

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JULY 08, 2009

I. CALL TO ORDER/ROLL CALL

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

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

Real Property Negotiations: Section 54956.8, Status of the Lease/Sale of 12.5 Acres of City Property
Parties: City of Trinidad and the Yurok Tribal Council

IV. RECONVENE TO OPEN SESSION

Mayor announced there was nothing to report from closed session.

V. APPROVAL OF AGENDA

Agenda item number 2 was postponed until the August meeting.

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

VI. APPROVAL OF MINUTES

June 10, 2009 cc

*Motion (Bhardwaj/Fulkerson) to approve the minutes as submitted. **Passed unanimously.***

VII. COMMISSIONERS REPORTS

Binnie:

- **HCAOG:** Held a public hearing on the regional housing needs plan developed by HCAOG staff.

Bhardwaj:

- **Planning Commission:** The June meeting was held outdoors as a fieldtrip around town. The Commission also reviewed the recently approved General Plan developed by the City of Fort Bragg. The City's current draft plan will be reorganized to better suit readers.

Morgan:

- **HCAOG:** Attended a Federal Recovery Act funding meeting held to inform and encourage cities to expedite their projects.

Fulkerson: Nothing to report.

Ratzlaff:

- **RCEA:** Briefly explained the agency and its purpose.

VIII. STAFF REPORTS

City Manager - Albright: Summarized staff activities report.

Police Chief – Thrailkill: Edwards Street safety meeting was held on Tuesday, July 07. Feedback was received and will be implemented by the end of the month.

City Clerk – Gabriel Adams: Announced an upcoming free household hazardous waste event in McKinleyville on Saturday, July 18.

IX. ITEMS FROM THE FLOOR

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

Charles Netzow – Trinidad Museum Contractor

Working with Mary Gearhart to develop a landscape design for the park thanks to a generous donation from Glenn & Janis Saunders. Also proud to announce that a final inspection is scheduled for tomorrow morning with the city's building inspector. Finally, \$15,000 has been allocated by the Council to underground a phone pole at the park entrance. He urged the Council to reconsider the commitment, weigh the need for the expense, and consider applying the funding to the Library infrastructure instead.

Glenn Saunders – Trinidad

Introduced former Councilmembers Zack and Susan Rotwein.

X. CONSENT AGENDA

1. Staff Activities Report through May, 2009
2. Financial Status Reports for April, 2009
3. Set Public Hearing for September 9, 2009 for Annual Water Rate Increase
Motion (Fulkerson/Bhardwaj) to approve the consent agenda as submitted. Passed unanimously.

XI. AGENDA ITEMS

1. Presentation and Endorsement of a Letter of Comment Regarding the Marine Life Protection Act Initiative.
City Manager Albright introduced Adam Wagshal, Director of Conservation for the Humboldt Bay Harbor, Recreation and Conservation District. Wagshal explained that the Marine Life Protection Act (MLPA) of 1999 directs the state to redesign California's marine protected areas to function as a network in order to increase the effectiveness of protecting marine ecosystems. It also encourages improved recreational, educational, and study opportunities. In 2004, the State Resources Agency and the Department of Fish and Game partnered with the Resource Legacy Fund Foundation to launch a public-private initiative to implement the Act. That is now commonly referred to as the MLPA Initiative. The planning process for the North Coast Study Region (California/Oregon border to Point Arena) is scheduled to begin in late 2009 or early 2010.

In beginning this planning process, several planning issues and concerns have arisen. Those concerns are explained in a letter included in the packet. Wagshal requested that the Council support a letter of concerns to the Natural Resources Agency. Many other jurisdictions in the Study Area have already been approached and agreed to sign on to this letter.

Public comment included:

Mike Zamboni – Trinidad Fisherman

The MLPA is a bad deal for commercial fisheries, especially in Trinidad. I predict a 20-40% hit to the local economy. Besides, 85% of our coastal water is protected or off limits already.

Dennis Mayo – McKinleyville

MLPA's impact fishing. They are State Parks in the water. Do you want healthy docks, local food, and thriving industry? Send the letter and give us your support.

Captain Zack Rotwein – Trinidad Fisherman

I've been fishing Trinidad for over 30 years and I don't support the MLPA. The State should only apply the law in highly populated, easy to fish areas of the coast, not this far north. The north coast doesn't have the same problems that plague the south coast fisheries. The plan should be written with local knowledge and consideration.

Glenn Saunders – Trinidad

Wholeheartedly supports the fisherman.

Shirley Laos – Trinidad Rancheria

The Natives should be able to retain their ability to harvest from the ocean. The MLPA will be too restrictive. Balance is necessary, but true and meaningful input should be considered.

Susan Golledge-Rotwein – Trinidad Fisherman
Please support this letter.

Sonny Davey – Trinidad Fisherman
I've been fishing Trinidad for 15 years. Restrictions are already heavy, and the layers keep getting thicker.
Please support this letter.

Council comment included:

Fulkerson: Have other communities endorsed the letter? Washgal responded showing a slide of all the local communities and agencies that have signed on.

Morgan: Supports the letter.

Bhardwaj: What will you do with the letter? Washgal stated that the objective was to bypass local MLPA Staff and request an earnest meeting/discussion with State officials who have authority, and force a debate on the issues brought up tonight.

*Motion (Fulkerson/Ratzlaff) to endorse the letter of comment to the California Natural Resources Agency regarding the Marine Life Protection Act Initiative process. **Passed unanimously.***

2. Report on Recycling Status in Trinidad
Continued to the August 12 meeting.

3. Presentation on the Chevron Sign/Fees Issue.
City Manager Albright explained that at the last Council meeting, several Trinidad residents requested that this item be discussed by the City Council.

The Chevron signs issue has long been contentious in Trinidad. The most recent concerns regard the failure of the owner to comply with conditions placed by the Trinidad Planning Commission in 2008 and the failure of the owner (Redwood Oil) to reimburse the City for fees related to Planning Commission considerations (primarily staff work by Streamline Planning).

Residents Brad Twoomey, Mareva Russo, and Kim Tays have requested time to make a presentation to the City Council.

Mareva Russo – Trinidad
Distributed an outline detailing Chevron's history of non-compliance, and followed up with sign regulations and enforcement issues that are still outstanding. She cited examples of problems that were handled without hassle, and noted that the City has a de-facto policy of selective enforcement. After studying the sign ordinances, Russo interpreted that it was ok to selectively enforce, and ok to retroactively enforce them. She urged the Council that the battle is worth fighting, and the city should a) recover ALL the fees due, b) enforce all the conditions imposed by the Planning Commission, c) insist upon a smaller price sign, and d) respect the natural surroundings (Trinidad's main economic draw) by shielding the town from the gloss of Chevron.

Kim Tays – Trinidad
Commented on the character of station owner Peter Van Alyea's egregious behavior and continued failure to comply with his permit conditions. He should not be able to control the City's authority and make a mockery of the Council and Planning Commission. The City should hire qualified workers to execute the conditions set forth by the Planning Commission, and send any past due balance to the collections agency.

Aldaron Laird – Consulting Planner
Redwood Oil has no authority to pick and choose conditions to implement. The work performed was not repair – it was upgrades. He requested that the City pursue any and all legal remedies available to it to enforce compliance with all conditions of approvals in CDP's 2007-01 and 2008-04.

Council comment included:

Fulkerson: Why is this before the Council? CM Albright explained that in June of 2007, Van Alyea challenged the Planning Commission's conditions of approval. The primary goal of removing the large Chevron sign was achieved at that time, but the issue that still needs to be addressed is whether an applicant should be allowed to cherry-pick conditions. I have written letters to Van Alyea and he has responded. We have a tentative meeting scheduled to deal with outstanding fees and conditions. He did not file an appeal. How far are we willing to take this?

Binnie: Van Alyea has had plenty of chances to comply and failed. We should at least turn him over to the collections agency.

Bhardwaj: We should acknowledge the work of the individuals on progress made so far, such as the removal of the large freeway sign. Trinidad needs a gas station and should maintain good relations, if possible, with the owner. I would like to see an agreement reached that satisfies all parties.

Morgan: Asked City Planner Parker about application withdrawal and nuisance abatement. Defended Van Alyea with regards to the large sign compromise, and noted that his critics have yet to appreciate what has been done so far.

City Planner Trevor Parker: If you haven't done work that requires a permit then yes, an application could be withdrawn. Most of the items listed in his application would normally be exempt from permits. However, all together his requests add up to a significant image modification.

Fulkerson: The City should have asked for more from the beginning. Van Alyea has not acted as a good neighbor. He should have followed through from the beginning. However, if he wasn't required to apply, we owe him an apology.

Public comment included:

Aldaron Laird – Planning Consultant

The Planning Commission made significant findings at the time of application submittal that required him to proceed with permitting. He had an opportunity to appeal, but did not.

Patti Fleschner – Trinidad

In defense of Van Alyea, it's not appropriate to demonize him. He's a cooperative, decent man. Losing this gas station would dramatically impact this community. He should feel welcome. With litigation, everyone loses – except for attorneys.

Glenn Saunders – Trinidad

There has been a gas station on that corner since 1920. Business declined over 20% when it closed for a few years. Do not enter into litigation. Resolve this problem civilly and peacefully.

Cindy Lindgren – Trinidad Area

The City should enforce its permits. This has been going on for years. I think we've already compromised. We shouldn't live in fear of lawsuits. It's wrong to allow Chevron to follow their own rules, and it's not too much to ask to pay their bills.

Sue Rotwein – Trinidad

The City needs to enforce the rules consistently. Last time we ignored our ordinances we ended up in a lawsuit with John Frame for over 10 years.

Council comments included:

Fulkerson: We shouldn't get hysterical over this and worry that the station will close over a permit issue. An analysis of fees should be completed and all conditions should be met. We should avoid making the problem worse, but should hold Redwood Oil accountable for reasonable conditions.

Bhardwaj: As for the bill, I would suggest that Staff analyze it and determine what fees were reasonable and negotiate that amount with Van Alyea. If he fails to cooperate, send his entire bill to collections or place a lien on the property.

Binnie: Van Alyea is in debt to all of us. He needs to follow the rules and be held accountable.

Motion (Ratzlaff/Morgan) to direct staff to develop a comprehensive report detailing all the permitting conditions, complaints, and unresolved issues and report back to the Council at a future meeting.

Passed unanimously.

4. Continuation of Water Rates Discussion
Continued to a future meeting.

5. Continuation on Trail Signs Discussion

City Manager Albright explained that at the May Council meeting, it was requested that this issue be placed on the Council's agenda for discussion. Adora King and Jim Cuthbertson have both complained about the sign placed on Wagner Street that references the restrictions for use of the trail. They state that the sign is in the wrong location and that it does not clarify that the restrictions refer to the Trail and not to Wagner Street. None of the other residents on Wagner Street have complained.

In addition, Ms. King also objected to a sign placed at the entrance to Wagner Street saying that the street is intended for residents only. Since there appeared to be no support for that sign, it was removed after the Council's June meeting.

Albright presented slides of existing trail signs so that participants can refer to any or all of the signs during this discussion.

Mayor Binnie presented 3 sign alternatives that the Council discussed.

*By consensus, the Council agreed to remove "restrictions" sign, replace with a sign designed and proposed by Mayor Binnie, and relocate it closer to the trail entrance. The new sign will be created and approved by the Council prior to installation. **Passed unanimously.***

6. Progress Report on FY2010 Budget Requests.

City Manager Albright explained that the City Council adopted the FY2010 Budget by resolution at the June meeting. At that time, Council members requested staff analysis of a number of potential budget additions in the form of special projects, studies or analyses, and other unprogrammed expenditures.

The following items may be considered by the Council at a future meeting, and all or some of the changes could occur by resolution as a budget amendment at the August or September meeting.

- Regulation of Vacation Dwelling Units.
- Recodification of Trinidad Codes and Ordinances.
- Improvements to Town Hall.
- Undergrounding of AT&T Line on Patrick's Point Drive.
- Fire Department Capital Reserve Account.
- Liability and Property Insurance.

Report only. No decision was made.

7. Discussion on Time and Length of City Council Meetings.

City Manager Albright explained that this item was continued from the June 10, 2009 City Council meeting. In recent months several of the Council members have expressed concern regarding the length of some of the City Council meetings. This is especially case when there is a one-hour Closed Session prior to the regular meeting.

If the Council members discuss this issue and conclude that some change is in order, there are several options:

- Begin the meeting earlier in the evening, though this would not address the length of the meetings;
- Set an "end time" to the meetings, regardless of when they begin;

- Establish a time-certain length to the meetings, i.e. a three-hour meeting regardless of what time the meeting begins; or
- Have shorter meetings but plan to have two meetings every month.

This is intended to be an open discussion to determine if a problem exists and, if so, what need to be done to resolve the problem.

Council comment included:

Morgan: I'd like to try starting the meetings at 6:00pm and set an ending deadline of 10:00pm.

City Attorney Hagen: The Mayor has the authority and latitude to run the meetings as he sees fit. It is his responsibility to control the public - not allow the public to control the meeting. You can run the meeting, or it can run you.

Fulkerson: It's a tradition in Trinidad to keep meetings casual, but orderly.

Bhardwaj: I'm in favor of shorter meetings.

Discussion only. No decision was made.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 10:45pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Stan Binnie
Mayor