

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, OCTOBER 13, 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 Deputy Scott Hicks.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session scheduled.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Ratzlaff) to approve the agenda with the following changes:

Bhardwaj: Move Consent #7 to Discussion agenda.

Morgan: Move Consent #3 & 4 to Discussion agenda.

Binnie: Move Consent #6 to Discussion agenda. **Passed unanimously.**

VI. APPROVAL OF MINUTES

August 25, 2010 cc2

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

September 08, 2010 cc

Motion (Bhardwaj/Ratzlaff) to approve all the minutes as written. Passed unanimously.

VII. COUNCILMEMBER REPORTS

Binnie:

- **HWMA:** The Board accepted Trinidad's membership in September.
- **HCAOG:** Renew maintenance agreement to service Call Boxes along the freeway.

Bhardwaj: Summarized the September Planning Commission meeting action.

Morgan: Noted a recent article published in the LA Times taking a stand against homophobia.

Fulkerson: Brief reports on HTA and Coastal Gateway. Also announced Trinidad Rancheria's design fair in November.

VIII. STAFF REPORTS

City Manager - Albright: Summarized staff activities report and highlighted various other accomplishments.

Water Treatment Plant Director – Buckman:

Announced that all water customers were recently mailed a notice regarding a quarterly water quality violation. He explained the Safe Water Drinking Act, disinfection byproducts, and types of contaminants in water. Carbon is dissolved as tannic acids. The City removes over fifty percent of tannins in the summer. However, last spring there were above-limit samples. Those samples caused our running average to be higher than standard and therefore the City remains in violation. If the City continues to be proactive and work to find a solution, the State Department of Health will not punish the City for the violation.

Humboldt County Sheriff Deputy / Trinidad Police – Scott Hicks

It's a pleasure working in Trinidad. Focus is on transient population, vacation home security checks, and special event safety.

IX. ITEMS FROM THE FLOOR

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

Jim Cuthbertson – Trinidad

Reported issues with recent development activity on the Wagner Street Trail entrance and encouraged the City to resolve them.

John Spyropoulos – Trinidad

Thanked Saunders for park donation. Too dark under the freeway and the intersection is difficult to navigate by foot at night.

X. CONSENT AGENDA

1. Staff Activities Report through September, 2010
2. Financial Status Reports for July and August, 2010
3. Resolution 2010-14 Supporting the Unified Marine Protected Area Array
*Motion (Fulkerson/Bhardwaj) to approve. **Passed unanimously.***
4. Resolution 2010-15 Opposing State Ballot Proposition 23
*Motion (Fulkerson/Bhardwaj) to approve. **Passed 4-0. Morgan - Abstained.***
5. MOA with Trinidad Rancheria
6. Report on Water System Violations
7. Waiver of Town Hall Rental Fees for the School District

Council concluded after public discussion that staff should develop a maintenance fee and perform quarterly maintenance detail on the Town Hall. *Motion (Fulkerson/Ratzlaff) waive the \$200 rental fee for Trinidad School's use of the Trinidad Town Hall for the Spring Fundraiser. **Passed unanimously.***

XI. AGENDA ITEMS

1. Public Hearing for Ordinance 2010-04 for a Transient Occupancy Tax Rate Increase
City Manager Albright explained that In June, the Vacation Dwelling Units Advisory Committee recommended increasing the Transient Occupancy Tax (TOT) from 8% to 10%. A public hearing was set for August 11, 2010, but a busy staff and council calendar delayed that hearing. In September, the public hearing was reset for October 13, 2010.

The TOT was established by Ordinance in Trinidad in 1992. Proposed Ordinance 2010-04 would change the RATE of the TOT charged to visitors staying in Trinidad lodging establishments for less than 30 days. This is the only change proposed to the existing ordinance, which is Section 3.20.030 – Imposed Rate. The change would read “....a tax in the amount of **10%** of the rent charged by the operator.”

This increase is projected to increase revenue from Transient Occupancy Tax by approximately \$15,000 annually by increasing the cost to Trinidad visitors by \$2.00 for every \$100.00 of room rate charged.

There was no public comment.

*Motion (Fulkerson/Bhardwaj) to conduct the Public Hearing, and then approve proposed Ordinance 2010-04 amending the Trinidad Municipal Code. **Passed unanimously.***

2. Update Report on the ASBS Grants
City Manager Albright explained that the City was approved to receive two grants in 2009 from state Proposition 84 funds. One of the projects, the Trinidad Stormwater Drainage Improvement Project, is intended to greatly reduce runoff and pollutants from the City entering Trinidad Bay.

The State Water Resources Board staff has had a number of questions to the City about this project. These concerns need to be addressed to their satisfaction before a grant agreement can be concluded. A meeting was held in Trinidad on September 30 between members of the State Water Resources Board staff and Trinidad representatives, including Mayor Binnie, Councilwoman Bhardwaj, Rebecca Price-Hall, Chi Wei Lin, and City Engineer Steve Allen.

City Engineer Steve Allen updated the Council on the project and explained changes that may need to be made to satisfy State staff.

Public comment included:

Richard Johnson – Trinidad Area

Grant documents and letters should be uploaded onto the website for public review.

Report only. No decision was made.

3. Update on Trinidad Library

City Manager Albright explained that the Trinidad Library is getting closer to reaching its fund-raising level necessary to initiate construction. As this important project nears its kickoff, two issues will need to be addressed by the Trinidad City Council prior to the eventual opening of the Library.

First, the Council will need to enter into business arrangements (leases or memorandums of agreement) with both the North Coast Land Trust and Humboldt County. Since the land and the building will be owned by the Land Trust, there will need to be some formal agreement between the Land Trust and City that conveys the use of the building to the City of Trinidad. The second agreement would be some document between Humboldt County (Library Department) and the City that defines the terms and conditions for the Trinidad Library to become a part of the County Library system.

Second, an issue of liability has arisen with regard to the designed foundation of the building. The City is being asked to assume the potential liability of structural failure during the life of the agreement, and this issue has arisen because the building is being constructed on fill material. Since the City maintains general liability on its structures (owned and leased), this does not appear to be a significant risk to the City. The only cautions provided by the City's liability insurance carrier were that a) the City not be responsible until construction has been completed and a Certificate of Occupancy has been issued, and b) a formal agreement (lease or MOA) be in place before any liability is assumed by the City.

The purpose for the agenda item at this point is to both clarify the current situation with regard to these two issues and to re-confirm the City Council's intent to do its part to eventually open and maintain the new Trinidad Library. The Council will have to act formally in the future to approve any drafted documents either between the City and the Land Trust or the City and the County.

Public comment included:

Glenn Saunders – Trinidad Resident

Supports the library and thought Albright's explanation was excellent. **Tom Odom** agreed.

Patti Fleschner – Trinidad Area Resident

Library fundraising committee member. Thanked the community for its support and reported there is still more fundraising to do.

Susan Elliott – HNCLT Member

New HNCLT member. Supports the project and wants to see it move forward.

*Motion (Fulkerson/Ratzlaff) to act to reaffirm the City's ongoing support for the establishment of a new Trinidad Library, and indicate to the Board of the Land Trust that it intends to enter into a long-term lease after the building is constructed. **Passed unanimously.***

4. Discussion of Invasive Species

City Manager Albright explained that at the last City Council meeting, Marie Kelleher-Roy from the Humboldt County Native Plant Society requested the opportunity to give a short presentation to the Council. She cited a recent instance where pampas grass is growing adjacent to the Van Wycke Trail.

Ms. Kelleher-Roy presented a draft letter that she intended to be sent to all Trinidad residents. The letter described pampas grass and the problems it causes to native vegetation. She requested to use the city's mailing list.

There was no public comment.

Council comments included:

Fulkerson: We should take care of this now. It's becoming a fire hazard.

By consensus, the Council directed the City Manager to review the draft invasive species information letter before authorization is given to use the city's mailing list.

5. Report and Actions for Improving the Van Wycke Trail

City Manager Albright explained that the Council requested that this item be on for discussion at the last Council meeting.

At that meeting, the City Council took two actions related to the Van Wycke Trail. First, staff was authorized to proceed with a survey of the immediate area, assuming that no survey had been done in previous years. While there were plans to survey the immediate property boundaries in 2004, this was never done. Kelly O'Hern Land Surveyors was retained and have completed the survey. It will be presented to the Council at the meeting. Second, the Council approved a budget amendment that reallocated Prop1B to streets maintenance, and this trail is on a City street right-of-way. As a result, funds have been identified to design and construct improvements to the failing trail.

Staff proposed to proceed with this project during the winter months. The first step will be obtain, if necessary, an easement for public trail access on adjacent private property, if the current trail has transgressed onto that property. The next step will be to design an appropriate solution within the City right-of-way or on the new trail easement. The third step will be to construct the improvements.

City Manager Albright suggested pursuing a 15' easement over adjacent properties to allow legal access to the trail, and to ensure that the easement did not prohibit property owners from future development.

Councilmember Fulkerson excused herself from the discussion and sat in the audience.

Public comment included:

Glenn Saunders – Trinidad

Explained the history of the trail beginning 75 years ago when it was a public road.

Tom Odom – Trinidad

Stated that he subdivided the adjacent properties into 4 lots in the 1970's.

Janine Volkmar – Trinidad Area Resident

Expressed an interest in seeing an innovative design for the trail repair that would not put any stress on the bluff below.

Richard Johnson – Trinidad Area Resident

Suggested pursuing discovery of geologic information on the site prior to trail design.

Jim Cuthbertson – Trinidad

The status of the storm drain culvert buried beneath the trail should be investigated.

*Motion (Bhardwaj/Ratzlaff) to authorize the City Manager to a) work toward the creation of a trail easement on adjacent private property, if necessary, and 2) negotiate a not- to-exceed work product with the City Engineer to plan and design improvements to the Trail. **Passed unanimously.***

6. Approval of "Guidelines" for the OWTS Ordinance Implementation

City Manager Albright explained that earlier this year, the Council adopted an ordinance that has created the Onsite Wastewater Treatment System (OWTS) program for Trinidad. To begin implementing this program, a key remaining action by the City Council will be the adoption of "Program Guidelines" that establish the steps and processes necessary.

Three months ago, the Council amended the OWTS Ordinance to transfer the responsibility for adopting the Guidelines from the Planning Commission to the City Council. This was at the request of the Planning Commission. However, the Commission had previously worked with the City Planner in preparing and reviewing the contents of the proposed Guidelines.

The Guidelines are complete but have not been reviewed by the Council or the public. Since this is an important project, it is recommended that they be reviewed at this meeting, evaluated by the Council and the public over the next 30 days, and considered for adoption at the next City Council meeting.

There was no comments from the public or Council.

Review and report only. Council was asked to review the document and forward questions, comments, and edits to City Manager for amendments. Guidelines will be brought back to the Council for final approval at a future meeting.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 10:25pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Stan Binnie
Mayor