City of Trinidad

Posted: Friday, May 07, 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, MAY 12, 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

- April 14, 2010 cc
- April 28, 2010 scc

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 April, 2010
2. Financial Status Reports for March, 2010
3. Authorization to Remove a Tree within City Right-of-Way
4. Proclamation 2010-4 Recognizing National Physical Activity Plan Day

X. DISCUSSION/ACTION AGENDA ITEMS

1. Update Report on Funding for Water Treatment Plant Improvements
2. Proposed Contract for Law Enforcement Services with the County Sheriff's Office
3. Endorse or Modify Comments from the Planning Commission Regarding the Homan Subdivision

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

XII. ADJOURNMENT

(707) 677-0223 • 409 Trinity Street • P.O. Box 390 • Trinidad, CA 95570 • Fax (707) 677-3759

APPROVAL OF MINUTES FOR:

APRIL 14, 2010 CC:
APRIL 28, 2010 SCC:

Supporting Documentation follows with: 7 PAGES

City of Trinidad

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, APRIL 14, 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 was scheduled, but an emergency closed session was called to discuss the resignation of Police Chief Thrailkill.*

IV. RECONVENE TO OPEN SESSION

Mayor Binnie announced that Police Chief Thrailkill's resignation was accepted as of April 23, that he would be paid through April 23 and receive 2 weeks severance pay.

V. APPROVAL OF AGENDA

Motion (Fulkerson/Bhardwaj) to approve adding the emergency agenda item to discuss options for police services for Trinidad and approve the agenda as amended. **Passed 4-0-1**. (Morgan abstained).

VI. APPROVAL OF MINUTES

March 10, 2010 cc
March 10, 2010 scc
March 17, 2010 cc2
Motion (Fulkerson/Bhardwaj) to approve all the minutes as written. **Passed unanimously.**

VII. COMMISSIONERS REPORTS

Binnie:

- **HCAOG:** Marcella Clem was appointed as interim director.
- **Misc:** Announced the Earth Day Restoration Clean-up at Patrick's Point State Park on Saturday.

Bhardwaj:

- **Planning Commission**: Changes to Harbor Restroom/Septic project was approved. Restroom was moved 75 feet from planned site, and retaining wall was shortened. Also discussed ADU Ordinance and its relationship to State guidelines. Planner suggested that the Council consider the ADU Ordinance at a future meeting.

Morgan: No report.

Fulkerson:

- **WAVE ENERGY:** Proposal is being considered as a 10-year test project.
- **RREDC**: Consolidating their agenda.
- **Misc**: Announced the California Coastal Trail project meeting tomorrow night at the Town Hall.

Ratzlaff: No report.

VIII. STAFF REPORTS

City Manager - Albright: Summarized staff activities report and highlighted various other accomplishments. Also thanked the Police Chief and wished him good luck on his new career move. He assured the public that there was no scandal or controversy involved in the resignation.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)
There were no items from the floor.

X. 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 2010-02

Motion (Fulkerson/Bhardwaj) to approve the consent agenda, and briefly discuss item 2 as requested by Ratzlaff.

XI. AGENDA ITEMS

Emergency agenda item: Discussion of Police Service Options for Trinidad.
City Manager Albright explained that as a result of Chief Thrailkill's resignation, the Council must decide how to continue providing police services to the City. As a result of the resignation, current Officer Ryan Lemons will be limited to administrative duties for approximately 2 weeks. He provided the following options in his presentation:

- Hire someone from within. (No qualified personnel)
- Retain the services of a professional search to retain a circuit rider chief. (Most expensive)
- Retain the County Sheriff on an interim basis. (Most common alternative)

Council comments included:
Binnie: Met with County Sheriff Gary Phelp this morning and alerted them of the discussion tonight. They were very receptive and offered their services. The City of Blue Lake recently contracted with Sheriff and Mayor Marlene Smith is here tonight to answer any questions the Council may have.

Morgan: Given the investment Trinidad has in its Police Department, I would like to explore any option that would enable the City to retain Officer Lemons.

Fulkerson: How quickly can we hire he Sheriff on an interim basis? Albright explained that it could be quick, and thanked Blue Lake for providing their contract as a template.

Binnie: Introduced **Blue Lake Mayor Marlene Smith**. Smith praised the Sheriff for his willingness to assist Blue Lake, and explained that it is a far better situation than the one they left behind – both financially and service related. She encouraged Trinidad to consider this option, and noted that they currently pay the Sheriff $280,000 for 2 dedicated full-time officers annually.

Bhardwaj: Asked Smith about coverage hours and transition logistics. **Smith** explained that the shifts rotate, but there is typically an officer available during business hours. She also added that there was an immediate verbal agreement, and within a month or two a contract was secure based on what they could afford. (10 hours of coverage/day).

Ratzlaff: Concerned with Officer Lemons future. **Smith** noted that the Sheriff would not allow Blue Lake's remaining Officers to work without successfully completing their training protocols. **City Manager Albright** added that at this time we are considering retaining Lemons on a Leave of Absence until a contract is secure. **Smith** noted that the Sheriff is very responsive to community requests, a public safety committee was formed to field law enforcement issues, and that the Council appointed a member to act as a liaison.

Public comment included:
Sungnome Madrone - Fox Farm Road
Thanked Thrailkill for his years of service.

Tom Odom – Trinidad
Concerned with Office Manager Sandra Cuthbertson's future. Asked the Council to consider retaining her service. He expressed his support for exploring a contract with the Sheriff. **Jim Cuthbertson** agreed.

Final Council comments:

Bhardwaj: Seems risky either way, but carrying the liability of a Police Department is huge. **City Manager Albright** suggested giving staff 30 days to study the options carefully and present a recommendation to the Council.

Fulkerson: Suggested that Staff return to the April 28th meeting with a cost analysis.

Motion (Fulkerson/Ratzlaff) to direct the City Manager to present a cost analysis comparing fees for County Sheriff services with current Police Department budget at the April 28 meeting. **Passed unanimously.**

1. Annual Public Hearing on Unmet Transit Needs

City Manager Albright explained that Trinidad and all the cities in Humboldt County annually conduct a public hearing to assess the public's opinions regarding unmet transit needs. Members of the public are encouraged to testify and address unmet needs or their perception regarding improvements that would make the transit system more usable and accessible to the public.

Public comment included:

Janine Volkmar – Trinidad Area Resident

We need a late evening bus service. The 10:30pm bus stops at the Airport. Why can't it make one further stop in Trinidad? Also thanked HTA for providing Saturday service.

Sungnome Madrone – Fox Farm Road

I have the Jack Pass through Humboldt State. Increased ridership is great, but difficult when you bring a bike. There's often times not enough room. McKinleyville should have it's own system. If so, it would allow a more express service from Trinidad to Arcata.

Motion (Fulkerson/Bhardwaj) to forward comments to HCAOG. **Passed unanimously**.

2. Appointment of Members to the Trinidad City Planning Commission

City Manager Albright explained that there are two vacancies on the Planning Commission that are the result of resignations from Judy Lake and Chi-Wei Lin. A deadline of March 31, 2010 was set to receive applicants to fill those two vacancies. Two persons have expressed an interest to be appointed - **Gayle Rothell** and **Chris Hinderyckx**. The available terms for the two open positions expire December 31, 2010.

Councilmember Binnie introduced both candidates, invited them explain their backgrounds, and thanked them for volunteering.

There was no public comment.

Motion (Binnie/Fulkerson) to appoint Gayle Rothell (term expiring 12/31/10) and Chris Hinderyckx (term expiring 12/31/10) as Trinidad Planning Planning Commissioners. **Passed unanimously**.

3. Request from Trinidad Union School District for Fee Waiver

City Manager Albright explained that the Trinidad Union School District is requesting a waiver of fees associated with obtaining a Use Permit from the Trinidad Planning Commission.

The District has received a grant to construct a 20'x20' greenhouse (400 square feet) on the Trinidad Elementary School grounds. The greenhouse is proposed to be placed at a location on the grounds that is designated as "Open Space" by the current General Plan. This will require an application for a Use Permit because typically no structures are permitted in the Open Space designation.

At this time and based in the information supplied, it is anticipated that this is a non-controversial request because neighbors have indicated their support, there are already existing structures within the Open Space" area of the school grounds, and the property is proposed in the current draft revision to the General Plan to be "Public Use" (which would allow this type of ancillary building).

There are at least three options available to the Council:

1. Deny the request and require the District to pay the full fees;
2. Approve the request and have the City absorb the Planner's fees and its administrative fees to review and respond to this request; or
3. Approve the request but deduct the actual fees that are ultimately charged from any contribution that the Council makes next year to the rental cost of the Library space at the school ($4,000 in FY2010).

Council comments included:
Fulkerson: Why debate this? It's a no-brainer. The City should absorb the cost completely and support this project. Health food, education, etc. I suggest full support. **Morgan** and **Bhardwaj** agreed.

Public comment included:
Ben Moorhead – TSEF, Parent
Thanked the City for considering this item, and suggested waiving both planning and building permit fees.

Motion (Ratzlaff/Fulkerson) to approve absorbing the administrative fees (planning & building) associated with processing permits for the Trinidad School Greenhouse project. **Passed unanimously**.

4. City Council Policy regarding Position on Land Development Proposals
City Manager Albright explained that the City of Trinidad (and each city in the County) periodically receives a request for comments on proposed land use developments or zoning-related applications in the adjacent area of County jurisdiction. Most often, these notices from the County Planning Department request comments from the adjacent jurisdiction as a matter of required notification, and the City may or may not choose to offer comments.

Occasionally, these notifications concern projects which may have significant local interest. Typically, the professional staffs may offer comments in the form of local concerns that need to be taken into account as the staff and the Planning Commission consider the proposal. Recently, the City of Trinidad's Planning Commission was requested to provide time (at some staff cost) to consider commenting on a subdivision proposed nearby the City in County jurisdiction. No fees were paid to or requested by the City. As a result of a lengthy public discussion, a letter of comment was written that portrayed the Planning Commission's concerns regarding the project.

This example raises several questions for the staff, the appointed Commission, and the elected City Council:
1. Should the City of Trinidad respond to ALL requests for comments on proposals referred to it by the County?
2. How is it determined which referrals for comments should be publicly reviewed at the Planning Commission level?
3. If a proponent or opponent of a project in the County requests a public agenda item at the Trinidad City Planning Commission that involves staff work, should there be a fee schedule set to offset real costs?
4. If the Planning Commission chooses to forward comments after public discussion, should those comments be reviewed and approved by the City Council?
5. Should a pro or con position ever be taken by the City (Commission or Council) on a proposal that is in County jurisdiction?
6. What should occur if the Planning Commission and the City Council differ in their comments or position?

Council comments included:
Fulkerson: YES, the City should respond to all requests and NO, there shouldn't be a charge to bring items on the agenda.

Bhardwaj: Opposed to having a fee for the public to bring an item to the Council for consideration. That is the cost of government. The Planning Commission has expertise and hears items specifically related to land-use and should be supported. The Council should focus its efforts on other priorities.

Binnie: Minor project referrals do not need review. However, projects that impact police, fire, resources, traffic, drinking water supply, or quality of water run-off SHOULD be reviewed.

Ratzlaff: Agreed with Binnie, and expressed his confidence in the Planning Commission.

Morgan: Also agreed with Binnie. However, when a member of the Council attends meetings regarding controversial projects and offers comment, that member should make clear that they are not representing the Council on which they serve – unless directed by the Council.

Fulkerson: Land Use project referrals should be handled by the Planning Commission. She also noted that the Council fully supports the Planning Commission. **Albright** agreed, and explained that it is common for staff to write letters stating facts, but not to oppose or support a specific project.

Public comment included:
Jim Cuthbertson – Trinidad
The Council controls the budget, so it should watch closely the issues that the Planning Commission gets involved in.

Tom Odom – Trinidad
A joint meeting of the Council and Planning Commission may be helpful. Many people in this area just don't want any new buildings.

Robert Vogel – Trinidad Area Resident
The State Water Quality Control Board referred the Homan project to the City. The Planning Commission and Staff used good judgment by placing it on the agenda for discussion. The City should not tax the public hearing process.

Larry Goldberg – Trinidad
In the 27 years I've lived here, I can't recall many projects that have come to the City's attention like this. My family spends over $5000/year in Trinidad, pay the tax, and receive little-to-no benefits from the City. The public hearing process is of great benefit to outside residents, and development pressure will continue.

Sungnome Madrone – Trinidad
Fiscal impacts are of great concern to me (handed out letters from the City written to the County regarding the Moss Subdivision proposal on Fox Farm Road). I brought Moss back to the Council last year at Morgan's request. In April 2009 the City Manager wrote a letter to the County in response to the referral. Because Albright doesn't respect me, he changed the City's policy of over 13 years.

John Homan – Trinidad Area Resident
If a development project will be discussed on an agenda, the owner or representative should be invited. If not, you run the risk of being used by one side and a conclusion will be drawn.

Richard Johnson – Planning Commission Chair
This is an opportunity to improve how we handle referrals. NO response = NO comment.

Victoria Sackville – Trinidad
Sang a "thank you" melody to the Council and Planning Commission in soprano ☺.

No decision was made.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 9:50pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Stan Binnie
Mayor

MINUTES OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, APRIL 28, 2010

I. CALL TO ORDER/ROLL CALL

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

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION - *There was no closed session.*

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Bhardwaj) to approve the agenda as written. **Passed 3-0.**

VI. APPROVAL OF MINUTES – *There were no minutes to approve.*

VII. COMMISSIONERS REPORTS – *There were no reports given.*

VIII. STAFF REPORTS – *There were no Staff reports.*

IX. ITEMS FROM THE FLOOR

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

Pat Morales – Trinidad
Requested follow-up on Reinman and Morgan complaints.

X. CONSENT AGENDA – *There were no consent items.*

XI. AGENDA ITEMS

1. Report on the Status of Law Enforcement Functions in Trinidad.

City Manager Albright explained that the Trinidad Police Chief's resignation was effective April 23. Since then he has developed and researched options for Police services available to the City:

Short Term Options:

a) Police protection on emergency basis for emergency calls only.
b) Short-term contract with Sheriff for specified services.
c) Retain a qualified, locally available, interim chief – *cost undetermined.*
d) Retain interim chief through State Police Chief's Association – *cost undetermined.*

Current Available Budget = $266,115

a) General Fund Police = $153,887
b) COPS Grant = $100,000
c) Indian Gaming Grant = $12,228

Blue Lake Contract = $205,432

a) 2 dedicated officers
b) 70 hours/week patrol
c) All support equipment
d) All support staff

Public comment included:
Tom Odom – Trinidad
Supports contract with Sheriff.

Jody Poulnott – Trinidad Area Resident
Moved to Trinidad in 1969. Watched Sheriff / Trinidad Police bounce back and forth. I'm in favor of a local police department. Regardless of who is policing Trinidad, the City can face litigation. The Sheriff is currently understaffed and facing budget cuts. Not confident that they can fill the role. Trinidad is unique and takes finess to police. Don't rush to judgment. Consider keeping the department going.

Brent Twoomey – Trinidad
I've been here for over 30 years and seen many police departments come and go. The truth is that there is very little activity in town. Trinidad PD was a joke. The town is empty. We should be careful what we decide. The Sheriff seems to be a good option, but hide the cop cars so we don't give off a vibe that we're a crime-ridden town. Don't saddle Trinidad with another problem.

Pat Morales – Trinidad
Would like to see at least 70 hours of coverage.

Council comments included:
Fulkerson: I've had only one complaint brought to my attention. I feel that the for the short-term, the Sheriff meets our needs. However, they should feel like our officers.

Motion (Ratzlaff/Fulkerson) to authorize the Mayor and City Manager to proceed developing a preliminary short-term contract (month-to-month preferred) with the County Sheriff Department to be considered at the May 12th meeting. **Passed 3-0**.

2. Discussion of the draft Open Space, Conservation, and Recreation Elements of the General Plan.
City Planner Trever Parker introduced the elements, highlights of the plan, chapters, process, figures, and related policies. **City Manager Albright** noted that Councilmember Morgan submitted comments/edits in writing.

Council comments included:
Fulkerson: Argued that not everyone should be able to re-write the plan. Any changes should be discussed and agreed upon.

Binnie: Read through his notes and suggested various changes and edits throughout the document.

No decision was made.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 5:00pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Stan Binnie
Mayor

DRAFT