

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 13, 2006

I. CALL TO ORDER/ ROLL CALL

- Mayor Heyenga called the meeting to order at 7:30PM. Council members in attendance: Lin, Marlow, Bowman, Heyenga, Cuthbertson.
- City Staff in attendance: City Clerk, Gabriel Adams; Police Chief, Ken Thrailkill; City Attorney, Jeff Guttero.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Heyenga: Add 1 emergency item to the Consent Agenda.

Motion (Lin/Cuthbertson) to approve the agenda as revised. Passed unanimously.

VI. APPROVAL OF MINUTES

May 02, 2006 scc:

Motion (Marlow/Lin) to approve the minutes as corrected. Passed 4-0. Abstain – Cuthbertson.

August 09, 2006 scc:

Motion (Lin/Cuthbertson) to approve the minutes as written. Passed unanimously.

August 09, 2006 cc:

Motion (Cuthbertson/Bowman) to approve the minutes as corrected. Passed unanimously.

August 15, 2006 scc:

Motion (Cuthbertson/Lin) to approve the minutes as written. Passed unanimously.

August 22, 2006 cc2:

Motion (Lin/Cuthbertson) to approve the minutes as corrected. Passed unanimously.

VII. COMMISSIONERS REPORTS

Marlow – Parks and Recreation, Streets

Gateway: The Committee has arranged for solicitation of artist ideas for Gateway area. Workshop will be held for artists who respond.

Glenn Saunders requested that the City maintain the cherry trees scattered throughout town. Marlow responded, stating the Patrick's Point Garden Club is responsible for the trees and will be responding to this issue.

Bowman – Police, Harbor

Police: Deferred to Police Chief report.

Harbor: Trinidad Rancheria is drafting plans and submitting a grant proposal for the construction of a new pier.

Heyenga – Fire, Planning

Planning: Management Plan for 12.5 acres

The deadline for public comments on the draft Management Plan is September Comment forms and addressed envelopes are available in the City Clerk's office.

U.S. Cellular appeal hearing is scheduled for tomorrow night at 7:00pm in Town Hall.

Rancheria: Attended the monthly Trinidad Rancheria Tribal Council meeting to discuss signs for the new "no fires/fireworks" ordinances. Asked if the signs could go on existing poles, but Tribal Council

members said that they will be adding additional signs of their own so new poles may be necessary.

They expressed some reservation about prohibiting all fires on the beach, especially portable grills and fires contained in cement fire rings. They felt that a few fire rings could be safely managed and that allowing small fires made Trinidad beaches more attractive to visitors, indirectly helping local businesses. They also suggested signs could be put near the bluffs warning against fires near there.

They did recognize maintenance and cleanup problems associated with allowing fires. The consensus was, though, as with many laws the majority are being penalized for the discourteous actions of the few. They supported allowing some types of fires on Trinidad beach.

As for signs, I said that the logical location for any signs is at the edge of the parking lot, which is Rancheria property. When the ordinances have been written and signs are necessary, the City will bring a proposal for their location to the Tribal Council for consideration.

Fire: Repairs to the window and back wall of the fire station were started this week. Repairs are estimated to be about \$500, which was budgeted in the 06-07 budget.

Lin – Water, Town Hall

Water: An audio specialist will be delivering a demo system to the City for the Council to preview.

The State recently passed legislation (Prop 218) that outlines procedures & requirements for increasing water rates. An election is not required, but strict guidelines must be followed.

Cuthbertson – Finance

Finance: Fourth Quarter Financial Statement will hopefully arrive by the end of the month.

VIII. STAFF REPORTS

City Clerk/IWMC – Adams: **Nothing to report.**

City Attorney – Guttero: **Nothing to report.**

Police Chief – Thrailkill – Announced arrests, service calls, and statistics.

IX. ITEMS FROM THE FLOOR

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

Glenn Saunders – Trinidad

The agenda is too long. The Council should impose a 10:30pm curfew and continue leftover items to the second monthly meeting.

X. CONSENT AGENDA

1. Letter supporting the Trinidad Rancheria's pier reconstruction grant application. (Heyenga)
*Motion (Heyenga/Lin) to approve the consent agenda. **Passed unanimously.***

XI. AGENDA ITEMS

1. Continued discussion on issues and options on water rate structure. (Lin)
Lin showcased a powerpoint presentation that highlighted the following information:

Reasons for considering a new rate structure:

- It does not encourage water conservation.

- Disparity between rates of in-City and out-of-City customers.
- RV parks are not paying base rate for all RV spaces.

Current Water Operation (2005-2006)

The following provides a summary of some essential information regarding the operation of the Water Department:

1. Current number of customers

	Hook-Ups	Extra Units	Total
In City	201	34	235
Out-of-City	110	6	116
Total	311	40	351

2. Current rates:

	Base rate with 300 c. ft	Extra Usage per 100 c ft
In City	\$30.00	2.15
Out-of-City	\$45.00	3.24

3. Revenue breakdown:

	Revenue from Base Rate Charges	Revenue from Extra Usage	Total
In City	\$85,000	\$30,000	\$115,000
Out-of-City	\$63,000	\$22,000	\$85,000
Total	\$148,000	\$52,000	\$200,000

4. Average monthly usage of all customers (2005):

Monthly average of water usage in cubic feet	Number of customers
0 to 100	31
100 to 199	27
200 to 299	29
300 to 399	24
400 to 499	31
500 to 599	30
600 to 699	30
700 to 799	19
800 to 899	19
900 to 999	13
1000 to 1999	44
2000 to 3999	12
4000 to 7999	3
8000 to 20000	3

Options for new rate structure:

1. Elimination of allowance from base rate, linear rate for water cost per unit:

Currently, the base rate includes a 300 cuft allowance. Customers who use anything less than the base rate pay the same amount as if they used none. By eliminating the allowance and reducing the base rate, we encourage water conservation. In this option, users pay a rate per 100 cuft plus the base rate. The actual base rate and the water usage rate per unit shall be adjusted so that the annual revenue is 15% higher than the current rate structure.

2. Elimination of base allowance and 10% escalating increase for water cost:

The following is an example of a 7 steps with 10% escalation for each step.

Step	Water Usage cf	Water Cost per 100 cf
1	0 to 199	\$3.00
2	200 to 399	\$3.30
3	400 to 599	\$3.63
4	600 to 799	\$3.99
5	800 to 999	\$4.39
6	1,000 to 1,999	\$4.83
7	2,000 to 4,000	\$5.31

With this rate structure, business should be exempt from the escalation because their high usage is due to higher number of customers which the business may have little control over their usage.

3. Comparison of current rate structure with option 1 and 2 for in-city usage:

Water Usage cf	Current Rate Structure Base rate, \$30 with 300 allowance, extra use, @2.15 per 100 cf	Option 1 Base rate, \$22 with no allowance, usage rate year at \$3.00 per 100 cf	Option 2 Base rate, \$20 with no allowance, usage rate year at \$3.00 per 100 cf with 10% escalation
0	\$30.00	\$22	\$20
100	\$30.00	\$25	\$23
200	\$30.00	\$28	\$26
400	\$32.15	\$34	\$33.20
600	\$36.45	\$40	\$43.94
800	\$40.75	\$46	\$55.12
1,000	\$45.05	\$52	\$68.30
2,000	\$66.55	\$82	\$126.20
4,000	\$109.55	\$142	\$232.40

The total revenue for option 1 and 2 needs to be calculated. However, we should build in a 15% higher income to off-set the anticipated lower water usage from conservation.

Reduction of difference between in-city and out-of-city rates:

A reduction of the difference by half, from 150% to 125% of the in-city rate, would be a significant step towards equality. The financial impact is a reduction of revenue of \$12,000 to \$13,000 per year. This has to be made up by either increase the overall water rate or by other means such as impose a fee to RV lots.

Imposing an RV base rate of 50% of in-city base rate would generate from \$11,000 to \$17,000, depending on which option is chosen. A lower RV rate is reasonable since RV units are smaller, almost no outdoor usage and many with only one occupant.

Public comment included:

Richard Johnson – Trinidad

The City should critically examine the annual CPI increase currently imposed by Resolution. If the City continues to raise its rates under this program, the rates will double in 10 years. The City should also consider evaluating its own usage, and examine water loss during the treatment process.

Glenn Saunders – Trinidad

Rates for residents living outside the City are higher because of the Davis-Grunsky Bond act. The City residents are obligated to pay off the bond debt, and a previous Council decided to increase the rates outside City limits because those individuals were not obligated to pay off the debt.

Mike Morgan – Trinidad

While investigating conservation, the City should encourage rainwater collection systems and ways to re-use gray water for irrigation as methods of water reduction.

Stan Binnie – Trinidad

If the top 4 users reduced their consumption by 10%, 5,000 cuft, could be saved each month.

No decision was made. Mayor Heyenga suggested scheduling future workshops exclusively dedicated to this item.

2. Continued discussion/decision on grant funding for Axel Lindgren Memorial Trail handrail. (Heyenga)
Heyenga explained that the City can find alternative ways to fund the handrail down the Axel Lindgren Memorial Trail. All parties involved want the handrail built and \$18,000 of the 2002 Park Bond funds have been allocated for that project. However, the State Parks Department also has a project for trail improvements, the Recreational Trails Program (RTP).

The proposal is to hold the \$18,000 in Park Bond funds while we apply for a RTP grant. If the RTP grant is awarded, then Park Bond funds will go farther. If we do not get the RTP grant, the handrail can still be constructed with Park Bond money. October 2, 2006 is the deadline for the RTP grant, a deadline we could certainly meet.

Council comments included:

Marlow: In 2004 we submitted a grant application to RTP. 3 million dollars in funding was dedicated to RTP, and over 12 million dollars in requests were submitted. Trinidad was rejected, and 3 million was awarded to trail and park projects in southern California. I don't see any reason why the results will be different this time around. Furthermore, the grant requires all projects to conform to ADA specifications.

Heyenga: Why are some of you so resistant to looking for alternative funding? The only thing to lose is my time to write the grant, and postage cost.

Motion (Heyenga/Cuthbertson) to apply for a Recreational Trails Program grant to construct a handrail down the Axel Lindgren Memorial Trail, and to reserve \$18,000 of 2002 Park Bond funds for the project should the RTP grant not be awarded. Passed 4-0. Abstain – Marlow.

3. Continued discussion/decision on policy regarding staff attending Council meetings. (Heyenga)
Heyenga explained that recently a situation arose which pointed out the need for a Council policy regarding staff attendance at our meetings. The situation is that one Councilmember asks an employee to attend a Council meeting and another Councilmember asks or instructs that employee not to attend. The employee is caught between competing instructions.

One solution would be for one Councilmember to get support from at least two other members so that a majority would want the employee present, or not present. Another is to let the Mayor have authority to determine if an employee should or should not be present. While this situation does not arise often, when it does the employee doesn't know whose instructions to follow and there is no clear policy to decide the question. I feel the Council should discuss options and agree on a policy.

Council comments:

Lin: The Mayor has the authority to direct staff. Besides, there was only one situation where this problem occurred. It isn't necessary to implement a policy for such a rare problem. Furthermore, why are we rushing to create policy that the new Council may not agree with? **Marlow** agreed.

Cuthbertson: A majority of the Council should be able to overrule the Mayor's decision. **Bowman** agreed.

Motion (Heyenga/Cuthbertson) to require that a majority of the Council have the authority to direct staff to attend, or not attend Council meetings. Passed 3-2. No – Marlow, Lin.

4. Continued discussion/decision on review of 2002 Park Bond projects. (Heyenga)
Continued to the second regular meeting on September 26.
5. Discussion/Decision to appoint a Planning Commissioner. (Council)
Motion (Heyenga/Bowman to appoint Michael Morgan to fulfill the Planning Commission term left vacant as a result of the resignation of Tom Odom. Passed unanimously.

6. Discussion/Decision regarding trimming/topping five or six alder trees on City property. (Bowman)
Bowman explained that he proposed this item at a Council meeting earlier this year, but Council action was postponed until the draft Management Plan was released. Now that the Council and public have had the chance to review the Management Plan, he asked that the item be reconsidered. His proposal consisted of the trimming/topping five or six alder trees on City property to restore his ocean view. He selected a certified arborist – Professional Tree Services – to perform the work.

Council questions:

Lin: Are you certain these trees are not on the Land Trust's property? **Bowman** stated that he's certain the trees are on City property.

Cuthbertson: The 10 conditions submitted by City Planner Trever Parker last month regarding a similar proposal submitted by resident Bill Harkins could reasonably met if applied to Bowman's proposal.

Lin: Would Policy 69 apply to this proposal? City Attorney Guttero stated that Policy 69 only applied to land designated as Open Space. According to Bowman's description of the subject trees location, they are within the Special Environment zone and thus, Policy 69 would not apply.

Marlow: The City Planner refers to plate 3 of the General Plan. She notes special restrictions for trees within a stream protection area. We should be absolutely certain these trees are not within a riparian buffer zone. We also need a procedure that we can apply to everyone. **Bowman** added that topping 15-20 feet of red alder trees would not compromise the health of the trees

Cuthbertson: It is my understanding that one of the trees is leaning so dramatically that it could rip out a section of the bluff if it fell. Maybe we should consider allowing the applicant to remove that tree completely?

Public comment included:

Jessie Faulkner – Times-Standard Press

How will the arborist access the trees? **Bowman** assured the Council that the arborist would access the area via Groth Lane, and proceed to the trees on foot.

Council comments:

Heyenga: If we approve this proposal, we should a) ask the arborist to do whatever is necessary to seal the tree to prevent decay, and b) allow the arborist and cultural monitor to determine whether limbs should be removed or left on site to decompose naturally.

Marlow: Can the applicant comply with all the conditions imposed by the City Planner?

Bowman: I believe I can comply with all the conditions reasonably with the exception of #6. Frankly, the TAS will object to any proposal submitted to manage vegetation for the purpose of view restoration.

Lin: I'm not comfortable modifying procedures outlined by the City Planner. All guidelines should be followed by every applicant, equally. I can support this proposal on the condition that the applicants satisfies all the conditions imposed by the planning staff.

Motion (Cuthbertson/Heyenga) to approve George Bowman's request to cut alder trees within the 12.5 acre study area on City property as specified in his proposal and as conditioned by the requirements imposed by the City Planner. Debris management shall be up to the discretion of the arborist and the cultural monitor.

Passed 3-1. No – Marlow. Bowman recused himself from the discussion.

7. Discussion/Decision to appoint the members of the Citizens Committee to develop guidelines for council meetings. (Marlow)

Marlow listed the names of individuals who volunteered to sit on this Committee:

Mike Morgan, Brad Twoomey, Carol Rowe, Tom Odom, Mike Blain, Glenn Saunders, & Kim Binnie.

The next step, Marlow explained, is to set up and notice the first meeting, and empower the committee to bring recommendations back to the Council as soon as possible.

Council comments:

Lin: May Council members participate?

Cuthbertson: I wouldn't have agreed to this proposal if Councilmembers intended to participate in these meetings. The goal of this committee is to evaluate our meeting procedures and to be provided with non-biased advice as to what we can do better. I strongly oppose any Council participation. **Marlow, Heyenga, & Lin** agreed.

Heyenga: I object for two reasons: 1) The new Council after November may have its own ideas about running meetings, and there are more important issues for a citizens committee to address.

Motion (Marlow/Cuthbertson) to authorize formation of the 7-volunteer committee and direct the committee to report back recommendations to the Council within 2 months.

Passed 4-1. No – Heyenga.

8. Discussion/Decision on repairing or replacing the Town Hall generator. (Lin)
Continued to the second regular meeting on September 26. City Clerk will provide the Council with a detailed report as to what repairs are needed in advance of the meeting.

9. Discussion/Decision on storage facility for Town Hall. (Heyenga)
Marlow argued that it was too late to discuss items that involve spending large amounts of City funds. The Council agreed.

Continued to the second regular meeting on September 26.

10. Discussion/Decision on codifying and updating Trinidad's Municipal Code. (Heyenga)
Continued to the second regular meeting on September 26.

11. Discussion/Decision on policy regarding assignment of Commissionerships. (Heyenga)
Continued to the second regular meeting on September 26.

XII. ADJOURNMENT

- **Council meeting ended at 11:30pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dean Heyenga
Mayor