City of Trinidad

Posted: Friday, April 9, 2010

NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its first regular monthly meeting on

WEDNESDAY, APRIL 14, 2010 at 7:00 PM

in the Town Hall at 409 Trinity Street

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION - There is no Closed Session planned for this meeting.

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

- March 10, 2010
- March 17, 2010
- March 24, 2010

VI. COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS

VII. ORAL STAFF REPORTS

- City Manager
- Specific Department Reports

VIII. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

IX. CONSENT AGENDA

1. Staff Activities Report through March, 2010
2. Financial Status Reports for February, 2010
3. Approval of Professional Service Contract with Code Publishing Inc. for Updating City Codes
4. Schedule for Preparation, Public Input, and Adoption of the FY2011 Budget
5. Proclamation 2010-03 Making May 2010 "Bike Month"
6. First Reading for proposed Ordinance 2010-03

X. DISCUSSION/ACTION AGENDA ITEMS

1. Annual Public Hearing on Unmet Transit Needs
2. Appointment of Members to the Trinidad City Planning Commission
3. Request from Trinidad Union School District for Fee Waiver
4. City Council Policy regarding Position on Land Development Proposals

XI. COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS

XII. ADJOURNMENT

(707) 677-3223 • 409 Trinity Street • P.O. Box 390 • Trinidad, CA 95570 • Fax (707) 677-3759

APPROVAL OF MINUTES FOR:

MARCH 10, 2010 CC:
MARCH 17, 2010 SCC:
MARCH 24, 2010 CC2:

Supporting Documentation follows with: 8 PAGES

City of Trinidad

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MARCH 10, 2010

I. CALL TO ORDER/ROLL CALL

- Mayor Binnie called the meeting to order at 7:00PM. Council members in attendance: Morgan, Ratzlaff, Binnie, Bhardwaj, Fulkerson.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams, Police Chief Ken Thrailkill.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – *No closed session scheduled.*

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Bhardwaj) to approve the consent agenda as amended. **Passed unanimously**.

VI. APPROVAL OF MINUTES

February 10, 2010 cc
Motion (Fulkerson/Bhardwaj) to approve the minutes as corrected. **Passed unanimously.**
February 24, 2010 cc2
Motion (Fulkerson/Bhardwaj) to approve the minutes as written. **Passed unanimously.**

VII. COMMISSIONERS REPORTS

Binnie:

- **HCAOG:** Announced the retirement of Director Spencer Clifton and upcoming recruitment process.
- **Planning Commission:** 2 applicants have filed for the 2 vacant seats. Deadline to file is March 31. Encouraged Councilmembers to meet with applicants prior to appointment at April 14 cc meeting.
- **Coast Guard:** Attended a meeting at the McKinleyville Air Station showcasing the new Rescue 21 Communication System.

Bhardwaj:

- **Planning Commission**: Discussed Homan Subdivision proposed near College Cove and continued discussion on General Plan update.

Morgan:

- **BLM Gateway:** Announced the upcoming Nor-Cal Geo-tourism event.

Fulkerson:

- **WAVE ENERGY:** PG&E announced that the 5-year test period could be extended to 10.
- **RREDC**: Federal funding did not come through for Broadband Redundancy Connection on 101. Also discussed potential impacts of marijuana legalization on Humboldt County.
- **Rural Trinidad**: Met in Town Hall in February to discuss the proposed Homan subdivision. Meeting was well organized.

Ratzlaff:

- **RCEA:** Nothing to report.

VIII. STAFF REPORTS

City Manager - Albright: Summarized staff activities report and highlighted various other accomplishments.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Pat Morales – Trinidad
Read a prepared statement containing various criticisms regarding a recent editorial by Councilmember Morgan published in the March 03, 2010 edition of the McKinleyville Press.

John Shelter – Eureka
Thanked the Council for assisting his organization with the "New Directions" program that aids local law enforcement and CalTrans with homeless assistance.

Glenn Saunders – Trinidad
The Council should be careful when allowing the Planning Commission to comment on projects outside the city limits. Their actions ended up on the cover of the Times-Standard. Also, the public should be notified when city officials meet with John Frame.

X. CONSENT AGENDA

1. Staff Activities Report through February, 2010
2. Financial Status Reports for January, 2010
3. Resolution 2010-04 Approving a Funding Application to the Humboldt Area Foundation

Motion (Fulkerson/Bhardwaj) to approve the consent agenda. ***Passed 4-0-1. Fulkerson abstained.***

XI. AGENDA ITEMS

1. Recommended Actions for Traffic Safety Improvements on Edwards and Trinity Streets
City Manager Albright explained that at the last City Council meeting, the staff recommended proceeding with four additional traffic safety improvements on Edwards and Trinity Streets:
   - Install a marked crosswalk across Trinity Street at the intersection of Trinity and Edwards Streets;
   - Relocate the centerline along Edwards Street to conform to an 8-foot parking width on the north side of the street, two 11-foot traffic lanes, and a pedestrian "lane" on the south side of Edwards Street.
   - Install a "fog line" at the edge of both traffic lanes on Edwards Street.
   - Install a "fog line" at the edges of the traffic lanes on Trinity Street.

These improvements were in addition to those that were approved by the City Council the previous month:
- Complete the improvements to no-parking areas (red curbs) on the north side of Edwards Street;
- Support the formation of a Committee of locally concerned residents and property owners; and
- Return to the Council with the required documentation for action necessary to officially declare Edwards Street as a 20-mph zone.

Public comment included:
Pat Morales - Trinidad
A stop sign should be installed on Edwards Street at the Marine Lab. Also, the boardwalk is extremely slick and unsafe. Something should be done about this before a serious injury occurs.

Kim Tays – Trinidad
Encouraged the Council to avoid over-doing the painting, striping, and signage related to Edwards Street.

The Council thanked the City Manager for clarification, and agreed that proposed work should proceed.

Motion (Fulkerson/Bhardwaj) to authorize the following improvements to be implemented by staff:
- *Install a marked crosswalk across Trinity Street at the intersection of Trinity and Edwards Streets;*
- *Relocate the centerline along Edwards Street to conform to an 8-foot parking width on the north side of the street, two 11-foot traffic lanes, and a pedestrian "lane" on the south side of Edwards Street.*
- *Install a "fog line" at the edge of both traffic lanes on Edwards Street.*
- *Install a "fog line" at the edges of the traffic lanes on Trinity Street.*
  Passed unanimously.

2. Resolution 2010-05 Approving a Grant Application for "Community-Based Transportation Planning" Funds
City Manager Albright explained that at the last Council meeting, discussion resulted in a request to staff to pursue an application for funding to CalTrans under the "Community-Based Transportation Planning Grant" program. The deadline for that application is April 1, 2010 for the 2010-11 funding cycle.

The City's partner in this project is proposed to be the California Local Government Commission. The LGS has extensive experience in analyzing communities where there is a desire on the part of the local jurisdiction to integrate traffic safety, safe pedestrian facilities, and urban design. Their process is to bring to the local community experienced individuals who can transfer other experiences and design solutions to the issues facing Trinidad.

If the City Council decides to move forward with this application, it would need to commit approximately $6,000 in cash match in next year's budget

Public comment included:
Richard Johnson – Scenic Drive Resident
The Rancheria recently hired the same organization to facilitate their interchange discussions. Also, the Gateway Advisory Committee has spent many years planning improvements to Main & Trinity, and construction is scheduled for 2010. Hopefully there won't be a conflict with the current proposal.

Motion (Bhardwaj/Ratzlaff) to approve Resolution 2010-05. **Passed unanimously.**

3. Report on Citizen Complaint Regarding Land Use and Building Code Violations
City Manager Albright explained that at the last City Council meeting, Trinidad resident Pat Morales read complaint regarding several alleged violations of building or planning code violations in the City. She subsequently provided a written copy of her statement. Albright explained that Trinidad has adapted to a compliant-driven process, and assured the Council that staff does not patrol the town looking for problems.

The City Council requested that the City Manager review the complaints, research their history, and report back to the Council. The following complaints were received:

1. **COMPLAINT:** That Trinidad resident and property owner Michael Reinman did not obtain building permits when his property at 178 Parker Creek Drive was improved in 2009.

   RESPONSE: Permits were issued but there was no final sign-off by the previous Building Inspector. The current Building Inspector has reviewed the files and will resolve the issue soon.

2. **COMPLAINT:** Allegation that Trinidad resident and property owner Michael Reinman continues to rent an illegal accessory dwelling unit (ADU) behind his residence at 407 Ocean Street despite documented warnings from the City that he had not corrected the violations.

   RESPONSE: A formal letter has been sent by the City to Reinman regarding complaints and non-compliance. Reinman has been advised to apply to the Planning Commission for a variance to correct current land-use violations.

3. **COMPLAINT:** Allegation that Trinidad resident and property owner Mike Morgan is not properly abiding by restrictions against doing laundry at the Trinidad Bay Bed and Breakfast at 560 Edwards Street.

   RESPONSE: Morgan has been advised that he is required to go back to the Planning Commission and request the condition to be changed, or comply with the current restrictions – period.

4. **COMPLAINT:** Allegation that Trinidad resident and property manager Gail Saunders is not controlling excessive parking by occupants at a vacation rental at 376 Wagner Street.

   RESPONSE: Unless the vehicles are blocking someone's driveway, there is nothing the City can do about it. It's private property.

Council comments included:
Morgan: Requested that the City Manager send him a formal letter addressing the complaint.

Fulkerson: Appreciates the City Manager's even-handedness and presentation of the facts. Complaints should go to staff – not the Council – and the building inspector should be more involved.

Bhardwaj: Complaints should be handled based on standards, and not all need to be addressed immediately. The problems with allowing complaints to linger are: 1) they waste government money, 2) they're unfair to those of us that comply with city laws, and 3) building codes that are ignored compromise the health & safety of the community. Also encouraged Morgan to resolve his land use issues as soon as possible.

Public comment included:
Tom Odom – Trinidad
The Building Inspector should deal with complaints, not the Council.

Jim Cuthbertson – Trinidad
Stop Work Orders work, and the Building Inspector should use them when necessary. Why bother with rules when no one follows them?

Adora King – Trinidad
Thanked the Council and City Manager for responding to the complaints.

No action taken. Discussion item only.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 9:10pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Stan Binnie
Mayor

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MARCH 17, 2010

I. CALL TO ORDER/ROLL CALL

- Mayor Binnie called the meeting to order at 3:00PM. Council members in attendance: Morgan, Ratzlaff, Binnie, Bhardwaj, Fulkerson.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Motion (Fulkerson/Ratzlaff) to approve the agenda. **Passed 5-0.**

IV. ITEMS FROM THE FLOOR – *There were no items from the floor.*

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

V. AGENDA ITEMS

1. Continued Discussion of the draft Land Use Element of the General Plan.

City Manager Albright explained that in February, the City Council held a joint meeting with the Planning Commission to discuss the draft Land Use Element. This was part of the ongoing review of the draft Elements of a revised General Plan.

The discussion focused on the following topics:

- **Vision Statement** – City Manager Albright will incorporate changes made to the vision statement and create a new draft.
- **Mixed-Use Zoning Designation** – Spot-zoning parcels should be avoided. Mixed Use designation will replace the Planned Development zone.
- **Open Space** – City Manager Albright suggested that the Council consider including a "statement of position" regarding whether or not the leased cellular site on Trinidad Head should be renewed beyond the lease period or revert back to Open Space.
- **Franchise Look** – Proposed a policy to prohibit future development in Trinidad from having the "Franchise Look".
- **Acquisition of the Coast Guard Housing Station** – City Manager Albright encouraged the Council to add a statement in the General Plan that states the City's desire (or not) to acquire the facility.

There was no public comment or decision made. Workshop will continue on April 28th at 3:00pm.

VI. ADJOURNMENT – *Meeting ended at 6:15pm.*

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Stan Binnie
Mayor

MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MARCH 24, 2010

I. CALL TO ORDER/ROLL CALL

- Mayor Binnie called the meeting to order at 2:00PM. Council members in attendance: Morgan, Ratzlaff, Binnie, Bhardwaj, Fulkerson
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams, and City Attorney Paul Hagen.

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION – There was no closed session for this meeting.

IV. APPROVAL OF AGENDA

Motion (Fulkerson/Ratzlaff) to approve the agenda as written. **Passed unanimously.**

V. APPROVAL OF MINUTES – No minutes to approve.

VI. COMMISSIONERS REPORTS

Bhardwaj: Planning Commission met last Wednesday regarding Trail Signage and voted to delay the item for 60 days.

Binnie: Announced that Planning Commissioner Lin resigned last week, and thanked him for many years of service. Also, the banner poles at the entrance of Town have been badly damaged. He suggested removing them altogether.

Fulkerson: New bus shelters will be installed at HTA bus stops soon.

VII. STAFF REPORTS

No staff reports were given.

VIII. ITEMS FROM THE FLOOR - (*Three (3) minute limit per Speaker unless Council approves request for extended time.*)

There were no items from the floor.

IX. CONSENT AGENDA – *No consent items.*

X. AGENDA ITEMS

1. Public Hearing: Ordinance 2010-01 – OWTS Ordinance Amendment

City Manager Albright explained that this is the second reading and public hearing for adoption of proposed Ordinance 2010-01. This Ordinance will amend Ordinance 2008-03.

After lengthy work and public review by the Trinidad Planning Commission, the City Council in 2008 approved the Onsite Wastewater Treatment System (OWTS) Ordinance (2008-03). This Ordinance amends the City's Municipal Code by requiring a process of permitting and inspecting septic systems in the City. The goal is to increase public safety and improve water quality.

One of the requirements of the Ordinance was for the Planning Commission to prepare and approve "Guidelines" that would identify many of the implementation requirements of the program. In carrying out this responsibility, the Planning Commission has recommended that the City Council instead be named to approve the Guidelines. In a letter to the City Council dated December 4, 2009, the Commission stated that the Guidelines will mandate both implementation and enforcement requirements, and these policy decisions should be the responsibility of the City Council and/or the City Manager.

Following is the Section of the OWTS Ordinance is proposed to be amended:

Section 1:12 – OWTS Guidelines

This ordinance shall be supplemented with guidelines to aid in the interpretation and implementation of the ordinance and to allow for adaptive management of the OWTS Program. The Guidelines shall become effective when adopted by resolution of the ***Planning Commission and shall be made a part of this ordinance as Appendix B. Guidelines issued pursuant to this section may be amended from time to time as needed by staff after Planning Commission approval to provide clarification to these ordinance provisions.***

This ***bold/italics*** portion of this section is proposed to be changed to the following language (changes underlined):

....by resolution of the ***City Council and shall be made a part of this ordinance as Appendix B. Guidelines issued pursuant to this section may be amended from time to time as needed by staff after City Council approval to provide clarification to these ordinance provisions.***

There was no comments from the public or Council.

Motion (Fulkerson/Bhardwaj) to amend and adopt the OWTS Ordinance 2010-01. **Passed unanimously**.

2. Public Hearing: Ordinance 2010-02 – 72-Hour Parking Restriction.
City Manager Albright explained that this is the second reading and public hearing for adoption of proposed Ordinance 2010-02. This parking limitation is standard in many cities and is enabled by State legislation.

Trinidad Police Chief Ken Thrailkill has requested that the City's Traffic Code be amended to include a provision that would allow the Police Department to enforce a 72-hour parking limitation on City streets. This request is in response to numerous complaints regarding either abandoned vehicles of vehicles that are simply parked and left at a single location indefinitely.

Proposed Ordinance 2010-02 would amend the Code by inserting provision ***10.04.125*** and would read as follows:

"It shall be unlawful for any vehicle to be parked on any street or alley for seventy-two or more consecutive hours. Any such vehicle parked or left standing on violation of this section may be removed by order of a City police officer."

There were no comments from the Council or public.

Motion (Bhardwaj/Fulkerson) to amend and adopt the OWTS Ordinance 2010-02. **Passed unanimously**.

3. Award of Construction Contract for Museum ARRA/TE Project.
City Manager Albright explained that the City was awarded a grant in 2009 under the American Recovery and Reinvestment Act (ARRA) for $186,000 to complete the public access and related improvements to the new Trinidad Museum. It is listed as Federal Project No. ESPL-5036(010), "Museum Access Project."

This federal funding is channeled through the California Department of Transportation. In December 2009, CALTRANS authorized the construction funds to be released. On February 21, 2010, the City had published a public solicitation for competitive bids. The bid period ended on March 17, 2010, and three qualified bids were received.

The low responsive bidder is Gray Construction from Hydesville, CA. Gray Construction will be using three named sub-contractors: Charles Netzow Construction, Jim McLaughlin Landscaping, and RCM Electric. The low bid of $152,221 is just within the authorized construction budget.

There were no comments from the Council or public.

Motion (Fulkerson/Bhardwaj) to award the construction project for Project 5036(010) to Gray Construction for $152,221, and authorize the City Manager to execute a contract with Gray Construction on behalf of the City of Trinidad. **Passed unanimously**.

XI. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 3:45pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Stan Binnie
Mayor