

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JANUARY 11, 2012

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller, Bhardwaj, Davies, Fulkerson.
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Engineer Rebecca Crow and Josh Wolf.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation

IV. RECONVENE TO OPEN SESSION

Nothing to report. No action taken.

V. APPROVAL OF AGENDA

Motion (Miller/Davies) to approve the agenda as written. Passed unanimously.

VI. APPROVAL OF MINUTES – December 14, 2011 cc

Motion (Fulkerson/Miller) to approve the minutes as written. Passed unanimously.

VII. COMMISSIONERS REPORTS

Miller: Attending the Trinidad Head Advisory Committee meeting. Reached a compromise on maintenance issues. Will forward recommendations to the Planning Commission for review and discussion.

Fulkerson: **HTA**: Bringing back Sunday service to Trinidad.

Events: Announced piano concert to be held at the Town Hall on Sunday to benefit the library.

Bhardwaj: While Caltrans was performing construction under the freeway, a number of vehicles were ignoring the one-way traffic signs and compromised safety of on-coming traffic. Deputy Hicks responded immediately.

Davies: **RCEA**: PG&E nuclear facility on Humboldt Bay continues to decommission the site.

Morgan: Trinidad Art Gallery update.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet. Also noted the Water Department's response to heavy rains during the holiday. Ryan Desmet completed Grade II Treatment Certification, and Troy Ivie completed Grade III.

Richard Johnson – Planning Commission Chair

Trinidad Head maintenance discussion hearing will be held in February. Regular meeting in January will discuss General Plan.

IX. ITEMS FROM THE FLOOR

Jim Cuthbertson – Trinidad

Is trail maintenance on hold? Regarding water rates, I don't understand the protest process, and don't agree with the 2.5% annual increase.

Cindy Lindgren – Trinidad Area Resident

Stormwater improvement project is good for the City. However, there's no drill site proposed for Wagner Street. There should be a test well on Wagner.

X. CONSENT AGENDA

- 1. Staff Activities Report through December 2011
- 2. Financial Status Reports for November 2011

- *Motion (Miller/Fulkerson) to approve the consent agenda. Passed unanimously.*

XI. AGENDA ITEMS

- 1. Discussion/Decision regarding contract documents related to Gateway Project.
City Manager Suiker and City Engineer Josh Wolf presented. At the meeting in December 2012, the Council authorized staff to proceed to construction of the Gateway Project that has been under planning and design consideration for several years.

Over the last several months, Winzler & Kelly assisted the City of Trinidad in securing an additional \$77,850 of High Risk Rural Road (HR3) grant funds (dollar amount includes a required 10% local match) to supplement the HR3, TE and local funds previously programmed for the project, bringing the new overall project budget to \$613,100. This overall budget is summarized below:

	TE Funding	HR3 Funding	Local Match	Total Funding
Preliminary Engineering		\$106,290	\$11,810	\$118,100
Construction Engineering		\$63,000	\$7,000	\$70,000
Construction Capital	\$120,000	\$274,500	\$30,500	\$425,000
Total	\$120,000	\$443,790	\$49,310	\$613,100

The goals of the additional HR3 funds are to:

- 1. Reimburse the City for the additional environmental work that was required by Caltrans for the project;
- 2. Cover the additional work needed and completed by Winzler & Kelly and provide additional funds to cover additional needed engineering and project programming related services; and
- 3. Expand the construction engineering services that were to be provided for the project so the City can provide appropriate construction oversight in accordance with the current Action Plan developed in cooperation with Caltrans. The additional funds will help ensure the City has adequate resources to administer the project and comply with applicable Federal laws, regulations and policies.

GHD has presented two contract documents related to this project to accomplish the above goals:

Amendment No. 2: This contract amendment removes the construction management services from their original scope of work (-\$35,000) and adds the additional engineering related services (\$+40,000) for a net increase in project budget of \$5,000. The intent of this amendment is to cover Winzler & Kelly for previous unbilled effort, and add budget to cover the effort necessary to finalize the design and move the project into the construction phase (which is basically anything prior to the project receiving the construction authorization from Caltrans).

Agreement for Construction Engineering Services: This is a new contract agreement for the construction engineering phase of work with an allowance of \$70,000 (to be provided on a time and materials, as-needed basis). This is broken out as a separate project to be able to provide the services on a time and materials basis. The services provided under this contract replace and expand the ones provided under the previous agreement (which Amendment No. 2 above will remove). These expanded services are intended to better assist the City with complying with Federal funding requirements and the City's Action Plan which Caltrans is requiring in light of deficiencies in the museum landscaping project that led to funding denial.

The overall project budget for programming/engineering/design/construction related services would be:

Original agreement	77,500
Amendment No. 1	35,600
Amendment No. 2	5,000
Construction Engineering	70,000
Total	\$ 188,100

The services provided by Winzler & Kelly correspond to the approved HR3 grant and project budget amounts presented in the table on the first page.

The total local share for this project is \$49,310, of which, the City has already contributed \$4,250, leaving \$45,060 to be funded through the Proposition 1B allocation that must be expended by June 30, 2012.

There were no comments from the Council or public.

*Motion (Miller/Morgan) to authorize the City Manager to sign Amendment No.2 for \$5,000 and the Agreement for Construction Engineering Services for an allowance of \$70,000. **Passed unanimously.***

2. Consider installation of communication facility on Town Hall.

City Manager Suiker explained that T-Mobile has inquired about the possibility of installing one of its micro communication facilities in the City of Trinidad for servicing the area. Their preference would be to utilize the Town Hall structure to do so. This would entail leasing a 4' x 10' ground space directly behind the building to install an H-Frame to house their equipment. The lease area would be surrounded by a 6' high chain link fence with slats matching the building. The 2' long antennas would be mounted approximately 5' above the roof at their tip. To stealth their appearance, a fake chimney is proposed, which would presumably give a natural aesthetic appearance making the facility less noticeable. However, none of the project elements are yet set in stone, and can be modified through the review and approval process.

T-Mobile advises that radio frequency emissions at a facility such as this would be minimal, less than 5% allowed by the FCC based on other micro facilities in use.

This project would require design review by the Planning Commission as well as a Coastal Development Permit, with impacts to the historic character of Town Hall taken into consideration. CEQA may also apply, and T-Mobile will be responsible for all costs associated with processing an application. Because of the aesthetic and/or radio wave issues, this matter is being presented to Council in its early stage to allow for comments from the public and Council members. In addition, as the property owner, the City must authorize the application to be submitted. The result of this meeting will determine whether T-Mobile will incur additional expense to move this project through the permitting process. Note that City Council authorization for T-Mobile to submit an application in no way endorses the application or approves the project. If the project is approved by the Planning Commission (and is not appealed), a lease will still have to be negotiated between the City Council and T-Mobile to construct the project.

Matt Viesey, representative of T-Mobile explained that they are currently operating under roaming agreements with other providers for coverage in this area. These agreements will soon expire. T-Mobile finds it more effective and feasible to develop their own site instead of renewing roaming agreements. Micro-cells, he explained, are designed to require a very small footprint. The omni-antennas proposed will be disguised, and T-Mobile will employ every resource to ensure the historic character of the building is preserved.

Councilmember comments:

Bhardwaj: Questions about co-location requirements and if this site will be subject to additional providers being allowed. Will it open others up to the site if developed? **Viesey** was doubtful due to the space restraints. This is not a tower, he explained, and we have never experienced a "co-location rush" on any similar facilities developed.

Fulkerson: What is the state of technology? How long will it be useful, and when will it change? **Viesey** explained that carriers continue to offer more services, and consumers want more data. The operational footprint is shrinking, but there doesn't seem to be any technological advances that will make antennas obsolete. More antennas are being installed because there is a consistent, growing demand for data access via mobile devices. **Fulkerson** also asked what the income potential is for the city if the site is installed, and what would happen to T-Mobile service if the facility is denied. **Viesey** explained that lease negotiations are beyond

his pay-grade, and if the site is denied and they can't find a viable option within the optimum range, then it's likely that T-Mobile coverage will simply not be available.

Morgan: Reminded the public that this is only a preliminary process. As property owners, the Council must decide tonight if they want to allow the process to proceed. The Planning Commission will take the project on, and hold public hearings if the Council agrees to move forward.

Public comment included:

Marie Garribedian – Trinidad Area Resident

Concerned with health effects that microwaves emitted by the facility will have on local youth and nearby residents. Also collected approximately 30 signatures of parents and residents who oppose the project.

Stan Binnie – Trinidad

Questions about AT&T and T-Mobile merger, lease term, setbacks from alley, and coverage requirements. Does Trinidad really need another service provider? Viesey explained that T-Mobile has very specific coverage objectives, and assured the Council that it would not be looking into Trinidad as an option if it wasn't a priority.

Jeff Musgrave – Trinidad Area Resident

Corporations don't care about people or aesthetics. Opposed the project for multiple reasons, including unknown health effects that the site would create.

Sarah (?) – Trinidad

I live in the Beachcomber apartments next to the Town Hall. I'm very concerned with the potential health issues related to the proposed site. Who is this site serving? The impact will be on us. I moved here to escape corporate influences. I oppose the project.

Jonas Acres – Trinidad Area Resident

Cell phone technology is tested on rats. Large corporations send their representatives dressed in regular clothes to small towns like Trinidad to convince us they have our best interest in mind. I oppose the project.

Brad Twoomey – Trinidad

U.S. Cellular proposed an accessory project on Trinidad Head back in 2004. They battled the Coastal Commission and lost. They got a roaming agreement with Verizon instead, and the City gets commission each month for the sublease. I object to T-Mobile's proposal.

Victoria Sackville-Rosen – Trinidad

I came with a song written in objection to the proposal. Taking a historic building and turning it into a cell-site is ridiculous. It is in a neighborhood. I won't stand for it. I'll get the press all over this if it proceeds, and start a campaign to end it. She finished by singing an opera-inspired tune filled with objections, and concluded by noting her electromagnetic sensitivities 😊.

Robin Fraser – Trinidad

Thanked the Council for bringing this forward for public review. Concerned with unknown health effects caused by cell-sites, and the proposed 30-year lease term.

Cindy Lindgren – Trinidad Area Resident

Opposed the project. Don't be tempted by the money.

Kim Tays – Trinidad

Various objections and criticisms of the proposal. Worried about health of neighbors and school children, the fake structure on the Town Hall, etc.

Charles Garth – Trinidad Area Resident

Towers on Trinidad Head put off serious vibes. T-Mobile must be making a film of this because it seems like a big joke. Opposes the project.

Joanne Grace – Trinidad Area Resident

Concerned with health hazards and opposed the project.

John Spyropolous – Trinidad

Oppose the project.

Aaron Hauser – Trinidad

I have a cell phone, and I love this building. Not cool to have a fake chimney without a real fireplace. I oppose the fake chimney.

Mareva Russo – Trinidad

Read 2 letters of opposition from residents Betsy Hagood and Ed Hanlon.

Westhaven resident Joanne Grace interrupted the meeting with various comments about procedure. Mayor Bhardwaj brought the room to order and called for a 5 minute break.

Council comment included:

Davies: Asked the audience not to pre-judge or accuse the Council of making decisions behind closed doors. The process is fair. He explained that the Council just found out about the proposal on Friday as well. The Town Hall is not an appropriate location for the project, and I don't want to see the project go forward. It will just extend the battle into a new forum.

Fulkerson: The Council listens to all sides of the argument, and weighs pros and cons. Please don't make assumptions about us. We also welcome visitors, like the representative from T-Mobile. We need to have a much broader discussion about cellular facilities in Trinidad. If all options are off the table then there might not be cell service in Trinidad, and we'll have a room full of angry people. I say NO tonight, but YES to a comprehensive discussion about this subject in the future.

Miller: This is a major issue. How many cell users are in the audience tonight? We all of use cell phones. We can try to stop the technology, but it needs to be in someone's back yard. There are a number of issues to investigate, 1) Multiple locators, 2) Trinidad's premium location, and 3) Health hazards. I still want my cell phone. With all due respect to T-Mobile and compliments to the representative for presenting it to the Council, I'm not in favor of putting it on the Town Hall. BUT, where are we going to put them?

Bhardwaj: We are volunteers. We have to meet our own zoning ordinances, and we need to do more research on this problem. Back in 2004 I did extensive research on other cities developing cell site plans. I hesitate sending the applicant to the Planning Commission because we clearly have a battle in front of us. We need to start working on developing a plan for relocation, but I can't support sending T-Mobile forward with this project. **Morgan** agreed and supported the comments made by the Council.

By consensus, no decision was made and no action taken. Proposal fails for lack of endorsement. Council requested the City Manager to report back regarding the current lease arrangement timeline with the Trinidad Head facility.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 11:10 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor