

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MAY 12, 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.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No Closed Session was scheduled.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

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

VI. APPROVAL OF MINUTES

April 14, 2010 cc

April 28, 2010 scc

Motion (Fulkerson/Bhardwaj) to approve all the minutes as amended. Passed unanimously.

VII. COMMISSIONERS REPORTS

Binnie:

- **HCAOG:** Reviewed Draft Corridor Preservation Report and Fiscal Year 2010-2011 Workplan.

Bhardwaj:

- **Planning Commission:** Announced the Septic Repair/Replacement Program funded by the Clean Beaches Grant and encouraged Trinidad area residents to apply.

Morgan: No report.

Fulkerson:

- **RREDC:** Nursing program at HSU received a 1 year extension. Discussion regarding marijuana legalization and the potential impacts on Humboldt's economy continues.
- **HTA:** Extra HTA sign at bus station on Main Street will be removed soon.

Ratzlaff: No 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.)

Glenn Saunders – Trinidad

Parker Creek residents should be notified personally about the septic system repair grant.

Jim Cuthbertson – Trinidad

Various concerns about the Van Wycke Trail.

George Williamson – LAFCO Executive Officer

LAFCO found an exemption that would allow Cal-Fire to proceed with the water connection request and negotiate a connection agreement with the City. The City, however, is not obligated to proceed. LAFCO also contracted with the City's engineer to determine whether or not water capacity is available. The analysis is available at City Hall. LAFCO will meet on May 19.

Sungnome Madrone – Trinidad Area Resident

Regarding the Van Wycke Trail - An 18" storm water drainage pipe meets a 12" pipe below the trail. That connection could become problematic in the future and cause damage to the trail if it fails.

Richard Johnson – Trinidad Chamber of Commerce
Announced the 53rd Annual Fish Fest, and 10th Anniversary Gateway Celebration, June 19 & 20.

X. 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

Motion (Fulkerson/Bhardwaj) to pull #3 for discussion and approve consent agenda as amended.

Passed unanimously.

Consent #3: Tree Removal Discussion/Decision

City Manager Albright explained that the tree appears to be a hazard and there is money available within our current budget to remove this tree. I recommend approval to remove the tree at the City's expense.

Fulkerson: This is a significant tree – the only large tree in that area. It should be referred to the Planning Commission.

Morgan: The PC should handle this and the City should pay to remove it if authorization is given.

Bhardwaj: I'd prefer not sending this to the PC. It's cold and wet here, and sunlight is important. Removing this tree will save them money and restore their view.

*Motion (Morgan/Fulkerson) to send this item to the Planning Commission for review and recommendation. **Passed unanimously.***

XI. AGENDA ITEMS

1. Update Report on Funding for Water Treatment Plant Improvements
City Manager Albright explained that the California Department of Health has alerted the City that Trinidad's application for funding support for planning and design of treatment plant improvements is being considered. The key finding to date is that the City qualifies as a "disadvantaged community." This means that the application will be considered for 80% grant at 20% loan or cash match. The application for this project was for \$193,100, which means that the City is eligible for a \$154,480 grant.

Albright introduced Rebecca Crow, who prepared the application from Winzler & Kelly, to provide the update report. She will also address recent correspondence from the State Water Resources Control Board informing the City that our approved \$2,500,000 project for storm water drainage improvement is prepared to finally move forward. Her report included the following information:

Water System Improvement Project

Improvements are needed at the Water Treatment Plant to address requirements of the Safe Drinking Water Act. The City is currently out of compliance with the SWDA at times for exceeding the filter loading rates, disinfection by-product limits, and turbidity limits.

The proposed improvements include:

- New Membrane Filtration System to replace existing pressure filters
- New Membrane Backwash and Recycle System
- New Pump Station to move treated water to storage
- New Chlorine Booster Pump Station

The remainder of the report included:

- Recent history of project development/funding efforts
- Summary of the planning project

- Next steps

Proposition 84 Areas of Special Biological Significance (ASBS) Stormwater Grant

The State Water Resources Control Board (SWRCB) Ocean Plan prohibits stormwater discharges into ASBS areas. The City of Trinidad received notification from the State to stop discharging stormwater into the kelp beds of Trinidad Bay. The City requested a waiver to this prohibition, but must still reduce storm water runoff into the bay.

Proposed Project Elements:

- The project will address stormwater discharges of pollutants to the Trinidad Head ASBS which will reduce contaminant loads to the ASBS through a variety of best management practices including low impact development techniques that capture, retain, infiltrate, and treat stormwater. Technologies that may be implemented include underground storage and infiltration units, bioswales, bioretention facilities, rain gardens, grassy swales, and similar gravity based low-tech facilities.

The remainder of the update included:

- Recent history of project development/funding efforts
- Summary of project components
- Next steps

Council comments included:

Fulkerson: Thanked Crow for the report, and acknowledged the amount of responsibility Trinidad has in protecting the bay.

Public comment included:

Sungnome Madrone – Fox Farm Road

Agreed with Crow that the City must maintain control of its water quality, both drinking and storm water runoff. However, Madrone argued that the potential of any system to function as designed on such a small site is minimal, and that the City should pursue an analysis of the Spring System he designed and proposed to the City last year. Solve the problem, don't just treat the symptom.

Tom Odom – Trinidad

The City should consider joining the Humboldt Bay Municipal Water District and construct a pipeline from McKinleyville to Trinidad. This would solve all the problems.

Crow responded, stating that the option of HCSD was studied and presented in the option report last year. She noted the risks associated with abandoning water rights of Luffenholtz Creek, and argued that the current distribution system and disinfection requirements would need to be maintained.

No decision was made. Presentation/Update item only.

2. Proposed Contract for Law Enforcement Services with the County Sheriff's Office

City Manager Albright explained that with the resignation of the Trinidad Police Chief and the subsequent loss of police services in the City, Trinidad is in need of an interim solution regarding law enforcement services. Staff has reported to the Council the challenges that are being faced and the apparent options that can be pursued.

Three options have been publicly provided to the Council:

- Retain a local qualified person to act as an Interim Police Chief;
- Recruit an Interim Police Chief with the assistance of the California Police Chiefs Association; and
- Contract with the County Sheriff's Office until the Council has time to consider a long-term strategy.

Since there is an immediate need to fill the current void of law enforcement services, the first two options are NOT being recommended.

Albright added that while some local candidates have come forward to act as an Interim Police Chief, none are being recommended at this time. Since the discussion of individual candidates is a personnel matter, the reasons for not selecting any specific individual will not be discussed publicly.

Contact has been made with Bob Murray and Associates, an executive search firm employed by the Police Chiefs Association, to place retired police chiefs in temporary situations. The cost to do this would be very high; there is no assurance that Trinidad would get the right type of individual; there is no assurance that an individual would be available within our current budget allocation; and the process would take several months. Still, the individual in charge of these temporary recruitments has done some investigating on our behalf at no charge, and he has not come forward with anyone in the past two weeks.

At the Council's meeting on April 28, 2010, the Mayor and the City Manager were authorized to meet with and negotiate a contract for services with the County Sheriff. If possible, that was to be done and brought back to the Council for consideration at this meeting.

The agreement that is being recommended to the Council is based on the one that was developed 2+ years ago for Blue Lake. The proposal is for 1.5 Sheriff's Deputies to be assigned to Trinidad. The advantages to Trinidad to use the services of the Sheriff's Office for this interim period are:

- a full time trained deputy will be assigned to Trinidad and so that person will become familiar with the City and its residents in a manner similar to a City Police Officer (4 10-hour shifts, time to be determined);
- a part-time deputy will patrol the City during various time periods (weekdays and weekends) for 20 additional hours during the week;
- the City will be involved in the selection of the Deputies;
- the Sheriff's Office assumes the responsibility for all officer supervision, scheduling, training, investigative services, and other follow-up;
- the Sheriff's Office provides all of the support services;
- the Sheriff's Office provides all of the equipment; and
- Humboldt County assumes all liability associated with the actions of its Deputies.

The proposed maximum cost of the contract is approximately \$180,000/year.

In support of the contract, the City will provide a supplied office space (phone, desk, basic office equipment, etc.) for periodic use by the assigned Deputies. The City will also continue to employ in that office its current Office Manager for at least the duration of this contract to act both as a liaison to Sheriff's Office, to assist Trinidad residents with policing issues, and to continue to maintain ongoing records and evidence storage. The estimated annualized costs of that office are as follows:

• Maintain Part-Time Office Manager:	\$ 21,000
• Office Lease:	7,800
• Office Utilities/Communications/Supplies	5,400
• Office Equipment, Leases, Agreements	3,000
• Animal Control Contract:	<u>1,350</u>
TOTAL:	\$ 38,550

The projected total annualized cost of the contract plus the City support is projected at approximately \$220,000. The current allocation to the Trinidad Police Department is \$154,000 from the General Fund and \$100,000 from the COPS Grant. There would be an approximate cost savings to the City of Trinidad General Fund of approximately \$34,000, on an annualized basis. Albright also noted that a long-term solution has not been determined.

Public comment included:

Mike Downing – Humboldt County Undersheriff

Thanked the Council for allowing him an opportunity to speak. He assured the Council that the Sheriff was not out looking for work, but would like to extend the County's assistance and support. He also noted that if the City chose this option, the Sheriff would work to maintain Trinidad's identity and fulfill the commitment. The Sheriff will support the City in whatever decision it makes, and if selected would like to maintain a clean line of communication with the community. The network of support behind the County Sheriff's Department is vast, and the City will have full access to it.

Marlene Smith – Mayor, City of Blue Lake

The City of Blue Lake realized the enormous liability it had by maintaining it's own Police Department. The Sheriff's support is incredible, and their professionalism is outstanding.

Glenn Saunders – Trinidad

Offered his full support of contracting with the Sheriff, but suggested the Council not get involved in selecting the officer for Trinidad.

Richard Johnson – Trinidad Area Resident

Reminded the public that the City would be hiring 1.5 officers from the Sheriff's Department, not placing any additional burden on the existing number of current officers.

Steve Ruth – Trinidad

Asked what would happen to the current inventory of Police Department vehicles, supplies, etc. Albright responded, stating all equipment would be stored by the City and through support of the Sheriff until further notice.

*Motion (Fulkerson/Ratzlaff) to approve the proposed "Agreement to Provide Law Enforcement Services within the City of Trinidad" with Humboldt County through December 2010, and authorize the City Manager to execute the Agreement on behalf of the City and be responsible for its implementation. **Passed unanimously.***

3. Endorse or Modify Comments from the Planning Commission Regarding the Homan Subdivision

City Manager Albright explained that at a special meeting held by the Trinidad Planning Commission on February 17, 2010, Trevor Parker was requested by action of the Commission to submit a comment letter to the Humboldt County Planning Commission regarding the proposed Homan Subdivision. This project is proposed to be a 9-lot subdivision within the City of Trinidad's Planning Area off Stagecoach Road.

The project's proponents and members of the Friends of College Cove, which has stated numerous concerns about the project, have been alerted about this meeting. It is suggested that each "side" be given some reasonable amount of time to fairly state their position or comments.

Council questions/comments included:

Fulkerson: Why is this on the agenda, again?

Binnie: This project is outside the city and will be handled by the County Planning Commission. However, it will have significant impacts on the City that should be addressed.

Public comments included:

Mike Nelson – LACO Associates, Homan Project Manager

Requested that comments from opponents be heard first, and his response last.

John Homan – Trinidad Area Resident

I was not invited to the meeting that the Trinidad Planning Commission held to discuss my project. Opponents of my subdivision used the City's Planning Commission to voice their concerns, and the City wrote a letter to the County without taking into consideration any input or response from the applicant. The meeting was unfair, one-sided, and the damage is done. Many "false statements" were made at the hearing by the opponents to convince the Commission that additional environmental review was necessary. I've spent an enormous amount of money hiring experts to mitigate impacts and create a successful design, and the Friends of College Cove are using the City to protect their NIMBY interests. Finally, Mayor Binnie sent an email this morning to an unidentified recipient stating that the City recommends a "full EIR" be completed. This was inappropriate.

Fulkerson: How did Mr. Homan not get notified? **City Manager Albright** explained that it simply was an error. However, the meeting notification requirements were met but a personal invite was not given.

Richard Johnson – Trinidad Planning Commission Chairman

A referral from the County was received for this project and forwarded to the Planning Commission for review. A number of requests were also received from the public requesting that the PC hear the item and discuss possible impacts to the City.

Binnie: I received an email this morning from an individual interested in purchasing one of the lots and I responded. He summarized the recent letter approved by the PC addressing the City's concerns.

Robert Vogel – Trinidad Area Resident

Friends of College Cove originally requested that the Regional Water Quality Control Board review the impacts that the Homan Subdivision may have on the Trinidad ASBS. There are many questions still unanswered, the letter from the Trinidad Planning Commission should be endorsed, and a full EIR should be required.

Steve Ruth – Trinidad

The PC letter should be endorsed. I agree that this project will have significant impacts on Trinidad.

Jim Cuthbertson – Trinidad

This is a disgrace. The Council has enough business to take care of and the County has authority. **Tom Odom** and **Glenn Saunders** agreed.

Sungnome Madrone – Trinidad Area Resident

This project proposes 9 parcels with the potential of 2 homes per lot. LACO's water availability study found enough water for 21 houses, but I disagree that there will be enough (demonstrating his argument with props).

John Webb – Trinidad Area Resident

Requests a full EIR be completed.

Jim Wauters – Trinidad Area Resident

Stagecoach Road resident for 42 years. The wild nature of the Homan property is an important part of my daily life. The size and scope of this project is inappropriate for this area.

Eric Lindquist – Trinidad Area Resident

I've known John Homan longer than anyone in this room. He has done a lot for this community. Every one of you came here, bulldozed a lot, cut down trees, and built a home. The additional housing proposed will allow more people to live here, shop here, boost enrollment in Trinidad School, and contribute. John loves Trinidad. This is ridiculous.

Valle Janes – Trinidad

I resent the Mayor speaking for me without my approval. I'm disappointed in this town for even getting involved. I do not endorse the letter.

Kathy Moley – Trinidad Area Resident

I find inaccuracies in the letter and think it should be reconsidered due to the misinformation provided and because Mr. Homan was not there to represent himself.

Larry Goldberg – Trinidad Area Resident

I was disappointed that Mr. Homan wasn't at that meeting. The Trinidad Planning Commission's letter requesting more information was appropriate at that time. Homan now has new information, and so does FOCC. I believe a full EIR should be required. Mr. Homan is not a bad guy, but more information is necessary.

Paul Hasselquist – Trinidad Area Resident

I don't support the letter as written. It should be amended and resent.

Jessica Powers – Trinidad Area Resident

The City Council should send this project back to the PC for review due to lack of info and to allow Homan to respond.

Jimmie Wilkerson – Trinidad Area Resident

I support this project. Reminded the public that we are all here because of developers.

Valerie Davidson – Trinidad Area Resident

I support the letter. The General Plan states how development is conducted in our community.

Mike Nelson – LACO, Homan Project Manager

Mr. Homan is not proposing to build homes. This is a subdivision only. A Coastal Development Permit is required for every home built in the future. LACO, Pacific Affiliates, and Winzler & Kelly are all working together on this project. LACO would not take on this project if we couldn't stand behind the work and comply with all regulatory policies. If you endorse the letter, you would be endorsing a lack of due process. I request you rescind the letter, send it back to the Planning Commission, and consider amending it.

John Homan – Trinidad Area Resident

I set aside \$100,000 in donations for the School and for Westhaven Fire. If I'm required to complete a full EIR, the money set aside for charity will be tapped.

City Manager Albright explained the difference between a full EIR and a focused EIR. The real battle should be taking place at the County level. The property is clearly zoned for this development, and the County General Plan fully authorizes it.

Council comments included:

Fulkerson: The project should be fully heard at the County Planning Commission hearing. This isn't about the people, it's about the land. We all came from other places and need to respect the land. This is complicated, delicate, and we should take no action.

Binnie: I too am concerned that both sides were not heard at the meeting. However, I'm also concerned with the timeline. We can't rescind the letter, but could request sending it back to the PC for consideration of both sides equally. Morgan agreed.

Bhardwaj: I agree with Fulkerson. The City's Planning Commission did its job and I fully support their work. If we write a letter at all, it should address the process issues, not the project.

Motion (Fulkerson/Morgan) to a) neither endorse or modify the letter sent by the Trinidad Planning Commission to Humboldt County Planning Commission, and b) authorize the City Manager to write a letter to County Planning stating that Trinidad's comment regarding the Homan Project were made without both sides being heard. Passed 4-1. No – Fulkerson.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 10:35pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Stan Binnie
Mayor