

SUMMARY MINUTES OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, DECEMBER 19, 2006

I. CALL TO ORDER/ROLL CALL

Mayor Lin called the meeting to order at 7:32pm. Present were Councilmembers Binnie, Miller, Heyenga, and Bhardwaj. No staff were present.

II. PLEDGE OF ALLEGIANCE

Mayor Lin led the Pledge.

III. APPROVAL OF AGENDA

Motion (Heyenga/Binnie) to approve the agenda as submitted. Passed unanimously.

IV. APPROVAL OF MINUTES

There were no minutes to approve.

V. ITEMS FROM THE FLOOR

There were no items from the floor.

VI. CONSENT AGENDA

1. To approve funding proposal for a replacement fire truck and fire fighting equipment using a combination of Indian Gaming and City funds.

Heyenga answered some questions from the audience regarding City funds for the equipment.

Motion (Heyenga/Miller) to approve the Consent Agenda item as submitted. Passed unanimously.

VII. AGENDA ITEM(S)

1. Discussion/Decision on proposed reorganization and assignment of commissionerships and committee representatives. (Lin)

Introduction: Lin introduced the item, reviewing his proposed changes to commissionerships and showing a matrix of assignments.

Council member	Commissionership	Representative
Chi-Wei Lin	Water	HCAOC, Mayor Selection Committee, TSA Management Plan, Joint Committee on Park/Museum/Library Projects
Stan Binnie	Public Works, Tribal Relationship	Gateway Project, TSA Management Plan Committee, HTA
Dean Heyenga	Public Safety	Indian Gaming Local Benefit Committee, Hazard Mitigation Committee, Energy Committee
Kathy Bhardwaj	Planning, Health and Human Services	Joint Committee on Park/Museum/Library Projects
Dwight Miller	Finance	REDAC

Council clarification.

Heyenga proposed two modifications to assignments based on projects-in-progress which will be completed in the near future: (a) On the Management Plan Team Councilmember Binnie agreed that Heyenga could represent the City until the final draft was submitted, which should happen in January; (b) On the Joint Planning Group for the museum/library/park, Councilmember Bhardwaj agreed that Heyenga could continue representing the City on the Group for a couple of months until issues of infrastructure are resolved. Both Binnie and Bhardwaj will attend their respective groups as observers until Heyenga steps down. Heyenga thanked both Councilmembers for their cooperation in letting him complete projects.

Lin noted that the Tribal Relations Commissionership will involve much work.

Heyenga noted that he had three assignments requiring trips to Eureka. He asked that another Councilmember represent the City on the Redwood Coast Energy Authority. Councilmember Miller volunteered to take that assignment.

Public input

Jim Cuthbertson asked who was responsible for trails. Lin said that was Public Works.

Don Ratzlaff asked about job descriptions for the Commissioners. Lin said there was no handbook describing the positions. Binnie noted that two commissionerships are new and their duties are as yet undefined.

Terry Marlow added that he did write a description of the duties for the Parks and Recreation Commissioner.

Sungnome Madrone said that a smooth transition was necessary.

*Motion (Lin/Bhardwaj) to approve the proposed reorganization of commissionerships as listed, with the changes to take effect immediately. **Passed unanimously.***

*Motion (Lin/Miller) to approve the schedule on commissionerships and representative assignments as modified. **Passed unanimously.***

2. Discussion/Decision on proposed procedure and regulations for preparation and submission of agenda items for council meetings. (Lin/Miller)

Introduction: Lin introduced the item and reviewed the changes proposed in the new Resolution 2007-01.

Council clarification/discussion

Heyenga explained that the policy on agenda items not being removed or changed did not conflict with the proposed resolution but was intended to protect a Councilmember's item from being removed or altered by another Councilmember. He agreed to wait to see what was passed and then bring the policy back for consideration.

Bhardwaj asked about when Staff Recommendations were required. Lin clarified that issue. She also asked if the City pays Staff to write responses. The answer was yes.

Miller said some discussion with the audience can be useful, giving Councilmembers new ideas. We need time to discuss ideas and to give the audience a chance to consider them. He described his primary responsibility as thinking carefully about the decision to be made.

Binnie noted the Citizens Committee recommended each Councilmember could submit three items, making a total of fifteen items possible - too many. He suggested limiting the number of agenda items or setting a meeting deadline.

Heyenga asked about several words and meanings in the proposed Resolution. Discussion followed with the following revisions to proposed Resolution 2007-01:

- All references to meeting "procedures" were removed to be included in a subsequent Resolution.
- To the last sentence of #1 ("Deadline") was added: "... or a majority of the Council."
- Item #3 (" Limitations....") was clarified that agenda item limitations for each Councilmember did not apply to Consent Agenda items; the total number of agenda items for each Councilmember would be three total for the two monthly meetings, except that the Mayor could submit four. This means a total of sixteen regular agenda items possible for a month with no Councilmember submitting more than two for any given regular meeting.
- Item #4 ("Agenda...."), line item #7 ("Background"), was clarified that the Councilmember submitting the background information would determine what information was "adequate" for inclusion on the agenda. However, Council agreed that at the meeting a Council majority might decide that the information was inadequate and ask the item be returned with additional information.
- Miller said the subcommittee will summarize the changes discussed.

Public input

Jim Cuthbertson: cautioned about incurring planning department costs; said the Brown Act already had a procedure to add emergency items.

Steve Ruth: would recurring agenda items use up a Councilmember's "quota" for a meeting?; suggested we count only new items; recommended moving to earlier starting time and ending the meeting at 10:00pm unless Council wants to continue discussion; suggested a limit on calls to attorney.

Carol Rowe: agreed with starting at 7:00pm and ending at 10:00pm; time urgency should be a higher priority for items; should be no "discussion" items - decisions only.

Sungnome Madrone: focus on important and urgent items, then more discussion may be possible; use experts from the community in discussions.

*Motion (Lin/Miller) to approve Resolution 2007-01 as modified relating to Council meetings agenda preparation and submission; to rescind the policy on meeting agenda items approved March 28, 2006; to implement Resolution 2007-01 starting January 1, 2007. **Passed unanimously.***

3. Discussion/decision on proposed ordinances regarding fireworks and fires on beaches. (City Attorney/Heyenga).

Introduction. Heyenga introduced the item and reviewed the history of hearings and discussion on the issues.

Council clarification: Binnie asked if the fire ordinance applied to barbecues. Heyenga said yes.

Public comment

Kim Binnie: said that fireworks can also harm and frighten wildlife and suggested adding wording to the ordinance. Also noted that she had cleaned up much trash off the beach after the Fourth of July.

Tom Odom: does the ordinance apply to the harbor parking lot? Lin said that the lot was Rancheria property.

Steve Ruth: the proposed ordinances go beyond what the residents asked for; should not ban all fires or fireworks; residents and tourists enjoy beach fires.

Janine Volkmar: does the ordinance cover shooting guns? Heyenga said there is already an ordinance prohibiting the discharge of firearms in the City.

Glenn Saunders: enjoyed family outings at beach with fires.

Carol Rowe: favored both ordinances.

Terry Marlow: with a new Council the decision has not been made; opposed fireworks ordinance.

Heyenga apologized for just recognizing that neither ordinance contained penalties for violating the ordinance. He suggested tabling the item until he works out penalties with the Chief of Police and the City Attorney. Council agreed by consensus.

5. Discussion/decision on commitment to construct sidewalk on south side of underpass as first Gateway project. (Residents/Heyenga) [Note: Mayor Lin agreed to take this item next as per resident request.]

Introduction. Heyenga introduced the item.

Council clarification/discussion

Binnie asked if the decision about which project would be first should be made by an engineer or contractor [instead of the Council]; will doing the sidewalk first impact other projects? Is the sidewalk in the Caltrans right-of-way? Lin said the part under the underpass is.

Bhardwaj asked about the series of steps in doing such a project.

Miller suggested the wording [of the motion] should not hamper construction plans; suggested substituting "top priority" and "subject to approval of City Engineer."

Lin said that project sequence is determined by permitting, weather, etc. and that we should not tie the engineer's hands.

Binnie noted that temporary measures could be taken to make the current path safer if the money won't be available soon.

Public comment

Glenn Saunders: whoever comes up with the money first, that's what we should use; the engineer already has the sidewalk designed.

Janine Volkmar distributed a photo showing a disabled resident having to use the street because the path was unsafe; said the City Engineer told the Council there were no "priorities" in the Safe Routes to Schools grant.

Jim Cuthbertson: we have talked about this for years; put sidewalk in now; waiting will make the work more expensive. Miller asked if the City has the money now to do the sidewalk and Lin and Cuthbertson both said yes.

Terry Marlow: Gateway money is in the bank; hardscape elements (concrete work) is estimated at \$67,000 and will be the first work done; plans are approved by Caltrans; Safe Routes to Schools grants will be awarded by March; getting the grant will extend Gateway funds.

Steve Ruth: let the City Engineer phase the work.
Sungnome Madrone: leveraging grants is a good idea.

Brad Twoomey: this item should not have been presented.

Motion (Heyenga/Miller) in two parts: If the Safe Routes to Schools grant is awarded, sidewalk improvements to the underpass will be the top priority project; If the Safe Routes to Schools grant is not awarded, the underpass sidewalk and related improvements will be the top priority Gateway project; Any project will be subject to the approval of the City Engineer. Motion passed 3-2: Yes - Miller, Bhardwaj, Heyenga; No - Binnie, Lin.

- 4. Discussion/Decision on agreement with Winzler & Kelly for new police facility planning. (Heyenga) **Introduction.** Heyenga introduced the item.

Council clarification/discussion

Lin asked if other locations had been considered. Heyenga said this proposal is for a facility attached to Town Hall, but that the Council could consider any additional options. Lin said that Richard Johnson was going to submit a list of other options.

Heyenga noted that Winzler & Kelly's work would give the Council a clear understanding of the Town Hall options so the Council could decide if they wanted one of those or wanted to look elsewhere.

Bhardwaj asked if it was standard procedure to have such an agreement. Heyenga said yes (Lin agreed).

Public comment

Tom Odom: could use Spencer Engineering for less money.

Jim Cuthbertson: could cantilever the building but must leave space to work on leachfield.

Kim Binnie: concerned that there won't be enough money for all the Town Hall project being considered.

Council action

Binnie: can we get bids from other engineering firms? Heyenga said yes if that is what the Council wants.

Lin: project is important and the Council needs to answer the question of the police facility; should not delay.

Motion (Heyenga/Miller) to approve the Agreement with Winzler & Kelly for engineering planning services for the new police facility; to authorize the Mayor to sign the agreement on behalf of the City; and to authorize funds from the Indian Gaming grant to pay for the services. Passed unanimously.

6. Discussion item: Discussion on Council meeting protocol recommended by the Citizens' Committee on Meeting Procedures. (Lin)

Introduction. Lin introduced the discussion item and the Council and audience discussed various parts of the meeting protocol the Council had been twice trying.

Miller suggested deleting #4 and adding rediscussion by Council after public discussion; also suggested eliminating the show of hands; need civil discourse.

Bhardwaj said that rediscussion should be about new information only, not a restatement of prior comments; need to follow up on ideas from audience.

Steve Ruth: #6 is awkward because the Council can explain and respond without "debate"; complex issues may require longer presentation and discussion

Jim Cuthbertson: show of hands makes the Council look like they have already made up their minds and there is no point in public comment; Council should be able to respond to the public.

Brad Twoomey: if all five Councilmember approve [by show of hands] it could limit discussion; objects to rediscussion by Council; too much repetition; goal is to speed up meeting but not speed up voting - take complex issues slowly. [From K.B. "Twoomey supported the show of hands."]

Sungnome Madrone: need clear rules that everyone agrees to follow; can help discipline each other. [From K.B. "Madrone supported the show of hands. Audience can more effectively influence the Council if they know their initial reactions to an agenda item. Using a facilitator helps a meeting run better; hard for mayor to focus on form AND content at the same time."]

Heyenga said that a show of hands dampens public discussion because the Council seems to have made up its mind in advance.

Binnie questioned the need for a monitor; suggested the Mayor could be monitor. There was general agreement on the need to monitor meetings but not on the need for an appointed monitor not on the Council.

Council action: As this was a discussion item no formal action was taken. [From K.B. "Bhardwaj supported use of the monitor. Redirects people when they drift off topic, debate, or when individual Council and Audience members converse; assists Mayor to run meeting smoothly."]

Lin asked for suggestions on meeting protocol to be submitted to him and he will develop a trial protocol for the next meeting.

VIII. ADJOURNMENT

There being no further business before the Council, Mayor Lin adjourned the meeting at 11:13pm

Submitted by:

Approved by:

Dean Heyenga
Councilmember
12/20/06

Chi-Wei Lin
Mayor