micheliza stated that he has been here a little longer than his sister, Ms. DeAngelis, 18 months. The family was in business over 60 years with their dad. He said they have a warehouse here and one in Lamar, both empty. They have to do something with them to pay for the taxes and the like. To City Attorney Downs' questions, Geraldine DeAngelis, on behalf of the applicant, testified as follows: The proposed license holder corporate name is M & M Distributing, LLC at 422 N. Commercial Street in Trinidad. City Attorney Downs requested that the questions posed be considered for both hearings for the two license types applied for, the medical marijuana center and the medical marijuana optional premise cultivation operation. Ms. DeAngelis testified that M & M Distributing, LLC is a Colorado corporation in good standing. She and John Micheliza are both principals in the limited liability corporation and each own 50% of the business. The limited liability corporation has existed since March, 2014. They have not registered a trade name. There are no other principals on the corporation. The only employee at this time is Geraldine's husband, Joseph DeAngelis, who has already also been cleared, having submitted to a background check. Two applications were submitted for two proposed marijuana licenses to the City Clerk. There are no material misrepresentations on the applications for the licenses. All of the information is correct. She further testified that they have made themselves familiar with the Colorado medical marijuana code, the statutory scheme for marijuana facilities, the Department of Revenue regulations and the City of Trinidad medical marijuana ordinance. She said they understand that they will have a continuous and ongoing obligation to comply with all City officials, the building official,

fire chief, police chief, city clerk, city attorney, planning director, etc. There are a lot of people to have to comply with in terms of the application process. Ms. DeAngelis said she has spoken to all of them. She showed Council their state key code badges which allows all three of them to work with medical marijuana at this time. Mayor Reorda asked which Joseph DeAngelis is licensed. Ms. DeAngelis answered that it is Joe, Sr. She testified that they have submitted their complete application to the Colorado Department of Revenue in support of the licenses they are seeking. They also understand their continuous duty to comply with the state as well and understand that there is a dual licensing scheme whereby both state and local licensing approval is needed. Ms. DeAngelis said they do not have an anticipated begin date. She testified that all three submitted to background checks and came back clean, no criminal history. They understand other principals and employees will have to submit to background checks as well. They have provided everything in terms of their application to the City Clerk to date. Ms. DeAngelis complimented staff. She testified that they paid the application fees in full for both licenses. Diagrams were submitted in support of the licenses accurately reflecting the floor plan for the proposed premises, indicating where they will intend to sell and cultivate marijuana. They understand the requirements with respect to whom they are allow to sell and cultivate for - the cardholders registered with their business. They have a lease arrangement. The building was owned by her sister Judy, John Micheliza and Geraldine DeAngelis. Last March their sister Judy passed away. Her share of the building went to a trust. She had two sons and a daughter-in-law who are part of the trust. M & M Distributing, LLC, is leasing the building from Judy's estate/trust, John Micheliza and herself. Those are the only owners of the building at 422 N. Commercial Street. The lease agreement is from the trust to M & M Distributing, LLC. That trust has authorized M & M Distributing, LLC to carry on a marijuana business or businesses. The financial backing has been fully disclosed for the proposed marijuana business, John Micheliza and Geraldine DeAngelis. There are no other financial backers and they don't anticipate any. Ms. DeAngelis upon continued questioning testified that they cooperated with the conditional use permit process, having appeared before the Planning and Zoning Commission. They received an approval for both license types. They have provided the Planning Director's office with everything required. They understand that there are lighting requirements for the exterior of the facility, and security for both the interior and exterior. Regarding security, she testified that they are contracting with a company for that purpose. When asked if there was anything else they wished to tell Council, Ms. DeAngelis said they are excited. It is a new venture for all of us. Both sides are learning. It is going to be a trial and error process. They are starting slow. She asked that Council help them out. City Attorney Downs asked if they understand that when they get a trade name they need to provide it to the City Clerk, as well as employee information first. They need to let the proper authority and state know. Any developments as they occur need to be reported. Ms. DeAngelis stated they understand. Mayor Reorda asked if they have money coming from the trust. Ms. DeAngelis said it is not. The trust has nothing to do with the business. The business is owned by just John Micheliza and herself. The members of the trust will be their consultants because she and John never used marijuana or know what it looks or smells like. They will depend on other people to get information. Councilmember Mattie asked if they understand the City is proceeding, as is the rest of the State, with Colorado enacted State law. As of the present, the City is doing so with the gratuity of the Federal government because marijuana continues to be a regulated substance in Federal law. Further the City has no control over what may or may not happen when and if the Federal government decides to take a more restrictive stance on the use, sale and growth of marijuana. Ms. DeAngelis said they are very well aware of it. John Micheliza stated one advantage they might have is having been in the beer business for 50 years they dealt with the federal government more than the state. Councilmember Mattie confirmed they realize the inherent risk and their eyes are wide open. He wished them good luck and God speed. Mayor Reorda said that is a concern, that the federal government is letting them go through and then all of a sudden may make some stringent and severe regulations that will kick you out of business. Ms. DeAngelis noted that we may get a new president with different views also. Councilmember Miles said there was testimony given that this fully discloses the financial interest. She said regarding the lease there is a way to have financial backing by having above or below market rents for the lease, creating a financial interest in the business. She asked if the rent at the business is at market rates. Ms. DeAngelis answered they are paying \$1,500 per month. Councilmember Miles asked for confirmation that they will not be profits diverted through the lease agreement. Ms. DeAngelis confirmed there would not be, adding that they haven't even paid rent yet. Councilmember Miles recalling the testimony that they don't have an anticipated opening date, asked if they thought it would be some time this year. Ms. DeAngelis said it should be this year. The office is not up to code and is currently being renovated and brought up to code. The warehouse and basement are empty. The storage area should be done by July 31st. John Micheliza added that the architectural drawings should be ready in the next week or two for the grow areas in the warehouse. Ms. DeAngelis told Council that they have contracted an engineer and electrical engineer. They are working on it. As fast as they can get things done it will be done. Councilmember Miles asked if they are aware that Building Inspector Chris Kelley is recommending the license be conditioned on them receiving a certificate of occupancy and if that is acceptable. Ms. DeAngelis said it is and added that they have been working with him closely. The police department and fire department said the same thing. There is nothing there for them to see right now except four walls. Mr. Micheliza added that the burglar and fire system in the building is 15 to 16 years old. A technician has been called in to update it. They are waiting to update it if the license goes through. City Attorney Downs asked if they have a water tap from the City and if they are planning on using City water, understanding that they are not allowed a ground well. Ms. DeAngelis answered affirmatively. City Attorney Downs asked if they understand their advertising limitations. Ms. DeAngelis said they do, only one green cross. She testified upon inquiry that they are seeking conditional use permits for retail marijuana licensing and have a meeting on July 8th. Once they get the conditional use permits they will submit their applications to the City and State. Mayor Reorda asked what the vote from the Planning Commission was for their conditional use permit requests. City Attorney Downs recalled it to be unanimous and Planning Director Fineberg confirmed. Mayor Reorda called for testimony from anyone concerning the application by M & M Distributing, LLC at 422 N. Commercial Street for a new Medical Marijuana Optional Premise Cultivation Operation. Gloria Ahern, Curves in Trinidad at 413 N. Commercial Street, addressed Council and stated she is opposed to this license for the same reasons she is opposed to the first one considered and is concerned about the amount of water that will be used for this cultivation and other cultivations for which conditional use permits are issued. Mayor Reorda stated that Council understands her concern. He called for further comment. Daryl Shoup addressed Council and was sworn in. He testified that he just moved his family to Trinidad. Mr. Shoup said he is an Eagle Scout and has been all over the United States, in the HVA business and had his own company for many years. He is employed by a large firm that covers several states. They do all kinds of HVAC boilers, chillers, etc. other grow facilities. He said he has a son and step daughter. Mr. Shoup said he has seen all of the effect of these businesses that have actually been very controlled and positive. He has noticed that the new security they are running improves the area where they build. He told Council he actually builds grow rooms, but does the HVAC, 100 ton and 50 ton units, all refrigeration. He said he plans on buying property here and likes this area. He said he's been here since childhood on and off. It is a positive thing for the community to fill vacant space and have good, healthy business, so long

as it is all done legally. He added that he has other interests in other business here, however nothing to do with medical marijuana. In their neighborhood he said if it were done correctly it would be professional. City Attorney Downs asked Council to accept the submittals contained in the application. He pointed to written findings provided. He submitted that the application has no material misrepresentations, the applicants are of good moral character, the premise is in the proper zoning classification as indicated by the Planning, Zoning and Variance Commission. He said he understands Gloria Ahern's concerns made as a party in interest as defined by ordinance. The applicant submitted a complete application. Mayor Reorda told Gloria Ahern that her areas of concern will be patrolled. They will not let other businesses fall apart because of marijuana. Council is as interested in her business as they are in marijuana. Councilmember Bolton moved to approve both licenses and recited the following:

This matter came on for hearing on the application of M & M Distributing, LLC at 422 N. Commercial Street in Trinidad, Colorado, for a Medical Marijuana Center License and a Medical Marijuana Optional Premise Cultivation Operation License, before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on July 1, 2014, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, reports of the City Clerk and other City staff, evidence at the hearing and testimony taken during the hearing, makes the following **FINDINGS**:

1. The application is complete and signed by the applicant, and the applicant has paid the appropriate application and license fee.
2. The application appears to be in substantial compliance with all the requirements of Article 11, of Chapter 14 of the Trinidad Municipal Code. The applicant has testified to their willingness to comply with any all areas of said Article whereby compliance at this time cannot be fully attained or substantiated.
3. According to the testimony of the applicant, the application does not contain any material misrepresentations.
4. The proposed medical marijuana business complies with applicable zoning regulations. The City Council hereby finds that based upon the testimony of the applicant, the building in which the proposed medical marijuana business will be located will conform to the Trinidad City Codes, including the zoning code and all International Codes adopted by the City.
5. John Micheliza, Gerri DeAngelis and Daryl Shoup testified in favor of granting the license. Gloria Ahern testified in opposition.
6. The applicant through the facts and evidence adduced as a result of the City's investigation and testimony provided, made a prima facie showing the members of the limited liability corporation are of good moral character and any employees of their entity will likewise be of good moral character.
7. The City Clerk's report showed that there are currently no medical marijuana-licensed businesses within the City of Trinidad.
8. Based on the evidence presented at the hearing and the investigative materials provided for the hearing, the City Council finds that the location of the business is appropriate, and that the applicant officers are of satisfactory moral character and there is a willingness by the applicants to fully cooperate with the officials of the City in the operation of this business.

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local marijuana licensing authority, hereby approves and grants a Medical Marijuana Center License and a Medical Marijuana Optional Premise Cultivation Operation License to M & M Distributing, LLC at 422 N. Commercial Street in Trinidad, Colorado. The issuance of said licenses shall be withheld until a certificate of occupancy is issued by the Chief Building Official and upon his absolute confirmation of compliance with all codes adopted by the City of Trinidad. The motion was seconded by Councilmember Miles and carried by a unanimous roll call vote of Council members present.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. ADA. Stephen Hamer addressed Council. He told them that people think Stephen's List is composed of Stephen when in fact they have 24 people, four full-time employees, three part-time employees and 17 full-time volunteers. Their auditors felt that Mr. Acre put the City 100 years behind with regard to ADA compliance. He added that their position is that Louis Fineberg in his current position and as Acting City Manager will take the City back to the dark ages. The biggest obstructionist in their view is Louis Fineberg. His plans do not include mandatory standards by the ADA and the City needs to meet them for those who are disabled. The City slaps the disabled community face every day because of Louis Fineberg. Mr. Hamer said he wants the City to consider there has been no changes in the months that he has been here. There have been some cosmetic changes, but none of any sustenance. He urged Council to recognize and even make a proclamation that the City understands the needs of the disabled community and that the City is willing to treat them the same and those without disabilities. He called on Council to take action because there is really nothing happening. The disabled can't go across the crosswalks without their lives being endangered. He said he'd like to see a police presence at some of the crosswalks. He concluded that it is dangerous and he'd like to see change. He reiterated the group's opinion that Louis Fineberg is the biggest obstructionist in this city and county. He asked that his position as Acting City Manager be limited and there is a lot of brevity associated with it.

COUNCIL REPORTS. Councilmembers Mattie, Fletcher, Torres, Miles and Mayor Reorda had nothing to report.

Councilmember Bolton asked why the City's swimming pool is closed on the 4th of July. Asst. City Clerk Dona Valencich answered that there isn't enough attendance. Councilmember Bolton responded that is unbelievable. Sh'Tarra Getaus commented from the audience that she lives in that neighborhood and will be attending the library's summer reading program and feels like there are a lot of easy things that can be done through the community center that are just not being done. She concluded that she is talking with the director about it being a more attractive place.

REPORTS BY CITY ATTORNEY. City Attorney Downs advised Council that his formal annual evaluation is

City Attorney Downs reminded Council that at their last regular meeting Tom Murphy wanted to know the total figures paid to local counsel for the ARPA litigation. He said the total is approximately \$52,000, \$13,357, \$35,160 and \$4,173 were the approximate amounts. He said it was also suggested that the payments were coming from the General Fund and corrected that the allocations are coming out of the Power & Light Fund. Upon inquiry from Mayor Reorda, City Attorney Downs clarified that this is a separate firm. City Attorney Downs stated that the Albuquerque firm Juan Flores is with had to associate with local counsel. Councilmember Miles confirmed the three amount provided by City Attorney Downs to be the annual figures paid.

REPORTS BY CITY MANAGER. Acting City Manager Fineberg deferred to Tara Marshall for a report she wished to provide to Council. Ms. Marshall advised Council that the City received word last week that the City had been nominated for a Governor's award. The award nomination is for best downtown management program. It is for our elected officials' commitment to historic preservation and restoration of the downtown; it is for City staff's commitment to the Creative District and the Main Street Program and for the amazing number of volunteers the City has. She noted Marilyn Leuszler's presence in the audience as one volunteer and named the various volunteer boards and commissions the City has including the Tourism Board, Planning & Zoning, Parks and Recreation, Creative District, Main Street Program, the Community Foundation, Economic Development, the Chamber of Commerce, the A. R. Mitchell Museum, SCRT, the Arts Council and on and on. She reiterated that it is for the amazing number of volunteer who commit their time to improving our downtown. Ms. Marshall said the City was not self-nominated. We were nominated by another town along with two agencies. There will be an opportunity in the next couple of weeks for the City to round out the application. The award will be conferred by the Governor at the Downtown Colorado, Inc. conference held September 10th through September 12th in Fort Collins. Mayor Reorda called upon Marilyn Leuszler to presented an overview to Council of what their organization has done. Ms. Leuszler told Council that Creative District presented to the community all of those things that have been accomplished in the last couple of years, such as the process of Creative Industries, Creative District having formed, who were the first selected, who were the next five selected, of which Trinidad was one. They then spoke about the process as it continues. There was a presentation by the consultant for whom Creative Industries paid. She did a wonderful job. She has designed all sorts of great things, benches, our new logo and possibilities for pop-up art, etc. She said they are looking forward to putting some things in place. A lot of people in the community have asked what they have been doing. Ms. Leuszler said for a solid year and one-half they spent building a solid business-based organizational structure so they were not just flying out there blind. They are trying to plan a solid set of goals, put together in a way that they can facilitate them. That hard work is done behind the scenes to get everything set up and ready to implement things that will help the community. They are now at the implementation stage and things are moving forward quite rapidly and are very excited for things to continue. They have already seen new galleries open, new businesses in town and there are artists who have moved into the community from other locations, two from Kansas City. The new director at the Mitchell Museum is from Santa Fe, New Mexico. Her boyfriend will join her at the end of the summer. He is a graphic artist. They are talking about buying a home and opening a business. Things are moving and gaining momentum. She said they are glad they took the time they did to put things into place properly. We will soon see creative crosswalks in place in Trinidad, having been working with the City on that project. First designs have been wonderful. Part of it has been convincing people they are in fact creative. It's not so much art, it's creativity, innovation, and entrepreneurship. Things are moving forward better than they could have ever expected and the State loves Trinidad. They have a good camaraderie with other Creative Districts in the state. They have come to know the other people involved and they help each other. They are learning from one another and avoid some of the common plights and mistakes. It's a new program having only been in existence for a couple of years. She said they are all very happy with the progress that has been made. Mayor Reorda pointed out Planning Director Fineberg has been involved. Ms. Leuszler said he absolutely has been. He wrote the grant. Also there has been a team of six people involved from the inception starting with a phenomenal application and ensuing application where the City was designated as an emerging creative district and then a creative district, respectively. Trinidad is among the best in the state right now. She said she hopes Trinidad realizes that as well as the rest of the state. She recognized Carol Bolton, Tara Marshall, Harriet Vauegois, Jim Vigil, herself and Louis Fineberg as the team of six. It is something they feel strongly about and see successes in other creative district communities and are gathering data and looking at numbers. They will shortly be able to put those figure out and that data and it will help to tell the story to the business people as well as the rest of the community. Mayor Reorda asked to be invited to the next big meeting. Ms. Leuszler agreed but said he can't speak. Councilmember Fletcher applauded their efforts. Ms. Leuszler said it has been a community effort that went from 251 signatures to 1,075 signatures between the first and second application, plus letters of support from business and organizations in the community as well as City support. It wasn't the work of a few people; it has been the entire community. Mayor Reorda asked to be shown their video at a work session. Ms. Leuszler said they learned interesting things from the consultant's visit, such as the fact that there is a great neon sign company in Trinidad that none of us paid much attention to. There were things an outsider was able to see and we who live here walk by every day and don't notice so much. It was very well done and good plans for the future. There was great community input. Mayor Reorda asked if Council has notice the Creative District signs popping up around town. Councilmember Mattie commented there are good things under foot. Councilmember Bolton commented that the wall in Council Chambers has been painted if she and Ms. Bernhardt are ready to get to work. Ms. Leuszler explained that Deb Bernhart did a complete inventory of all public art held in Trinidad. Many pieces were found in closets at the library and this building. The art is now located around the City. She noted that Carol Bolton's company donated plaques identifying the pieces. It was again a community effort with everyone working together. Mayor Reorda commented that we fail to recognize agriculture as an industry in our area and we need to do that more.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance repealing and re-enacting Chapter 14 ("Planning and Zoning"), Article 8 ("Wireless Telecommunications Towers and Facilities"), Section 14-153 ("Development of Towers") of the Code of the City of Trinidad, Colorado, to protect the open zone district and the City's viewshed, minimizing the impact of man-made structures and grading on the ridges of hills, mesas, mountains, open spaces, and similar natural features, visible from public rights-of-way in the open zone district. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading an ordinance repealing and re-enacting Chapter 14 ("Planning and Zoning"), Article 8 ("Wireless Telecommunications Towers and Facilities"), Section 14-153 ("Development of Towers") of the Code of the City of

Trinidad, Colorado, to protect the open zone district and the City's viewshed, minimizing the impact of man-made structures and grading on the ridges of hills, mesas, mountains, open spaces, and similar natural features, visible from public rights-of-way in the open zone district. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Miles and seconded by Councilmember Fletcher. The motion carried by a unanimous roll call vote and will become effective on July 11, 2014.

ORDINANCE NO. 1961

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 14 ("PLANNING AND ZONING"), ARTICLE 8 ("WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES"), SECTION 14-153 ("DEVELOPMENT OF TOWERS") OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, TO PROTECT THE OPEN ZONE DISTRICT AND THE CITY'S VIEWSHED, MINIMIZING THE IMPACT OF MAN-MADE STRUCTURES AND GRADING ON THE RIDGES OF HILLS, MESAS, MOUNTAINS, OPEN SPACES, AND SIMILAR NATURAL FEATURES, VISIBLE FROM PUBLIC RIGHTS-OF-WAY IN THE OPEN ZONE DISTRICT

Consideration of finance software acquisition. City Attorney Downs addressed Council. He said with respect to the proposed purchase of software there are two issues. The first was whether it was necessary or legally required to have a bidding process or request for proposals published in support of seeking bids for this project. The Code of Ordinances requires that most purchases the City makes, certainly over \$30,000, be subjected to bidding or an RFP. That's the general rule under Section 7-52 of the Trinidad Municipal Code. Section 7-53 provides that it's an exception to the general rule for a bidding requirement and don't apply to the purchase of goods when the purchase is pursuant to contract with a United States agency, or when standardization or compatibility are overriding considerations. In conferring with Pat Merrill from CIRSA (the City's insurer), City Attorney Downs said that because of the unique nature of the service we are seeking, it is the opinion of staff that this should not have to be submitted to the bidding process or RFP process. Finance Director Medina has explored this and had been looking at it for over a year. He also conferred with over three dozen colleagues about suitable software for their municipalities. In each instance the names of software companies came up – Tyler, Casselle, ADG and Sungard. Finance Director Medina in exercising due diligence looked into this and his opinion is that the company he has a contract for is the most suitable. This is a company where everything is in-house. There is no outsourcing and no third-party agreements necessary. It's a company with thousands of people. It is one of the lowest prices we could have obtained and for all of those reasons the only company deemed suitable for our needs. The software will do everything function in Trinidad city government where needed. It does utility billing, meter reading, minutes, meetings, municipal court document case load management, and financial software. Everything we do, this software will do for us and that's why it is deemed appropriate. He added that the City didn't try to slight anyone or award a contract secretly. It was simply determined to be the best after a considerable amount of due diligence especially by Finance Director Lonny Medina. Mayor Reorda asked if the things we outsource will be done in house. City Attorney Downs said much of what is done now is done in house. This will bring us into the modern era. Every department is in need of a new software upgrade. No one was trying to be exclusionary. There are only a few companies that do this. Tyler has over 2000 cities including neighboring municipalities and they provide constant and consistent training, support and troubleshooting. Finance Director Medina told Council that he has done his research and thinks Tyler will move us into the modern era. The City needs an integrated governmental fund accounting software program that is hosted in a cloud system. We are doing that because the network for our infrastructure is aging. He told Council he wants to move forward. This will affect everyone in the City. People will be able to see their bill on line and pay their bill on line as well as use their credit card even at the pool. In discussions with Tyler if the City signed with them by June 30th we would receive about a \$20,000 discount. Since we didn't, they extended to us by saying if we sign it today and make it effective yesterday they will still honor the agreement. Councilmember Miles said she spent time on this matter yesterday, as Finance Director Medina and City Attorney Downs can attest. They had a conference call with Senior Attorney Pat Merrill at CIRSA where she told Council she pressed very hard on the matter of compliance with the ordinance. She asked questions about the process and it turns out that CIRSA is doing the very same thing for themselves. It is unique and there are very few providers and they feel comfortable doing it themselves. City Attorney Downs comments that Councilmember Miles was hard to move off of her position. Councilmember Miles told Council that they can take comfort in knowing that CIRSA is doing the same thing. City Attorney Downs told Council that the other concern raised by Councilmember Bonato by phone today was concerning Section 5.4 of the Home Rule Charter. He read "Every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, placing any burden upon or limiting the use of private property, required by other provisions of this Charter or by state law shall be by ordinance." He said the City is not creating indebtedness by doing this. Finance Director Medina pointed out a part of the contract with Tyler on page 5, Section 1.12, Non-Appropriation. If we do not appropriate money for this purpose we are done and we all walk away with no further commitment. The money to be used for the first year is already appropriated in the budget. An ordinance that sets forth appropriations for the City already exists. He said no one is trying to avoid or sidestep the Charter requirement, but we are not creating indebtedness. We will have annual payments and the first payment is not due for 90 days. He reiterated that the language in the contract would allow for the City to walk away and not have to pay for the next four years. He suggested to Council that they would not be violating Section 5.4 of the Home Rule Charter. Councilmember Mattie said the matter of the process and legality of the acquisition of competitive bid proposal for a financial software package from only qualified product providers has been resolved by City Attorney Downs and Finance Director Medina to his satisfaction. Acting in what he believes to be a responsible manner in accordance with the trust given to him by the citizens of Trinidad and in consideration of needs of staff and the benefit to the City of Trinidad, Councilmember Mattie moved to accept the bid proposal from Tyler Technologies with an effective date of June 30, 2014. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote of Council members present.

MISCELLANEOUS BUSINESS. Resolution determining that an election is required to consider one or more ballot issues and that such election should be held as a coordinated election. Councilmember Fletcher made a motion to adopt the resolution and the motion was seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

A RESOLUTION OF THE CITY COUNCIL DETERMINING THAT AN ELECTION IS REQUIRED TO CONSIDER ONE OR MORE BALLOT ISSUES AND THAT SUCH ELECTION SHOULD BE HELD AS A COORDINATED ELECTION

Renewal of Intergovernmental Agreement with Las Animas County for the conduct of the November 4, 2014 Special Election as a coordinated election. A motion to approve the agreement was made by Councilmember Fletcher and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote of Council members present.

Housing Authority appointment. Mayor Reorda said there are two applicants for the Housing Authority appointment, himself and Arsenio Vigil. He reminded that this is a Mayoral appointment but Council is involved. Councilmember Fletcher said she didn't see a letter from the Mayor. City Clerk Garrett said he didn't submit one but reminded them of the interest he previously expressed. Councilmember Fletcher asked if alternatively the Mayor could serve as a liaison. Mayor Reorda said there is no such thing for this committee. Councilmember Miles said she couldn't recall the history of previous Mayors serving on it. Mayor Reorda clarified that the by-laws of the Housing Authority Board state the Mayor has the right to appoint anyone he wants including himself. He suggested he wanted to be on it but said whatever Council decides he will abide by. Councilmember Miles called upon Arsenio Vigil to comment and perhaps give Council pros and cons of the suggestion. Mr. Vigil addressed Council. He told them he has served on the commission for the last five years and is currently the chair of the commission. They are doing a lot of good things for the community. They have an excellent working relationship. He said he would like to continue to serve on the board. He added that if there are members of the community who want to serve on a board he thought it to be a good thing. Councilmember Mattie said he knows Mr. Vigil is a police officer and he does little league, so he is heavily involved, as is the Mayor. He said in light of earlier action taken tonight he suspected the Mayor's load will get really heavy and because of that proposed Arsenio Vigil be allowed to continue to serve on the Housing Authority Board. Councilmember Bolton seconded the motion, which carried unanimously upon roll call vote.

BILLS. Councilmember Mattie noted that June 30th was the expiration of the moratorium and end of the North Lake contract. He said those are pressing matters for those who now direct the train. Councilmember Bolton questioned on the bills a notation for Sun Construction Company, described as Water - North Lake Dam retainage #15 in the amount of \$3,948.90. She said it looks like a negative figure. Finance Director Medina said he would look into it. Knowing she will get an answer to her question, Councilmember Bolton moved to approve the bills and Councilmember Fletcher seconded the motion. The motion carried unanimously upon roll call vote.

PAYROLL, June 21, 2014 through July 4, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bolton. Roll call was taken and 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 Miles. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk