

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MAY 13, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Discussion regarding Active Litigation in the case of Tsurai Ancestral Society vs City of Trinidad; Pursuant to Government Code section 54956.9(b) and/or section 54956.95

IV. RECONVENE TO OPEN SESSION – *No decision to report.*

V. APPROVAL OF AGENDA

- Add an emergency agenda item to approve a grant application and budget for Van Wycke Trail repairs.
Motion (Miller/Baker) to approve the agenda as amended. Passed unanimously.

VI. APPROVAL OF MINUTES – *August 13, 2014 cc, December 10, 2014 cc, January 14, 2015 cc, February 02, 2015 scc, March 09, 2015 scc, March 11, 2015 cc, April 08, 2015 cc.*

Motion (Miller/Baker) to approve the minutes as amended. Passed unanimously.

VII. COMMISSIONERS REPORTS

Miller: Brief RCEA report.

West: Nothing to report.

Fulkerson: RREDC interviewing (5) candidates for new Executive Director position.

Baker: Attending Hazardous Materials Mitigation Team meeting, and also gave a brief Museum report.

Winnett: Nothing to report.

City Manager Berman: Highlighted and announced various updates, including:

- Upcoming May & June meeting schedule.
- Trinidad Rancheria Interchange meeting with Caltrans

VII: PROCLAMATIONS & ANNOUNCEMENTS – *None*

VIII. ITEMS FROM THE FLOOR

Jim Cuthbertson – Trinidad

I can't hear you. Please speak into the microphones. John Frame met with the Coastal Commission last week. He put a new post into the ground and mounted a camera to it without getting a permit. The Wagner Street Trail needs work.

Allison Bendor – Trinidad

Resident of 407 Ocean Avenue. Introduced herself, her roommates, and explained her love of Trinidad and love of being a resident. This in response to all the complaints Tom Davies and Kathleen Lake have submitted to the city over the years about her and her roommates.

Kuko Pierce – Trinidad

407 Ocean Avenue tenant also wanting to resolve the issues with his neighbors, and live peacefully in his home.

Mike Reinman – 407 Ocean Homeowner

Hopeful that the Council will appreciate that his tenants have made a step forward to resolving the ongoing neighbor dispute.

Brian Vasel – NOAA

Gave a comprehensive presentation on the atmospheric research facility on Trinidad Head.

IX. CONSENT AGENDA

1. Financial Status Reports for March 2015.
2. Contract Renewal with Streamline Planning Consultants for City Planning Services
3. Contract Amendment with GHD for ASBS Stormwater Project for Construction Management Services.
4. Resolution 2015-01; Authorizing the Trinidad Volunteer Fire Department to Participate in the Federal Excess Property Program
5. May, June, & July City Council Meeting Schedule.

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

X. DISCUSSION AGENDA

1. Resolution 2015-03; Acknowledging the Public Service of Planning Commissioner Gale Becker.
Mayor Fulkerson read the resolution aloud and thanked Becker for her service.
*Motion (Baker/Miller) to approve Resolution 2015-03. **Passed unanimously.***

2. Discussion/Decision Regarding Appointment of Planning Commssioner to fill the vacant position through December 2016
Mayor Fulkerson explained that an application has been submitted by resident Kathleen Lake.

Lake gave a brief explanation of her background, experience, and purpose for wanting to participate in the Planning Commission. The Council thanked her for volunteering to serve.

*Motion (Miller/Baker) to appoint Kathleen Baker to serve the remaining Planning Commissioner term through December 2016. **Passed unanimously.***

3. Introduction/Discussion Regarding Draft Stormwater Ordinance.

Grant Administrator Becky Price-Hall explained that as reported at the April City Council Meeting, the City's MS4 (Stormwater Discharge) Permit Element 6 (E. 6) requires the City to establish legal authority to regulate stormwater and pollution discharge to protect water quality within the Trinidad Bay Area of Special Biological Significance. Adoption of the draft Stormwater Ordinance provides the City legal authority to control pollutant discharges into and from its storm water drainage facilities (MS4). Locally, the County and Cities of Arcata, Eureka and Fortuna are all subject to the MS4 Permit requirements and have all adopted or will adopt similar ordinances. Stormwater Program Staff of these municipalities have been working collaboratively to promote a regional approach in implementing the MS4 permit requirements.

In October 2004, the State Water Resources Control Board (SWRCB) notified the City of Trinidad of the requirement for dischargers to cease stormwater and nonpoint source waste discharges into the Trinidad Head Area of Special Biological Significance. SWRCB granted an exception to the discharge prohibition (General Exception) in 2012, and in July 2013, the City gained coverage for the stormwater discharge under the Phase II Small Municipal Separate Stormwater System (MS4) National Pollutant Discharge Elimination System (NPDES) General Permit No. S000004 Order No. 2013-0001-DWQ (MS4 Permit). The MS4 Permit requirements phase in over 5 years.

The draft Storm Water Ordinance includes two new chapters for Title 13 Public Services: 13.16 and 13.20; and an amendment to Chapter 15.16 Grading in Title 15 Buildings and Construction. The draft ordinance meets the requirements of the MS4 Permit. These sections are described below:

Title 13: Public Services

Section 1. Chapter 13.16 Storm Water Quality Management and Discharge Control:

The purpose of this chapter is to reduce pollutants in storm water discharges and prohibiting non-storm water discharges to the City's stormwater drainage facilities. The ordinance language is based on the permit language and ordinance language from other municipalities subject to the MS4 Permit requirements.

Section 2 Chapter 13.20 Water Efficient Landscape Design Requirements

The purpose of this chapter is to identify landscape standards that minimize water use and encourage stormwater management within landscape areas. This chapter was adapted from the State Model Water

Efficient Landscape Ordinance by AHBL consultants to address barriers to the MS4 Permit's post construction/low impact development requirements identified in AHBL's gap analysis of the City's municipal code.

Title 15 Building and Construction

Section 3 Amending 15.16.210 Grading Specifications

The grading specifications will be amended to add "stormwater bioretention facilities" to the drainage provisions.

Council comment included:

West: This looks like a huge amount of work for Planning & Staff. How will we handle the workload? Price-Hall explained that the planning staff has expertise in this field. They will review each building and planning permit for consistency with the ordinance. Regarding enforcement, the ordinance clearly states how violations will be reported.

Winnett: Is there general information available for the public to educate themselves about this?

Public comments included:

Jim Cuthbertson – Trinidad

I have a French drain that connects to the street. Will that be a problem? Are we allowed to wash our cars?

Jack Beaupre – Trinidad

Parker Creek Drive does not have a curb and gutter to protect it from run-off.

No decision was made. The draft ordinance will be discussed again at a future meeting.

4. Discussion/Decision Regarding Resolution 2015-02; Declaring a Drought Emergency and Implementing Water Conservation Measures as Mandated by the State Water Resources Control Board.

Grant Administrator Becky Price-Hall explained that the Governor of California issued Executive Order B-29-15 on April 1, 2015, ordering that the State Water Resources Control Board (Water Board) impose restrictions to achieve a statewide 25% reduction in water use compared to the amount used in 2013. The Water Board emergency regulations, adopted May 5, 2015, specify that smaller water suppliers (serving fewer than 3000 connections) will be required to reduce by 25 percent its total potable water production relative to the amount produced in 2013 or restrict outdoor irrigation of ornamental landscapes or turf with potable water to no more than 2 days a week. The Water Board also issued End-User Requirements, which apply to all Californians and include:

- Prohibiting irrigation of ornamental turf on public street medians.
- Prohibiting irrigation with potable water outside of newly constructed homes and buildings not in accordance with emergency regulations or other requirements.

These prohibitions are in addition to the existing restrictions that prohibit:

- Allowing runoff when irrigating with potable water;
- Using hoses with no shutoff nozzles to wash cars;
- Using potable water in decorative water features that do not recirculate the water;
- Irrigating outdoors during and within 48 hours following measureable rainfall; and
- Restaurants from serving water to their customers unless the customer requests it.
- Additionally, hotels and motels must offer their guests the option to not have their linens and towels laundered daily, and prominently display this option in each guest room.

The City will be required to submit a single report on December 15, 2015 that provides water production from June-November 2015 and June-November 2013 and the number of days per week outdoor irrigation is allowed.

In addition to other powers, local agencies can fine property owners up to \$500 a day for failure to implement the water use prohibitions and restrictions. The State Water Board can issue informational orders, conservation orders or cease and desist orders to water suppliers for failure to meet their conservation standard or failure to

implement required prohibitions and restrictions. Water agencies that violate cease and desist orders are subject to a civil liability of up to \$10,000 a day.

The Water Committee met on May 5 to determine how to comply with the Water Board requirements. Staff was directed to develop a resolution declaring a drought emergency and putting into effect the Water Rationing Ordinance 160 § 1, 1977 (Trinidad Municipal Code Chapter 13.08) as a mechanism to comply with the Statewide mandatory conservation regulations. This Resolution also limits outdoor watering to two days a week on Saturdays and Wednesdays.

Council comments included:

Miller: We have very little water storage so it is important that conservation measures are taken seriously and immediately.

There was no public comment.

*Motion (Miller/West) to adopt Resolution 2015-02. **Passed unanimously.***

5. Discussion/Decision Regarding Purchase of Used Vehicle for Public Works.

City Manager Berman explained that staff recommends the City take advantage of a current opportunity to purchase a used truck from the County Public Works Department. We would be replacing a 1995 Ford F150 with 132,000 miles on it for a 2008 F350 with 96,000 miles. The price is \$9,700. County Public Works replaces their vehicles at ~100,000 miles – they normally trade them in with the dealer, but this truck is out of the normal cycle so they are willing to sell it to us for below retail prices.

In addition to upgrading from a 20 year old truck to a 7 year old truck, we recently purchased a vector trailer that needs a larger truck to pull it. Staff proposes this purchase be funded from the Public Works Department budget, in the current year, utilizing funding that was budgeted as matching funds for a grant we sought for Van Wycke Trail improvements. The project did not move forward as we did not get the grant. Based on current expenditures, staff anticipates that we will be enough under budget at year's end to be able to carry the full match forward if we reapply for the grant.

There were no Council or public comments

*Motion (Miller/Baker) to approve acquisition of used vehicle for Public Works for \$9,700, declare current vehicle as surplus property to allow resale, and approve budget shift from the Van Wycke Trail Project for the purchase. **Passed unanimously.***

6. Update and Discussion Regarding Potential Amendments to the Vacation Dwelling Unit Ordinance 2014-01.

City Manager Berman explained that at the last meeting the Council asked staff to address 1) the problem caused by the VDU ordinance to the multi-family complexes in town, and 2) to consider the process for a VDU cap. The City Planner advised that process dictates that the Planning Commission must hear the proposed amendments to the VDU ordinance first, and make recommendation to the Council. Staff proposes the process to take place, and the discussion will return to the Council for consideration at the first meeting in June.

Public comment included:

Kathleen Lake – Trinidad

Read a long letter requesting a temporary moratorium on issuing new VDU licenses, and that limiting and spacing them out would be better for the community.

No decision was made. Planning Commission will hear the amendment proposal at their next regular meeting.

7. Discussion/Decision to Authorize Grant Application for Van Wycke Trail Improvements

City Manager Berman recommended that the Council authorize the City Manager and City Engineer to submit a grant application for improvements to the Van Wycke Trail, and to allocate \$7000 as match funding for the project in the event the grant is successful. The funds would be rolled forward from similar funds set aside in the current year.

*Motion (West/Baker) to authorize the City Manager to proceed submitting the application. **Passed 4-0-1.**
Fulkerson Abstained.*

XIII. ADJOURNMENT

- Meeting ended at 9:40 pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor