



Posted: Friday, January 04, 2019

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, JANUARY 09, 2019, at 6:15 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

CLOSED SESSION BEGINS at 5:15PM

*THE TRINIDAD CIVIC CLUB WILL BE PROVIDING REFRESHMENTS IN HONOR OF CITY MANAGER
DAN BERMAN FROM 6:00-6:15PM IN THE CIVIC CLUB ROOM.*

- I. **CALL TO ORDER**
- II. **ADJOURN TO CLOSED SESSION**
 1. City Manager Hiring Process and Contract Review Pursuant to Government Code Section 54957
- III. **RECONVENE TO OPEN SESSION – CLOSED SESSION REPORT**
- IV. **PLEDGE OF ALLEGIANCE**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES – 12-12-19 cc**
- VII. **COUNCIL REPORTS/COMMITTEE ASSIGNMENTS**
- VIII. **STAFF REPORTS**
- IX. **ITEMS FROM THE FLOOR**

At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.
- X. **CONSENT AGENDA**

All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.

 1. Staff Activity Report December 2018
 2. Financial Statements October 2018
 3. Law Enforcement Reports December 2018
 4. Participate in a Multi-Jurisdictional Climate Action Plan with the Redwood Coast Energy Authority.
 5. Resolution 2019-02; Authorizing Signature Authorities for the Caltrans Downtown Pedestrian and Connectivity Improvements Project.
- IX. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Discussion/Presentation from the Trinidad Trails Committee regarding Trail Priorities and Maintenance
 2. Discussion/Decision regarding Resolution 2019-01; Rezone and General Plan Map Amendment for APN: 042-042-17.
 3. Discussion/Decision regarding Interim City Manager Service Agreement.
 4. Discussion/Decision regarding Councilmember Commissionership Assignments
- X. **FUTURE AGENDA ITEMS**
- XI. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

DECEMBER 12, 2018 CC

Supporting Documentation follows with: 5 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, DECEMBER 12, 2018

I. CALL TO ORDER

Mayor Rotwein called the meeting to order at 5:00pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. CERTIFICATION OF THE NOVEMBER 06, MUNICIPAL ELECTION

1. Adopt Resolution 2018-13; Declaring the Results of the Municipal Election Held on November 06, 2018
*Motion (West/Ladwig) to approve approve Resolution 2018-13. **Passed unanimously.***

IV. INSTALLATION OF NEWLY ELECTED MEMBERS OF THE CITY COUNCIL

1. Swear-In Newly Elected Members Pursuant to California Elections Code Section 10265
City Clerk Adams administered the Oath of Office to Councilmember Tom Davies.

2. Appoint a Mayor and Mayor Pro-Tem Pursuant to Municipal Code Section 10265
*Motion (West/Baker) to nominate Steve Ladwig as Mayor. **Passed unanimously.***
*Motion (Miller/Baker) to nominate Jack West as Mayor Pro-Tem. **Passed unanimously.***

3. Resolution 2018-14; Acknowledging the Public Service of Susan Rotwein
*Mayor Ladwig read the resolution aloud. Motion (Miller/West) to approve. **Passed unanimously.***

V. APPROVAL OF THE AGENDA

*Motion (Miller/Baker) to move agenda item #5 to the January meeting. **Passed unanimously.***

VI. APPROVAL OF MINUTES – 11-14-18 cc

*Motion (Miller/Baker) to approve the minutes as written. **Passed 4-0-1. Davies abstained.***

VII. COUNCILMEMBER REPORTS/COMMITTEE ASSIGNMENTS

Miller: Attended an all day RCEA meeting that was focused on a personnel issue. Impressed with fellow board members.

Ladwig: RREDC discussed wind farm project calling for 32 wind turbines on Bear Ridge Road.

VIII. STAFF REPORTS

City Manager Berman highlighted staff accomplishments and various project status. **City Planner Trever Parker** provided a brief report on water-related issues and policies as noted in the memo included in the staff activity report. **Councilmember Davies** asked if the water assessment could be billed to a grant.

IX. ITEMS FROM THE FLOOR

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

Jim Cuthbertson – Trinidad

\$8000 for water analysis should come from the LCP Grant. As former Water Commissioner I've spent a lot of time studying Luffenholtz Creek. Pull consent agenda items #4 & 5 and give us a detailed report.

Dorothy Cox – Trinidad

Regarding the Law Enforcement report, Ocean Avenue residents held a neighborhood watch meeting that was very informative. Deputy Luke Mathieson and Ginger Campbell attended. Who will cover for Deputy Mathieson when he's out for a month for training?

Kathleen Lake – Trinidad

I don't remember annexation being discussed at Planning Commission meetings. Please explain.

Sungnome Madrone – Trinidad Area

The City should reach out to the County Planning Staff and invite them to attend a Council meeting and explain the zone change proposals. Surface Water is regulated. Wells are the problem. Storage and forbearance conditions aren't applied to wells. The Board of Supervisors will be reconsidering this on January 15.

X. PROCLAMATIONS

1. Proclamation 2018-03: Recognizing December 2018 as Human Rights Awareness Month.
Mayor Ladwig read the Proclamation aloud. **Resident Erin Rowe** received the Proclamation on behalf of the Humboldt County Human Rights Commission.

Motion (Miller/West) to approve the resolution. Passed unanimously.

XI. CONSENT AGENDA

1. Staff Activity Report November 2018
2. Financial Statements October 2018
3. Law Enforcement Report November 2018
4. Authorize Scope of Work with City Engineer GHD for Water Rate Analysis
City Manager Berman briefly explained that this project was not anticipated or budgeted for in July, but reserves will cover it.

Public comment included:

Jim Cuthbertson – Trinidad

You should understand how we ended up with the current rates. The water fund is the people's fund.

Kathleen Lake – Trinidad

I don't recall this project ever being budgeted.

Alan Grau – Trinidad

This seems really expensive. How much did it cost in 2012? Can the rates be changed without a study?

Sungnome Madrone – Trinidad Area

Primary costs are wages and chemicals used to treat high turbidity. Explained his credentials and the alternative water supply concept he's been promoting to the City for many years – tapping springs in the upper Luffenholtz Watershed, sending that water downhill using gravity to turn turbines that supply the power to treat and pump water to the storage tanks. He also promoted incentivizing rainwater collection, and suggested the City pursue the North Coast Regional Partnership for grant opportunities.

Council comments included:

Miller: I support the analysis being professionally done by the City Engineers, and also very interested in considering Madrone's concepts.

West: Is this cost reasonable? City Manager Berman explained that he felt the price was reasonable.

Davies: I'm in favor of seeking outside bids. We addressed the in-city/outside-city disparity in 2012. I also support Madrone's proposal. I'm disappointed that GHD didn't show up for this meeting tonight.

Motion (Miller/Baker) to 1) request bids from outside firms to perform the water rate analysis, and 2) request a more detailed scope of work. Passed (3 Yes) – Ladwig, Baker, Davies, (2 No) - West, Miller.

5. Authorize Scope of Work with City Engineer GHD for Storm Water Project Design Services
City Manager Berman explained the project scope and summarized the grant project.

Public comment included:

Jim Cuthbertson – Trinidad

The first project was a disaster. Poor design. Go out to bid on this one.

Diane Stockness – Trinidad

They did a good job on the most recent project. The swales are much better. The City needs to keep the drains clear of debris. We need to continue through with this project.

Council comments included:

Miller: The City is under a zero discharge order from the State of California. It spends \$17,000 per year on an exception permit, which will go away as soon as the project is completed, using State grant funds. We need to move forward with this.

Baker: The final design needs to be reviewed by Public Works.

*Motion (West/Miller) to approve the scope of work with City Engineer GHD for Stormwater Project Design Services. **Passed unanimously.***

6. Intent to Apply for USDA Financing for the Storm Water Project, Phase II
*Motion (Davies/Miller) to approve consent items 1, 2, 3, 6. **Passed unanimously.***

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision regarding Resolution 2018-11; LCP Amendments Related to the Calfire Water Line Extension

City Manager explained that at the November meeting, the City Council requested some additional information related to this item. The Council was concerned about the Coastal Commission (CC) prioritizing City water service connections instead of the City. City Planner Trevor Parker explained the CC's priorities by citing excerpts from relevant sections of the Coastal Act. In terms of practical implications, approving this project does not preclude hooking up in-city connections. In fact, denying it will only hurt CALFire's proposal. The language is in the Coastal Act. The Coastal Commission will have to certify the amendment language.

Davies: I'm tired of the Coastal Commission prioritizing revenues and visitor services, and giving them priority access to our water. I want Calfire to have City water, but tired of outside agencies telling us what to do.

Public comment included:

Eric Brian – Calfire Captain

Thanked the City for considering the project, and explained that the water is only for potable uses.

Bryce Kenny – Trinidad

Vote yes. Calfire is a great resource. The priorities are residents, build-out, then annexation. This is easy.

Kathleen Lake – Trinidad

I called the Coastal Commission and spoke with Bob Merrill. Staff members there have conflicts of interest. I'm concerned with how the priorities are written, and have concerns that we do not have enough information.

Leslie Farrar – Trinidad

I support Calfire, but do not support the Coastal Commission's add-on's.

Reid Kitchen – Trinidad

I support the proposal.

*Motion (Miller/West) to approve Resolution 2018-11; adopting the Coastal Commission modifications to the City approved Land Use Plan/General Plan Amendment. **Passed 4-1. Davies – No.***

2. Discussion/Decision regarding Resolution 2018-02; Opposition to Offshore Oil and Gas Drilling and Exploration
Mayor Ladwig read the resolution aloud, and introduced Delia Bense-Kang - Surfrider Chapter representative, Julia McCloud – Arcata High School Student, and Reid Kitchen – Arcata High School Teacher. They each made brief statements against off-shore drilling and asked the City of Trinidad to join 80 other California cities to send this message.

*Motion (Miller/West) to approve Resolution 2018-02. **Passed unanimously.***

3. Discussion/Decision regarding Appointment of Planning Commissioners

City Manager Berman explained that there are 4 seats available on the Trinidad Planning Commission; (3) Seats serving through 2018, and one through 2020. Five people submitted letters of interest and the Council has the opportunity tonight to fill the vacancies. Mayor Ladwig invited each candidate to make a brief statement and introduction.

Diane Stockness: I've been serving since 2013 and would like to continue contributing to the City in this way. If appointed, I'll serve the term expiring in 2020.

Cheryl Kelly: I've owned a home on Scenic Drive for 20 years and recently spent 3 years in the development/remodeling process. I've gained valuable experience going through the process. I'm a retired business specialist with background in environmental studies, and believe in having a rational planning process.

Ray Seda: I've lived in this community (outside city limits) for 4 years and have valuable experience serving on Planning Commissions in Southern California. I retired from the banking industry, enjoy the community, and have a lot to offer.

Kathleen Lake: We need more residents to serve on the Planning Commission. My primary goals are developing consistent procedures, public engagement, and maintaining a livable quality of life for Trinidad residents.

Richard Johnson: I'm one of 2 people currently serving on the Commission that live outside the City limits, and would like to continue. I've served at least 2.5 consecutive terms and would like to see the General Plan process completed.

The Council expressed their collective gratitude to all candidates for offering their service.

Council comments:

Davies: I support Raymond Seda to fill the second outside-city limit seat.

Motion (Miller/Baker) to:

- 1) *Appoint Richard Johnson for the outside-city limit seat. **Passed (4-Yes), (1-No – Davies).***
- 2) *Appoint Stockness, Kelly, and Lake to fill the in-city seats (Stockness serving through 2020). **Passed unanimously.***

4. Discussion/Decision regarding Appointment of Short-Term Rental Advisory Committee Members

At the October 10 meeting, the Council revised the recruitment announcement for this committee in order to enrich the selection process. At that meeting the Council approved the following membership framework: (1) Planning Commissioner, (2) General Public Representatives, and (2) STR Business Representatives. They also approved the caveat that the City Manager, or his/her designee, shall serve as primary staff liaison to the STR committee.

The candidates that applied by the deadline and expressed interest in being considered are:

Jonna Kitchen (STR Business owner)
Jan Nash-Hunt (STR Homeowner)
Richard Bruce (Resident)
Erin Rowe (Resident)
Dorothy Cox (Resident)
Alan Grau (Resident)

Candidates Kitchen, Bruce, Cox, and Grau summarized their letters of interest and/or gave a short introduction to explain their desire to serve. Jan Nash-Hunt was unable to attend but affirmed her interest in serving on the committee prior to the meeting.

Public comment included:

Leslie Farrar – Trinidad
Everyone that signed up should be included.

Council comment included:

Davies: I am concerned with strong biases, and take exception to the person that spoke up and already has shown their bias. I support expanding the committee to include all the applicants.

Baker: The intent of forming this committee was to bring the opposing viewpoints together. We all need to accept the reality that the ordinance exists and is not going away.

Motion (Miller/West) to appoint Dorothy Cox, Dick Bruce, Jonna Kitchen, and Jan Nash-Hunt to the committee. Passed unanimously.

5. Presentation from the Trinidad Trails Committee regarding Trail Priorities and Maintenance.
Continued to the January 09 meeting.

6. Discussion/Decision regarding City Manager Vacancy.
City Manager Berman explained his willingness to stay on for an extended 30-day period should the Council desire keep the position filled through mid-January.

Public comment included:

Leslie Farrar – Trinidad

How many applicants are there for the position?

Dorothy Cox – Trinidad

Please consider hiring a full-time manager.

Sungnome Madrone – Trinidad

Thanked City Manager Berman for his services.

Motion (Miller/West) to approve a 30-day extension to the City Manager's contract. Passed unanimously.

XII. FUTURE AGENDA ITEMS

- Davies: Discuss credentials required to serve volunteer positions
- Ladwig: Planning Commission by-laws
- Miller: Water Availability Issues with Luffenholtz Creet and budget discussion.
- West: Invite Sungnome Madrone to present his water source/supply concepts in more detail.
- Berman: RFP for Water Rate Analysis

ADJOURNMENT: 9:20pm

Submitted by:

Approved by:

Gabriel Adams
Trinidad City Clerk

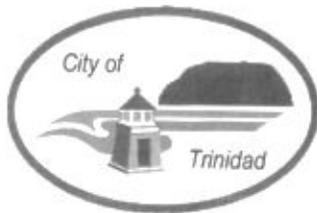
Steve Ladwig
Mayor



CONSENT AGENDA 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

1. Staff Activity Report December 2018



Steve Ladwig, Mayor
Dan Berman, City Manager

STAFF ACTIVITIES REPORT

For Council Meeting of January 9th 2019

Italics indicate newly updated information.

City Administration:

Staffing

Interviews are scheduled for the City Manager during the week of January 14th. An Interim City Manager Agreement with Dan Berman is on the agenda for consideration.

Construction in Trinidad

The stormwater infiltration work funded by the Ocean Protection Council at Hector St. and East St. is complete. The Hector St. raingarden was planted in late October. The Hidden Creek RV Park new septic system and water system upgrade is complete, funded in part through the City's Clean Beaches Initiative grant project to replace failing septic systems.

Trails Advisory Committee- Trail Construction & Maintenance Policies are under development, and the Trails committee is working with the Gateway Committee to develop a consistent signage concept and recommendations. *The Trails Committee will be making a presentation to Council on Jan 9th regarding Trail Maintenance Policies.*

Public Comment Policy. Staff are developing a written policy and procedures to address how written comments will be handled with regard to the agenda packets, website postings, and distribution.

OWTS Permits –Staff and the City Planner will continue to implement the plan to issue OWTS operating permits to all septic system owners in the City. The remaining parcels in town without operating permits will be contacted next.

Trinidad Rancheria Efforts to put the Harbor Property in Federal Trust Status.

The City requested an update from the Bureau of Indian Affairs and was informed that BIA is still working on responses to the comment letters received. No timetable for next steps was provided, but the City

Trinidad Rancheria Hotel Project

The City hosted a Special Meeting Monday October 15th with a Rancheria Presentation. The City submitted detailed comments on the Environmental Assessment for the Trinidad Hotel Project.

STR Ordinance

The revised (2016) Ordinance is now in effect. 28 STR licenses have been issued. The UR zone is near its cap (21 licenses, cap of 19). The SR zone is below the cap. The new ordinance has resulted in at least three licenses going away upon property sales, and the number of guests in the UR zone has come down by 26 due to lower allowed occupancy and some rentals losing their license upon sale. *STR committee reps were appointed by Council in December. The Planning Commission needs to appoint an STR Committee Chair from among their members at their January meeting, then we will convene the group.*

License renewal date is coming up in February. Staff have sent detailed packages out to STR license holders and are starting to get responses.

Tsurai Study Area.

The City Manager and Attorney met with TAS representatives in Nov to renew efforts to complete this settlement and Land Transfer agreement. A draft settlement and land transfer was conditionally approved by Council in December 2016. Additional agreements were deemed necessary because of prior legal settlements involving multiple state agencies. Efforts to resolve this complication and complete the settlement and land transfer are ongoing.

Planning

Multi-Jurisdiction Climate Action Plan

The Jan 9th agenda includes a consent item for Council to consider supporting City participation in a multi-jurisdictional climate action plan for the County and the seven municipalities.

Water Issues Update - Jan 2018

At the November 14 City Council meeting, there was a discussion about current water issues and the water supply assessment. The Council asked for some additional information. This report provides an update on those requests as well as the water supply assessment.

Additional Information

Previous Studies and Assessments

One of the things that the Council wanted was a list of all the previous studies and water supply assessments that have been done. Planning staff have compiled what they have, and have reached out to the City Engineer's office to obtain any additional information. Once these are all compiled, they will be uploaded to the City's website. There is already a section for 'plans and studies' under the 'water' category on the downloadable documents page.

County Zoning

Another thing the Council requested was for City staff to reach out to County staff to discuss the proposed zoning update and how it could impact the Luffenholtz Creek watershed. I had a chance to speak with County Planner John Miller. I also spent time looking at the zone changes parcel by parcel on the County's GIS. For the most part, the new zoning is pretty similar to the old zoning, and in general, conforms with the existing development and does not provide significant new opportunities for subdivisions, if any. For example, the smallest parcels are zoned RS (Residential Suburban) and RA (Rural Residential Agriculture). These designations include a minimum lot size that tend to reflect current lot sizes. I did not see any lots with additional subdivision potential.

The AG (Agricultural General) zoned parcels are also associated with a minimum lot size and include the subdivision at the end of Fox Farm Road. There is some subdivision potential for these parcels, but the zoning isn't being changed from the current zoning. AE (Agricultural Exclusive) and TPZ (Timberland Production Zone) have restrictive regulations and would be difficult to subdivide, even if the parcels are much larger than the minimum lot size. The three large parcels that were changed from AE to RA-5-20 in the General Plan update, ended up being zoned RA-20, so the 20-acre minimum lot size is being maintained.

Water Rights

Finally, the Council requested staff look into the status of other water rights on Luffenholtz Creek and how the City may be able to enforce its (likely) senior water right.

Water Supply Assessment

As part of this topic, I also wanted to provide an update on the water supply assessment efforts that are underway.

Future Demand

Planning staff are working on estimating future water demand based on various build-out scenarios. This includes build-out within City limits. There is still a fair amount of development potential within the City under current land use regulations. We will also be looking at potential increased demand from accessory dwelling units (ADUs) in anticipation of the City LCP update including provisions for ADUs. We will also be assessing development potential within the City's service area, but outside City limits. The intent is to break up the service area into different sections that can be evaluated and prioritized for future water service and annexation. This task is being funded by the second

LCP update grant that the City obtained and is anticipated to be completed by the end of January.

Treatment Plant Capacity

GHD is currently working on this task. This has included various tests at the water plant in order to assess the actual treatment and storage capacity. This task also includes an evaluation of potential upgrades that could be made at the plant and to the system that would increase the capacity to provide additional water. This task also falls under the second LCP grant and is scheduled to be completed by the end of January.

Luffenholtz Creek Flows

Very little actual flow data exists for Luffenholtz Creek. Current estimates of the of the likely lowest return flow at the water plant are based on flows in 1977. However, how that was determined should be further researched. It would be prudent to reassess this low flow assumption to include more current information, including climate change impacts. This task was not anticipated as part of the water supply assessment funded by the LCP update grant and has not been started. However, the information gathering that is currently occurring may help shed some light on this issue. In addition, staff will start looking into what might be required to reassess low flow on Luffenholtz Creek.

Cannabis Update - December 2018

The Council also requested information regarding cannabis permit status in the Luffenholtz watershed. County regulations do limit the number of cannabis permits allowed in each watershed. The Trinidad planning watershed includes the coastal streams from Little River to Redwood Creek, Maple Creek and Little River. A maximum of 19 permits and six acres is allowed within this area. It looks like the County has received seven cannabis cultivation permit applications for this area, and interestingly, six of the seven are all in the Luffenholtz Creek watershed. Two of the six in the Luffenholtz watershed have been closed or cancelled, and one other has been deemed incomplete. The three remaining projects are in the referral stage. I believe the City has received one of those referrals. One of the applications is for 10,000 sq. ft., and the rest are for less than 2,000 sq. ft. All but one (the larger 10,000 sq. ft. project) of the operations are already existing. The County regulations require a forbearance period for surface water diversions from May 15 to October 31. This means that surface water can not be withdrawn during this time, and therefore significant storage of winter flows is necessary. State requirements may be stricter. Groundwater sources are less regulated, but applicants are supposed to show that the wells are not hydrologically connected to any surface water, or a forbearance period may also be required. Therefore, for legal operations, there are fairly robust protections in place to minimize impacts on summer flows in Luffenholtz. However, the City

should still review and provide comments on all these referrals; the concentration of these projects within the Luffenholtz Creek watershed is certainly a concern.

General Plan Update

The Planning Commission is making steady progress on completing the General Plan update.

The following is an update on the various tasks.

- *Planning Commission Review* – The Planning Commission has reviewed all the draft elements of the General Plan again. That occurred from January 2017 through July 2017. Although the Planning Commission had several special meetings to keep that discussing going, it still took well over the estimated two months.
- *Background Reports and Information* – Staff held two harbor area stakeholder meetings on April 17, 2017 (one during the day and one in the evening). Informal Tribal consultation has not been very fruitful so far, but staff continues to seek input.
- *Update Draft General Plan* – Staff have been working on incorporating the Planning Commission comments into the draft, as well as information from recent background reports such as the one regarding climate change and sea level rise. In addition, comments from the harbor stakeholder meeting have been incorporated. Staff have also been adding to the draft elements where deficiencies were identified after an analysis based on the Coastal Commission's LCP update guidelines. In addition, the State adopted new General Plan Guidelines in 2017, which staff have been reviewing for consistency with the existing draft. Staff have finalized revisions to the Land Use Element, and Conservation and Open Space Element, and are currently working on the Circulation Element and Cultural Resources Element. We have been waiting for updated maps in order to start submitting elements to the Coastal Commission for their staff review, but plan on starting to submit drafts this week regardless of whether all the maps are complete.
- *Zoning Ordinance* – Staff have started drafting zoning ordinance updates to make it consistent with the draft general plan and current Coastal Act requirements.

Memorial Light House – The Planning Commission approved the Civic Club regular 'follow up' permit for the Lighthouse move and clean up at the former site. The Coastal Commission also needs to issue approval for the Harbor Area placement.

Unpermitted Development – The City is working with the Coastal Commission and a Scenic Dr. landowner to resolve problems related to shoreline armoring efforts that were undertaken without permits. Final notices before Nuisance Abatement proceedings have been sent.

Marine Lab Cypress Tree HSU has received approval to remove the tree

WATER SYSTEM

The Public Works staff have had to deal with a number of minor emergencies, including some long hours right around the Christmas holiday. There was a major leak in the primary water line feeding our storage tanks from the treatment plant, which led to shutting the plant down, and then a late night getting the plant restarted.

With significant rains around Thanksgiving, low flow concerns are over until the next dry season. Staff have been working through the recent rainstorms to maintain high water quality for our customers. The Treatment Plant requires much more staff effort during high turbidity events.

Streamflow Monitoring on Luffenholtz Creek

The data can be viewed at the following link, soon to be on the City Website:
<https://m2x.att.com/dashboards/shared/483d35e70ccd5170cf6646115b13a19d?>

Water accountability – Through meter replacement, identifying and addressing leaks, accounting for plant process water, and metering previously un-metered services, staff continue audit and reduce water loss. Recently staff have identified and fixed several leaks in the distribution system. Staff have also identified numerous leaks on the property owner's side and coordinated with the appropriate party to facilitate the necessary repairs.

Water Distribution System - A major water line under East St. has been replaced. *Two new leaks were found and repaired in recent weeks, one on Scenic Dr. and another (caused by a truck driving over the meter box) on Main St. The driver's company covered the repair cost on that one.*

PUBLIC WORKS

Streets and Roads

Public works staff and GHD staff Josh Wolf recently evaluated road slumping issues on Scenic Dr. and had some emergency patch work done for public safety.

Stagecoach Road is now open over Mill Creek, with a narrow one lane bridge.

Trails.

The Trinidad Coastal Land Trust has repaired a steep section of the Parker Creek Trail that contributed to a recent slip and fall injury.

The Trails Committee will be making a presentation on Trail Maintenance Recommendations at the Jan 9th meeting.

Caltrans has taken the lead and is pursuing grant funds to advance the proposed Little River Trail connection from the end of Scenic Dr. across the Little River.

January 2019 Project and Grant Coordinator Activities

Non-grant (general fund) Projects and tasks assigned in November:

- Storm Water Program/Regulatory Compliance: Participated in the North Coast Stormwater Coalition meeting December 12. Agencies discussed video resources that could reduce costs for staff training required by the MS4 Permit. A “meet and greet” will be scheduled in January for local MS4 Permittees and new Water Board and Regional Board staff.
- Attended the *Climate Science Symposium* for the North Coast Region put on by state agencies and the North Coast Resource Partnership. The Climate Science Symposium included presentations of the Fourth Climate Assessment and vulnerability in the North Coast Region, funding tools and strategies for advancing regional climate adaptation, and several sessions where participants discussed local needs, funding, implementing and coordinating with other local agencies on planning and adaptation. Takeaways:
 - Annual precipitation is not expected to change significantly, but will likely be delivered in more intense storms within a shorter wet season. There will be a higher likelihood of extreme wet years and extreme dry years.
 - Streamflows in the dry season are expected to decline and peak flows in the winter are likely to increase.
 - Future wildfire projections suggest a longer fire season, an increase in wildfire frequency and an expansion of the area susceptible to fire.
 - Recommended climate adaptation options include: short and long term planning and investment in water, transportation and energy infrastructure resilience; investment in emergency planning and response systems; and fire management.
 - For more information visit: www.climateassessment.ca.gov and www.resilientCA.org.
 - I will be happy to provide additional information if requested.

Manage Grant Projects – Provided administrative support for all grants; worked with funders to complete funding agreements and develop new grant funding; coordinated with city staff, project consultants and project partners. Drafted and submitted comments to the Department of Water Resources regarding Proposition 1 Grant Guidelines.

Began working on a water system proposal for Proposition 1 Integrated Regional Water Management funding. Applications are due March 8, 2019.

Funding for the Downtown Trinidad Pedestrian and Connectivity Improvement Project has been approved and will get started soon.

Details are provided below for each grant project.

Project Name	Citywide Low Impact Development (LID) Planning and Construction Project (OPC Project)
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Grant Budget	\$848,650	Funding Source	Prop 1 Ocean Protection Council
Match	\$0	Match paid by	NA
Term	10/25/16-6/30/19	City Personnel Costs	Reimbursed by Grant

Project Summary: Citywide LID Planning and Construction Project goals are 1) to construct storm water system improvements on Hector and East Streets that eliminate the discharges to the Trinidad Bay (ASBS) from the upper part of town, and 2) to develop LID policies to protect the bluff by reducing infiltration of stormwater and wastewater in sensitive areas.

Project Status: 90% of the grant funds have been spent. Remaining work includes developing policies to protect the bluff area from excessive infiltration of storm water and wastewater, developing and installing a permanent interpretive sign, and final project reporting. The construction and landscaping on Hector and East Streets was completed in October. The permanent interpretive sign will be developed and installed near the Hector Street raingarden to explain how raingardens, vegetated parking swales and infiltration treats stormwater and protects water quality in Trinidad Bay.

Project Name	Storm Water Management Improvement Project Phase 2 (ASBS Storm Water Project)		
Grant Budget	\$4,833,000	Funding Source	Prop 84 Storm Water Grant Program
City Match	\$15,000	Match paid by	General Funds- project development staff costs 2015- 2017
USDA Match	\$26,000	Paid by	USDA SEARCH Grant for Project Engineering Report
USDA Match	\$500,000	Application Pending	USDA Rural Development Storm Water Grant/Loan Financing
Term	9/1/17 - 6/30/21	City Personnel Costs	Funded by Prop 84 grant beginning September 2018

Project Summary and Background: This is the final phase of the ASBS Storm Water project to eliminate the storm water discharge into the Trinidad Bay (Area of Biological Significance or ASBS) at Launcher Beach (see photos right and below) by constructing LID improvements along Underwood, Edwards, Ewing, and at the harbor parking lot area.

Status: 1% of the project funds have been spent to date. The Stormwater Project completed the National Environmental Protection Act (NEPA) process when the U. S. Department of Agriculture (USDA) approved the Environmental Assessment and plans to issue a Finding of No Significant Impact, currently on hold due to the Federal Government shutdown. USDA processing is also on hold for the \$500,000 in project funding match. The California Environmental Quality Act (CEQA) process and project design are underway. Construction is scheduled for summer 2020.

Project Name	LCP Update Project 2		
Grant Budget	\$51,000	Funding Source	Coastal Commission LCP Planning Grant Round 4
Term	11/1/2017-12/31/2019	City Personnel Costs	Reimbursed by grant funds

Project Summary: This second Coastal Commission LCP grant project focuses on developing a Coastal Hazards Plan/Recommendations and Water Supply Assessment to support planning and work on the General Plan/LCP update.

Project Status: Approximately 10% of the grant budget has been spent. Currently, a water supply assessment is in process.

Project Name	Van Wycke Bicycle and Pedestrian Connectivity Project (Van Wycke Trail Project)		
Grant Budget	\$692,000	Funding Source	Caltrans Active Transportation Program (state funding only)
Term	7/8/16-4/1/21	City Personnel Costs	Not reimbursed by grant except in final educational phase

Project Summary: This project will improve the Van Wycke Trail to provide better access and safety for pedestrians and bicyclists between Edwards Street and the Harbor Area.

Project Status: The City Planner will publish the CEQA document for public review. Following completion of CEQA in March, the City will request allocation of funding for the project engineering/design and right of way phases.

Project Name	Clean Beaches OWTS Repair & Replacement Grant		
Grant Budget	\$480,075	Funding Source	Prop 84 Clean Beaches Initiative Grant
Match	\$225,000 \$10,000	Match paid by	Property owners City and Consultant
Term	6/1/15 - 3/31/19	City Personnel Costs	Reimbursed by grant funds

Project Summary: The OWTS Repair Project identified and prioritized failing OWTS (septic systems) that threatened water quality in Parker, Luffenholtz and Joland Creeks, and worked with interested property owners to upgrade (repair or replace) their failing systems. The project has also provided OWTS care and maintenance information to Trinidad and Westhaven residents.

Status: 90% of the grant funds have been spent. Remaining work includes completing the post-project effectiveness water quality monitoring and the draft and final Project Report. The project completed construction of ten residential systems, the Hidden Creek RV Park septic system serving 57 spaces to protect water quality in Parker, Luffenholtz and Joland Creeks and the Trinidad and Westhaven coastal waters.

Project Name	Downtown Trinidad Pedestrian and Connectivity Improvements Project		
Project Budget	\$550,000	Funding Source	Caltrans STIP
Match	\$30,000	Match paid by	City (from Gas Tax & other Transportation funding)
Term	2019 - 2021	City Personnel Costs	Partially reimbursed by STIP funds

Project Summary: The Downtown Trinidad Pedestrian and Connectivity Improvements Project will remove accessibility barriers and extend new safe and accessible pedestrian routes (in accordance with the Americans with Disabilities Act of 1990) along portions of Patrick's Point Drive, Scenic Drive, and Trinity Street.

Status: The City is in the process of entering into an agreement for the first phase of the project. The next steps will be to enter into a consultant agreement and begin work on topographic survey and right-of-way mapping, preliminary design, public meeting,

CEQA documentation and preparation of allocation requests for the next phases of the project.



CONSENT AGENDA 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

2. Financial Statements October 2018

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 10/1/2018 Through 10/31/2018

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
41010	PROPERTY TAX - SECURED	0.00	0.00	92,000.00 100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,400.00 100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	50.00 100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	1,300.00 100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00 100.00)%
41070	PROPERTY TAX - FINES	0.00	0.00	500.00 100.00)%
41071	MOTOR VEHICLES	0.00	0.00	500.00 100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00 100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,900.00 100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	4,500.00 100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(2,300.00) 100.00)%
41200	LAFCO Charge	0.00	0.00	(1,850.00) 100.00)%
41220	IN LIEU VLF	0.00	0.00	30,000.00 100.00)%
42000	SALES & USE TAX	61,622.19	74,324.88	245,000.00 (69.66)%
43000	TRANSIENT LODGING TAX	33,030.45	33,030.45	138,000.00 (76.06)%
46000	GRANT INCOME	0.00	0.00	120,000.00 100.00)%
46100	Measure Z Grant Income	0.00	0.00	75,000.00 100.00)%
53010	COPY MACHINE FEE	3.40	3.40	50.00 (93.20)%
53020	INTEREST INCOME	11,915.95	12,016.40	15,000.00 (19.89)%
53090	OTHER MISCELLANEOUS INCOME	72.04	8,816.04	2,500.00 252.64)%
54020	PLANNER- APPLICATION PROCESSIN	2,581.05	6,922.90	9,000.00 (23.08)%
54050	BLDG. INSP-APPLICATION PROCESSI	370.83	3,194.55	10,000.00 (68.05)%
54100	ANIMAL LICENSE FEES	45.00	45.00	200.00 (77.50)%
54150	BUSINESS LICENSE TAX	240.00	8,155.00	9,500.00 (14.16)%
54170	VDU License Fee (Vacation Dwelling Unit)	0.00	0.00	8,000.00 100.00)%
54300	ENCROACHMENT PERMIT FEES	50.00	150.00	400.00 (62.50)%
56400	RENT - VERIZON	3,426.45	9,501.68	49,600.00 (80.84)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,200.00 100.00)%
56550	RENT - PG& E	0.00	0.00	10,000.00 100.00)%
56650	RENT - SUDDENLINK	0.00	1,675.35	6,500.00 (74.23)%
56700	RENT - TOWN HALL	150.00	1,090.00	6,500.00 (83.23)%
	Total Revenue	<u>113,507.36</u>	<u>158,925.65</u>	<u>841,950.00 (81.12)%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 10/1/2018 Through 10/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	200.00	800.00	3,500.00	77.14%
61000	EMPLOYEE GROSS WAGE	9,922.42	35,562.91	126,315.00	71.85%
61470	FRINGE BENEFITS	46.16	184.64	0.00	0.00%
65100	DEFERRED RETIREMENT	953.66	3,814.63	15,158.00	74.83%
65200	MEDICAL INSURANCE AND EXPENSE	(453.18)	3,611.83	25,940.00	86.08%
65250	Health Savings Program	9.13	261.52	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	4,831.75	4,737.00	(2.00)%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	22.88	302.46	500.00	39.51%
65600	PAYROLL TAX	825.58	3,059.51	10,823.00	71.73%
65800	Grant Payroll Allocation	(3,324.67)	(5,520.80)	(5,500.00)	(0.38)%
68090	CRIME BOND	0.00	487.50	500.00	2.50%
68200	INSURANCE - LIABILITY	0.00	11,818.30	12,400.00	4.69%
68300	PROPERTY & CASUALTY	0.00	4,486.95	4,800.00	6.52%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	10,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71160	ACCOUNTING	1,010.43	1,010.43	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	3,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	0.00	24,470.17	51,000.00	52.02%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	1,368.84	7,000.00	80.45%
71420	BLDG INSPECTOR-PERMIT PROCESS	620.00	620.00	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	3,056.76	15,000.00	79.62%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	14,500.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	15,000.00	100.00%
72100	BAD DEBTS	0.00	750.00	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	93.75	265.75	3,000.00	91.14%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	500.00	500.00	0.00%
75170	RENT	750.00	3,000.00	9,000.00	66.67%
75180	UTILITIES	1,159.11	4,924.53	8,250.00	40.31%
75190	DUES & MEMBERSHIP	0.00	0.00	750.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	2,299.90	4,000.00	42.50%
75220	OFFICE SUPPLIES & EXPENSE	220.00	1,227.31	6,500.00	81.12%
75240	BANK CHARGES	15.00	40.00	200.00	80.00%
75280	TRAINING / EDUCATION	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	8,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	171.09	668.80	1,800.00	62.84%
76130	CABLE & INTERNET SERVICE	215.88	859.54	3,500.00	75.44%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	153.00	226.50	500.00	54.70%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	2,000.00	100.00%
Total Expense		12,610.24	108,989.73	375,673.00	70.99%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 10/1/2018 Through 10/31/2018

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	437.84	1,476.24	5,656.00	73.90%
65100	DEFERRED RETIREMENT	36.74	146.96	679.00	78.36%
65200	MEDICAL INSURANCE AND EXPENSE	23.62	71.76	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	216.26	212.00	(2.01)%
65600	PAYROLL TAX	36.18	124.60	485.00	74.31%
75170	RENT	750.00	3,000.00	9,000.00	66.67%
75180	UTILITIES	116.70	432.85	2,000.00	78.36%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	245,000.00	100.00%
75350	ANIMAL CONTROL	124.00	484.00	1,500.00	67.73%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	91.13	365.41	1,200.00	69.55%
	Total Expense	<u>1,616.21</u>	<u>6,318.08</u>	<u>266,482.00</u>	<u>97.63%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 10/1/2018 Through 10/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	150.00	600.00	1,800.00	66.67%
75180	UTILITIES	54.52	157.20	550.00	71.42%
75190	DUES & MEMBERSHIP	0.00	144.00	250.00	42.40%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	2,500.00	100.00%
76110	TELEPHONE	70.09	254.65	1,000.00	74.53%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	0.00	40.72	350.00	88.37%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	571.95	2,674.94	5,000.00	46.50%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
Total Expense		846.56	3,871.51	17,350.00	77.69%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 10/1/2018 Through 10/31/2018

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	6,997.47	26,256.57	93,517.00	71.92%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	713.58	2,983.46	11,222.00	73.41%
65200	MEDICAL INSURANCE AND EXPENSE	3,038.13	11,780.63	44,584.00	73.58%
65250	Health Savings Program	19.63	600.52	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	3,577.08	3,507.00	(2.00)%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	43.36	0.00	0.00%
65600	PAYROLL TAX	579.77	2,249.98	8,013.00	71.92%
65800	Grant Payroll Allocation	(4,416.57)	(24,964.34)	(75,500.00)	66.93%
71210	CITY ENGINEER-ADMIN. TASKS	994.50	1,943.75	10,000.00	80.56%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	3,000.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,500.00	100.00%
75240	BANK CHARGES	0.00	10.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	25,000.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	64.00	64.00	450.00	85.78%
76110	TELEPHONE	90.29	90.29	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	8,965.15	3,000.00	(198.84)%
78120	STREET LIGHTING	382.32	1,469.72	4,500.00	67.34%
78130	TRAIL MAINTENANCE	0.00	494.46	3,500.00	85.87%
78140	VEHICLE FUEL & OIL	398.60	1,146.80	4,000.00	71.33%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	2,729.88	5,182.32	15,000.00	65.45%
78170	SECURITY SYSTEM	106.50	213.00	500.00	57.40%
78190	MATERIALS, SUPPLIES & EQUIPMEN	340.08	1,854.91	6,000.00	69.08%
78200	EQUIPMENT REPAIRS & MAINTENANC	2,747.50	2,747.50	1,000.00	(174.75)%
79120	WATER PLANT CHEMICALS	0.00	6.81	0.00	0.00%
	Total Expense	14,785.68	46,715.97	166,793.00	71.99%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 10/1/2018 Through 10/31/2018

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
47650				
56150	0.00	0.00	10,500.00	(100.00)%
	FRANCHISE FEES			
	1,846.50	2,611.05	6,200.00	(57.89)%
	Total Revenue	2,611.05	16,700.00	(84.36)%
Expense				
61000				
65100	912.48	3,198.08	12,089.00	73.55%
	DEFERRED RETIREMENT			
65200	72.62	337.62	1,451.00	76.73%
	MEDICAL INSURANCE AND EXPENSE			
65250	303.09	1,013.37	5,348.00	81.05%
	Health Savings Program			
65300	3.48	97.92	0.00	0.00%
	WORKMEN'S COMP INSURANCE			
65500	0.00	458.97	450.00	(1.99)%
	EMPLOYEE MILEAGE REIMBURSEMENT			
65600	0.00	12.23	0.00	0.00%
	PAYROLL TAX			
75130	74.63	255.32	1,036.00	75.36%
	GARBAGE			
78190	0.00	0.00	500.00	100.00%
	MATERIALS, SUPPLIES & EQUIPMEN			
	0.00	0.00	1,200.00	100.00%
	Total Expense	5,373.51	22,074.00	75.66%
	1,366.30			
	Net Income	(2,762.46)	(5,374.00)	(48.60)%
	480.20			

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 10/1/2018 Through 10/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	8,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	2,000.00	(100.00)%
57100	WATER SALES	33,830.70	119,153.01	315,000.00	(62.17)%
57200	Water Sales - Wholesale	1,200.00	3,120.00	5,000.00	(37.60)%
57300	NEW WATER HOOK UPS	0.00	0.00	1,000.00	(100.00)%
57500	WATER A/R PENALTIES	(455.85)	954.06	1,000.00	(4.59)%
	Total Revenue	<u>34,574.85</u>	<u>123,227.07</u>	<u>332,000.00</u>	<u>(62.88)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	7,993.70	28,870.81	103,994.00	72.24%
61250	OVERTIME	0.00	0.00	501.00	100.00%
65100	DEFERRED RETIREMENT	788.70	3,219.29	12,479.00	74.20%
65200	MEDICAL INSURANCE AND EXPENSE	2,797.84	10,745.64	42,412.00	74.66%
65250	Health Savings Program	23.39	657.56	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	3,977.98	3,900.00	(2.00)%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	44.47	0.00	0.00%
65600	PAYROLL TAX	658.72	2,333.27	8,910.00	73.81%
68090	CRIME BOND	0.00	262.50	300.00	12.50%
68200	INSURANCE - LIABILITY	0.00	6,363.70	6,650.00	4.31%
68300	PROPERTY & CASUALTY	0.00	2,416.05	2,625.00	7.96%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71240	CONSTRUCTION	(28,084.25)	0.00	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	544.07	2,190.01	6,700.00	67.31%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100	BAD DEBTS	111.22	379.22	350.00	(8.35)%
75180	UTILITIES	2,680.62	5,310.34	13,500.00	60.66%
75190	DUES & MEMBERSHIP	197.52	197.52	1,500.00	86.83%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	35.00	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	1,173.00	1,383.00	3,000.00	53.90%
75240	BANK CHARGES	10.00	30.00	100.00	70.00%
75280	TRAINING / EDUCATION	0.00	125.00	1,000.00	87.50%
75300	CONTRACTED SERVICES	0.00	0.00	6,000.00	100.00%
76110	TELEPHONE	48.26	514.29	1,800.00	71.43%
76130	CABLE & INTERNET SERVICE	61.95	247.80	750.00	66.96%
76160	LICENSES & FEES	0.00	0.00	4,500.00	100.00%
78120	STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140	VEHICLE FUEL & OIL	114.42	373.98	1,500.00	75.07%
78150	VEHICLE REPAIRS	0.00	4,196.02	2,000.00	(109.80)%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78170	SECURITY SYSTEM	76.50	153.00	500.00	69.40%
78190	MATERIALS, SUPPLIES & EQUIPMEN	896.18	1,242.05	6,000.00	79.30%
78200	EQUIPMENT REPAIRS & MAINTENANC	5,102.50	5,222.50	1,000.00	(422.25)%
79100	WATER LAB FEES	637.00	1,697.00	4,000.00	57.58%
79120	WATER PLANT CHEMICALS	6.81	2,439.11	7,500.00	67.48%
79130	WATER LINE HOOK-UPS	0.00	0.00	1,000.00	100.00%
79150	WATER LINE REPAIR	46,231.50	46,231.50	68,000.00	32.01%
79160	WATER PLANT REPAIR	3,865.00	5,118.11	6,000.00	14.70%
	Total Expense	<u>45,934.65</u>	<u>135,976.72</u>	<u>333,071.00</u>	<u>59.17%</u>

City of Trinidad
 Statement of Revenues and Expenditures - Monthly Reports
 601 - Water
 From 10/1/2018 Through 10/31/2018

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Net Income	(11,359.80)	(12,749.65)	(1,071.00)	1,090.44%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 10/1/2018 Through 10/31/2018

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	200.00	(100.00)%
58100	CEMETERY PLOT SALES	825.00	2,977.50	6,000.00	(50.38)%
	Total Revenue	<u>825.00</u>	<u>2,977.50</u>	<u>6,200.00</u>	<u>(51.98)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	995.44	3,671.66	13,205.00	72.19%
65100	DEFERRED RETIREMENT	82.58	394.50	1,585.00	75.11%
65200	MEDICAL INSURANCE AND EXPENSE	339.99	1,148.24	5,747.00	80.02%
65250	Health Savings Program	4.37	122.48	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	504.96	495.00	(2.01)%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	0.00	11.12	0.00	0.00%
65600	PAYROLL TAX	81.45	295.86	1,131.00	73.84%
75180	UTILITIES	45.23	180.92	750.00	75.88%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	<u>1,549.06</u>	<u>6,329.74</u>	<u>23,413.00</u>	<u>72.96%</u>
	Net Income	<u>(724.06)</u>	<u>(3,352.24)</u>	<u>(17,213.00)</u>	<u>(80.52)%</u>



CONSENT AGENDA 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

3. Law Enforcement Reports December 2018



HUMBOLDT COUNTY SHERIFF'S OFFICE

Incident Search Results

City is trinidad or trin, Date Between 12/3/2018 and 12/9/2018

12/10/2018

Date	Inc #	Type	Time	Location	Dispositio
12/03/2018	1812030035	PC	08:31:31	.HOUDA POINT	Clear Call Cad Documentation
12/03/2018	1812030036	PC	08:35:28	.BAKER BEACH	Clear Call Cad Documentation
12/03/2018	1812030093	FU	14:19:05	27 SCENIC DR	No Report
12/03/2018	1812030138	PROPF	19:01:38	27 SCENIC DR	Report Taken
12/03/2018	1812030169	INC	22:44:52	.LIGHT HOUSE RD	Clear Call Cad Documentation
12/03/2018	1812030170	INC	22:47:02	.LIGHT HOUSE RD	Clear Call Cad Documentation
12/03/2018	1812030174	TPAT	23:01:07	TRINITY ST	Clear Call Cad Documentation
12/04/2018	1812040017	33X	04:23:55	101 MAIN ST	Billable Alarm
12/04/2018	1812040111	PC	17:00:34	300 TRINITY ST	Quiet on Arrival or Departur
12/04/2018	1812040119	CWS	17:56:48	473 QUARRY RD	Report Taken
12/04/2018	1812040125	FU	18:23:55	102 KAY-WIN LN	Clear Call Cad Documentation
12/05/2018	1812050018	XFER	02:45:03	889 S WESTHAVEN DR	Xfer to Medical
12/05/2018	1812050054	XPAT	10:20:32	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/05/2018	1812050053	XPAT	10:20:32	300 TRINITY ST	Clear Call Cad Documentation
12/05/2018	1812050055	TRF	10:20:38	(UNKNOWN ADDRESS)	Warned
12/05/2018	1812050056	XPAT	10:25:32	357 MAIN ST	Clear Call Cad Documentation
12/05/2018	1812050057	XPAT	10:25:32	380 JANIS CT	Clear Call Cad Documentation
12/05/2018	1812050058	XPAT	10:25:33	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/05/2018	1812050059	XPAT	10:25:33	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/05/2018	1812050060	FU	10:26:58	(UNKNOWN ADDRESS)	No Report
12/05/2018	1812050111	PC	16:49:21	27 SCENIC DR	Unable to Locate
12/06/2018	1812060041	VEHI	09:06:44	.HOUDA POINT	Mark For Abatement
12/06/2018	1812060047	FU	09:33:13	27 SCENIC DR	Clear Call Cad Documentation
12/06/2018	1812060073	INV	11:22:45	.TRINIDAD	Pending Recontact From Rp
12/06/2018	1812060114	TRF	14:26:19	SCENIC DR	Clear Call Cad Documentation
12/06/2018	1812060128	TRF	15:14:50	MAIN ST/SCENIC DR	Warned
12/06/2018	1812060175	5150	20:28:42	199 N WESTHAVEN DR	Clear Call Cad Documentation
12/07/2018	1812070036	XPAT	09:15:24	300 TRINITY ST	Clear Call Cad Documentation
12/07/2018	1812070041	WELF	09:46:19	306 VIEW ST	Clear Call Cad Documentation
12/07/2018	1812070069	FU	11:53:27	27 SCENIC DR	Clear Call Cad Documentation
12/07/2018	1812070102	PC	15:00:25	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/07/2018	1812070122	THREAT	16:18:56	MAIN ST/VIEW AVE	No Report
12/08/2018	1812080030	XPAT	08:00:34	300 TRINITY ST	Clear Call Cad Documentation
12/08/2018	1812080035	VEHI	08:45:08	3602 PATRICKS POINT DR	Arrest Made
12/08/2018	1812080065	XFER	11:19:54	145 STUMPTOWN RD	Xfer to Medical
12/08/2018	1812080095	XFER	14:16:15	349 STAGECOACH RD	Xfer to Medical
12/08/2018	1812080102	PC	15:00:09	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/08/2018	1812080151	DISABLE	19:37:39	NB101 S/O TRINIDAD	Clear Public Assist
12/08/2018	1812080162	DISP	21:19:21	275 LYNDA LN	Clear Call Cad Documentation
12/09/2018	1812090035	XPAT	08:00:47	300 TRINITY ST	Clear Call Cad Documentation
12/09/2018	1812090038	PC	08:30:57	HOUDA POINT	Clear Call Cad Documentation
12/09/2018	1812090039	PC	08:40:50	.LOWER TRINIDAD BEACH	Clear Call Cad Documentation
12/09/2018	1812090040	PC	08:45:32	STAGECOACH RD	Clear Call Cad Documentation
12/09/2018	1812090042	VEHI	08:53:22	COLLEGE COVE PARK	Clear Unoccupied



HUMBOLDT COUNTY SHERIFF'S OFFICE

Incident Search Results
City is trinidad or trin, Date Between 12/3/2018 and 12/9/2018

12/10/2018

Date	Inc #	Type	Time	Location	Dispositio
12/09/2018	1812090047	PC	09:09:34	199 N WESTHAVEN DR	Clear Call Cad Documentation
12/09/2018	1812090048	PC	09:32:08	300 BLK MAIN ST	Clear Call Cad Documentation
12/09/2018	1812090051	FP	09:41:02	380 JANIS CT	Clear Call Cad Documentation
12/09/2018	1812090059	VEHI	10:25:06	3800 PATRICKS POINT DR	Clear Unoccupied
12/09/2018	1812090060	SUSPC	10:30:14	100 MOOSTONE BEACH RD	Report Taken
12/09/2018	1812090082	FU	13:35:05	27 SCENIC DR	Clear Call Cad Documentation
12/09/2018	1812090094	PC	15:00:11	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/09/2018	1812090108	459	16:51:45	199 N WESTHAVEN DR	Mail In Report
12/09/2018	1812090144	FU	22:07:01	25 METSKO LN	No Report



HUMBOLDT COUNTY SHERIFF'S OFFICE

Incident Search Results

City is trinidad or trin, Date Between 12/10/2018 and 12/16/2018

12/17/2018

Date	Inc #	Type	Time	Location	Dispositio
12/10/2018	1812100025	XPAT	08:00:46	269 BIG LAGOON PARK RD	Clear Call Cad Documentation
12/10/2018	1812100026	XPAT	08:00:46	300 TRINITY ST	Clear Public Assist
12/10/2018	1812100037	XPAT	10:10:17	357 MAIN ST	No Report
12/10/2018	1812100072	PC	15:00:18	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/11/2018	1812110016	XPAT	08:00:22	300 TRINITY ST	Clear Call Cad Documentation
12/11/2018	1812110019	SUSPV	08:25:24	121 BAKER RANCH RD	Gone On Arrival
12/11/2018	1812110031	TRF	09:08:51	389 MAIN ST	Warned
12/11/2018	1812110043	XPAT	10:00:23	357 MAIN ST	Clear Call Cad Documentation
12/11/2018	1812110042	XPAT	10:00:23	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/11/2018	1812110044	XPAT	10:00:23	380 JANIS CT	Clear Call Cad Documentation
12/11/2018	1812110072	459	12:47:24	1 CHER-AE LN	Report Taken
12/11/2018	1812110098	CIVS	14:43:31	286 MILL LN	Good Service
12/11/2018	1812110102	PC	15:00:51	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/11/2018	1812110117	PC	16:17:16	EDWARDS AT OCEAN	Clear Call Cad Documentation
12/11/2018	1812110154	XFER	22:24:18	889 S WESTHAVEN DR	Xfer to Medical
12/12/2018	1812120010	XFER	01:29:57	889 S WESTHAVEN DR	Xfer to Medical
12/12/2018	1812120033	XPAT	09:00:25	300 TRINITY ST	Clear Call Cad Documentation
12/12/2018	1812120057	APS	10:59:42	1195 WESTHAVEN	Clear Call Cad Documentation
12/12/2018	1812120078	459	12:45:32	400 PATRICKS POINT DR	Clear Call Cad Documentation
12/12/2018	1812120081	INV	12:48:01	128 ANDERSON LN	Clear Public Assist
12/12/2018	1812120088	TRF	13:20:16	1000 PATRICKS POINT DR	Warned
12/12/2018	1812120111	PC	15:00:43	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/12/2018	1812120132	415	16:46:52	659 S WESTHAVEN DR	Clear Call Cad Documentation
12/12/2018	1812120146	CWS	17:57:54	1519 FOX FARM RD	Report Taken
12/13/2018	1812130014	XFER	02:45:59	101 WESTGATE DR	Xfer to Medical
12/13/2018	1812130045	XPAT	10:00:42	357 MAIN ST	Clear Call Cad Documentation
12/13/2018	1812130046	XPAT	10:00:42	OCEAN AVE	Clear Call Cad Documentation
12/13/2018	1812130060	ASSISTP	10:55:14	713 STAGECOACH RD	Assisted
12/13/2018	1812130077	TRF	12:05:24	SCENIC DR/SEADRIFT LN	Arrest Made
12/13/2018	1812130109	488	14:37:35	446 6TH AVE	Clear Call Cad Documentation
12/13/2018	1812130118	PC	15:00:47	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/13/2018	1812130142	459V	16:32:50	.BAKERS BEACH	Report Taken
12/13/2018	1812130176	UNW	21:30:24	.TRINIDAD HARBOR	Field Interview
12/13/2018	1812130180	33X	22:07:19	400 JANIS CT	Billable Alarm
12/13/2018	1812130194	XFER	23:51:35	889 S WESTHAVEN DR	Xfer to Medical
12/14/2018	1812140013	XFER	02:04:49	889 S WESTHAVEN DR	Xfer to Medical
12/14/2018	1812140047	TRF	09:52:56	TEH-PAH	Warned
12/14/2018	1812140048	XPAT	10:00:09	.TRINDAD BOAT RAMP	Clear Call Cad Documentation
12/14/2018	1812140101	PC	15:00:30	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/14/2018	1812140161	SHOTSH	22:32:57	998 KINGDOM RD	Clear Call Cad Documentation
12/15/2018	1812150048	VEHI	10:59:54	753 PATRICKS POINT DR	Clear Public Assist
12/15/2018	1812150090	PC	15:00:44	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/16/2018	1812160011	PC	01:51:35	1084 DRIVER RD	Unable to Locate
12/16/2018	1812160014	XFER	02:33:37	889 S WESTHAVEN DR	Xfer to Medical



HUMBOLDT COUNTY SHERIFF'S OFFICE

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Incident Search Results
City is trinidad or trin, Date Between 12/10/2018 and 12/16/2018

12/17/2018

Date	Inc #	Type	Time	Location	Dispositio
12/16/2018	1812160068	PC	12:46:41	.HOUDA POINT PLOT	Clear Call Cad Documentation
12/16/2018	1812160070	PC	12:47:37	LUFFENHOLTZ RD	Clear Call Cad Documentation
12/16/2018	1812160072	PC	12:54:06	27 SCENIC DR	Clear Call Cad Documentation
12/16/2018	1812160075	FP	13:01:14	380 JANIS CT	Clear Call Cad Documentation
12/16/2018	1812160079	PC	13:08:33	51 MIDWAY DRIVE	Clear Call Cad Documentation
12/16/2018	1812160080	PC	13:13:08	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/16/2018	1812160081	PC	13:17:19	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/16/2018	1812160084	PC	13:22:00	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/16/2018	1812160095	PC	15:00:28	.TRINIDAD STATE BEACH	Clear Call Cad Documentation



HUMBOLDT COUNTY SHERIFF'S OFFICE

Incident Search Results

City is trinidad or trin, Date Between 12/24/2018 and 12/30/2018

01/03/2019

Date	Inc #	Type	Time	Location	Dispositio
12/24/2018	1812240024	XPAT	08:00:29	269 BIG LAGOON PARK RD	Clear Call Cad Documentation
12/24/2018	1812240043	PC	11:20:31	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/24/2018	1812240044	PC	11:34:46	51 MIDWAY DR	Clear Call Cad Documentation
12/24/2018	1812240045	PC	11:41:00	STAGECOACH RD/STATE PARK	Clear Call Cad Documentation
12/24/2018	1812240046	PC	11:44:40	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/24/2018	1812240047	PC	11:54:17	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/24/2018	1812240052	PC	12:00:57	TEH-PAH LN/KAY-WIN LN	Clear Call Cad Documentation
12/24/2018	1812240059	FP	12:39:32	380 JANIS CT	Clear Call Cad Documentation
12/24/2018	1812240062	FP	12:57:57	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/24/2018	1812240069	PC	13:40:53	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/24/2018	1812240070	PC	13:44:07	VIEW ST/EAST ST	Clear Call Cad Documentation
12/24/2018	1812240073	PC	14:01:16	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/24/2018	1812240079	PC	15:00:34	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/25/2018	1812250036	XPAT	10:00:43	UNDERWOOD DR	Clear Call Cad Documentation
12/25/2018	1812250037	XPAT	10:00:43	380 JANIS CT	Clear Call Cad Documentation
12/25/2018	1812250063	PC	15:00:44	.TRINIDAD STATE BEACH	Unable to Locate
12/26/2018	1812260028	XPAT	09:00:51	300 TRINITY ST	Clear Call Cad Documentation
12/26/2018	1812260047	FP	11:20:53	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/26/2018	1812260066	VEHI	12:41:41	3602 PATRICKS POINT DR	Cite
12/26/2018	1812260077	TRF	13:51:46	MAIN ST/SCENIC DR	Warned
12/26/2018	1812260088	WELF	14:58:30	264 WESTHAVEN DR	Clear Call Cad Documentation
12/26/2018	1812260089	PC	15:00:52	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/27/2018	1812270001	PED	00:11:55	SCENIC DR/MOONSTONE BEACH	Field Interview
12/27/2018	1812270040	FP	09:02:14	SCENIC S/O THE CASINO	Clear Call Cad Documentation
12/27/2018	1812270043	AWS	09:17:25	27 SCENIC DR	Arrest Made
12/27/2018	1812270049	XPAT	10:00:57	357 MAIN ST	Clear Call Cad Documentation
12/27/2018	1812270050	XPAT	10:00:57	OCEAN AVE	Clear Call Cad Documentation
12/27/2018	1812270067	FU	11:25:03	199 N WESTHAVEN DR	Clear Call Cad Documentation
12/27/2018	1812270079	VEHI	12:28:26	(UNKNOWN ADDRESS)	Field Interview
12/27/2018	1812270110	PC	15:05:45	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/27/2018	1812270131	CIVIL	17:09:23	199 N WESTHAVEN DR	Good Service
12/28/2018	1812280019	33X	03:51:05	1659 PATRICKS POINT DR	Billable Alarm
12/28/2018	1812280035	FP	09:16:38	.SCENIC JSO THE CASINO	Clear Call Cad Documentation
12/28/2018	1812280038	BUS	09:27:08	27 SCENIC DR	Clear Call Cad Documentation
12/28/2018	1812280042	XPAT	10:00:57	.TRINDAD BOAT RAMP	Clear Call Cad Documentation
12/28/2018	1812280055	PED	11:05:23	389 MAIN ST	Field Interview
12/28/2018	1812280061	WARR	11:21:14	182 ANDERSON LN	Unable to Locate
12/28/2018	1812280067	WARR	11:37:09	69 STUMPTOWN RD	Unable to Locate
12/28/2018	1812280071	415	12:18:12	22 TEH-PAH	Cancel Per Rp
12/28/2018	1812280072	WARR	12:19:40	27 SCENIC DR	Arrest Made
12/28/2018	1812280099	PED	14:54:13	27 SCENIC DR	Clear Call Cad Documentation
12/28/2018	1812280104	PC	15:00:58	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/29/2018	1812290073	VEHI	12:03:49	./HOUDA POINT	Field Interview
12/29/2018	1812290074	VEHI	12:21:16	27 SCENIC DR	Report Taken



HUMBOLDT COUNTY SHERIFF'S OFFICE

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Incident Search Results

City is trinidad or trin, Date Between 12/24/2018 and 12/30/2018

01/03/2019

Date	Inc #	Type	Time	Location	Dispositio
12/29/2018	1812290076	CIVS	12:30:41	199 N WESTHAVEN DR	Good Service
12/29/2018	1812290080	XFER	12:40:07	(UNKNOWN ADDRESS)	Xfer to CHP
12/29/2018	1812290101	WELF	14:58:54	101 WESTHAVEN DR	Clear Call Cad Documentation
12/29/2018	1812290102	PC	15:00:22	.TRINIDAD STATE BEACH	Clear Call Cad Documentation
12/29/2018	1812290116	PED	15:48:55	357 MAIN ST	Field Interview
12/29/2018	1812290121	VEHI	16:10:35	389 MAIN ST	Clear Call Cad Documentation
12/30/2018	1812300011	XFER	02:40:26	QUARRY RD/WESTHAVEN DR	Xfer to Medical
12/30/2018	1812300027	PC	09:28:31	SCENIC DR/MOONSTONE BEAC	Clear Call Cad Documentation
12/30/2018	1812300030	PC	09:37:28	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/30/2018	1812300031	FP	09:42:39	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/30/2018	1812300036	PC	10:00:05	480 PATRICKS POINT DR	Field Interview
12/30/2018	1812300038	FP	10:08:16	380 JANIS CT	Clear Call Cad Documentation
12/30/2018	1812300039	PC	10:18:15	TEH-PAH LN/KAY-WIN LN	Clear Call Cad Documentation
12/30/2018	1812300041	PC	10:25:29	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/30/2018	1812300043	PC	10:36:54	TRINIDAD BEACH/PIÉR	Clear Call Cad Documentation
12/30/2018	1812300044	PC	10:42:58	HECTOR ST/UNDERWOOD DR	Clear Call Cad Documentation
12/30/2018	1812300052	PC	12:46:27	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/30/2018	1812300054	PC	12:49:51	EAST ST/OCEAN AVE	Clear Call Cad Documentation
12/30/2018	1812300055	PC	12:53:59	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/30/2018	1812300059	VEHI	13:06:49	SCENIC DR/KIDDER RD	Clear Unoccupied
12/30/2018	1812300060	PC	13:11:02	(UNKNOWN ADDRESS)	Clear Call Cad Documentation
12/30/2018	1812300072	PC	15:00:33	.TRINIDAD STATE BEACH	Clear Call Cad Documentation



CONSENT AGENDA 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

4. Participate in a Multi-Jurisdictional Climate Action Plan with the Redwood Coast Energy Authority.



12/19/2018

Matthew Marshall, Executive Director
Redwood Coast Energy Authority

Re: Multijurisdictional Climate Action Plan (CAP) Grant Commitment

Dear Mr. Marshall and Mr. Havenar-Daughton,

The City of Trinidad is participating in the development of a multijurisdictional Climate Action Plan (CAP) for Humboldt County per the schedule generally described in Attachment 1 (subject to change). Trinidad city staff time and expenditures for participation in the CAP are estimated to total \$5,000 or more at staff's standard fully-burdened rates. The City understands that Redwood Coast Energy Authority is offering the City a grant of \$5,000 to partially pay for staff time toward participation in development of the CAP. In return for the \$5,000 grant, we commit to the following:

- City staff and contractors will work with RCEA, County staff, and staff from the other incorporated cities in the County toward the production of a multi-jurisdictional CAP per the draft schedule shown in Attachment 1;
- City staff and contractors will present a summary of the project to the City Council early in the project timeline in order to: inform the City Council that production of a CAP is required by State law, present the benefits and advantages of the multijurisdictional partnership, receive initial feedback from City Council regarding potential CAP goals/policies, and discuss with Council the overall project timeline; and
- The City will submit brief monthly activity reports and monthly invoices to RCEA for cost reimbursement purposes by no later than close of business on the second Wednesday of each month through no later than 12/01/2019.

We understand that the multijurisdictional CAP is likely to include the following:

- Jurisdiction-specific long-term energy saving goals and energy saving targets for varying metrics (goals and targets may vary between individual jurisdictions);
- Specific, measurable, attainable, relevant and time bound goals and policies that will enhance the likelihood of reaching and/or exceeding savings targets (goals and policies may vary between individual jurisdictions);
- The assessment of funding opportunities and mechanisms that can support and accelerate the effort to meet the set targets; and
- Some degree of alignment with RCEA's Comprehensive Action Plan for Energy (CAPE).

We appreciate RCEA's assistance and look forward to participating in this multi-jurisdictional partnership.

Daniel Berman
City Manager
City of Trinidad

Signature:  Date: 12/21/2018

RCEA Commitment

RCEA commits to reimbursing The City of Trinidad's in-scope expenses, where the city submits invoices with brief reports. RCEA commits to a value that is to not exceed \$5,000.

Matthew Marshall
Executive Director
Redwood Coast Energy Authority

Signature:  Date: 12/21/18

Attachment 1. Multijurisdictional Climate Action Plan (CAP) Project Schedule and City Tasks for 2019 and 2020

2019	
Estimated Date	Project Task
January/February	Staff Meeting #1: Inventories and Target Selection
March	Draft CAP Measures and Quantification
March	Public Workshops (Round 1)
April	Staff Meeting #2: CAP Measures
April	Stakeholder Advisory Meeting (Round 2)
May	Final Draft CAP Measures and Quantification
June/July	Admin Draft CAP
June/July	Begin CEQA Review
June/July	Staff Meeting #3: Implementation Plan
August	Public Draft CAP
August	Stakeholder Advisory Group Meeting (Round 3)
September/October	Draft Implementation Toolkit
September/October	Public Workshops (Round 2)
November/December	Draft CEQA Document
2020	
January/February	Final CAP & Implementation Toolkit
January/February	Finalize environmental document
March/April	Local CAP Adoption Meetings

City Role
City staff participation in meeting prep and attendance at meeting
City staff helps identify and develop CAP measures appropriate for City
City staff participation in workshop prep and attendance at workshop
City staff participation in meeting prep and attendance at meeting
(Optional) City staff participation in meeting prep and attendance at meeting
City staff reviews Final Draft CAP Measures and Quantification
(Optional) City staff review of Admin Draft CAP
(Optional) City staff participation in draft environmental document
City staff participation in meeting prep and attendance at meeting
City staff reviews Public Draft CAP
(Optional) City staff participation in meeting prep and attendance at meeting
(Optional) City staff participation in preparation and review of Draft Implementation Toolkit
City staff participation in workshop prep and attendance at workshop
(Optional) City staff review of Draft CEQA Document
City staff reviews Final CAP & Implementation Toolkit
(Optional) City staff review of Final CEQA Document
City staff takes the lead with assistance from RCEA and County.



CONSENT AGENDA 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 25 PAGES

5. Resolution 2019-02; Authorizing Signature Authorities for the Caltrans Downtown Pedestrian and Connectivity Improvements Project.

CONSENT AGENDA ITEM

Date: January 9th, 2018

Item: APPROVE RESOLUTION 2019-02 AUTHORIZING THE CITY MANAGER AND THE MAYOR TO EXECUTE FUNDING AGREEMENTS WITH CALTRANS FOR THE DOWNTOWN TRINIDAD PEDESTRIAN & CONNECTIVITY IMPROVEMENTS PROJECT.

Summary:

The City was awarded \$550,000 in 2018 for the Downtown Trinidad Pedestrian & Connectivity Improvements Project. This proposal was reviewed and authorized by the City Council in December 2017, and will remove accessibility barriers and extend new safe and accessible pedestrian routes (in accordance with the Americans with Disabilities Act of 1990) along portions of Patrick's Point Drive, Scenic Drive, and Trinity Street. A presentation describing the project in more detail is attached.

Caltrans has recently provided the City with a grant agreement (Program Supplement Agreement, in their jargon) for the first portion of these funds (Attached).

Caltrans requires the City to provide a resolution specifically designating the officials authorized to execute agreements related to this project. This resolution would designate both the City Manager and the Mayor as the authorized officials able to sign this agreement and future related documents for this project.

If this resolution is approved, the City Manager will proceed to execute the attached agreement, on behalf of the City.

Staff Recommendation:

- Approve Resolution 2019-02 naming the City Manager and the Mayor as the designated City officials authorized to execute grant agreements and other related documents for the Downtown Trinidad Pedestrian & Connectivity Improvements Project.

Attachments:

- Proposed Resolution 2019-02
- Letter and Program Supplement Agreement for signature from Caltrans
- Project Description (from December 2017 review by Council)



RESOLUTION 2019-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AUTHORIZING THE CITY MANAGER AND THE MAYOR TO SIGN FUNDING AGREEMENTS RELATED TO THE DOWNTOWN TRINIDAD PEDESTRIAN & CONNECTIVITY IMPROVEMENTS PROJECT AS APPROVED IN THE STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

WHEREAS, the City of Trinidad's Downtown Trinidad Pedestrian & Connectivity Improvements Project (hereafter 'Project') was included in the 2017 Regional Transportation Improvement Program (RTIP) adopted by the Humboldt County Association of Governments (HCAOG), acting as the designated Regional Transportation Planning Agency (RTPA) for Humboldt County; and

WHEREAS, the California Transportation Commission approved the RTIP, including the City of Trinidad Project; and

WHEREAS, the proposed Project will remove accessibility barriers and extend new safe and accessible pedestrian routes (in accordance with the Americans with Disabilities Act of 1990) along portions of Patrick's Point Drive, Scenic Drive, and Trinity Street; and

WHEREAS, the proposed project is identified as a priority in the Humboldt County Association of Government (HCOAG) 2014 Regional Transportation Plan Update and in Trinidad's Transportation Planning Report (GHD -2014); and

WHEREAS, the CA Dept of Transportation requires a resolution by the City designating the official representative of the City authorized to execute the necessary documents associated with implementation of this project, including the Program Supplement Agreement;

NOW, THEREFORE BE IT RESOLVED, that the City of Trinidad hereby designates both the City Manager, and the Mayor, as the City officials authorized to execute Program Supplement Agreements and other official documents related to the implementation of the City of Trinidad's Downtown Trinidad Pedestrian & Connectivity Improvements Project

PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 9th day of January 2019.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

PASSED, APPROVED AND ADOPTED this 9th day of January 2019 by the following vote:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

ATTEST:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711



November 30, 2018

File : 01-HUM-0-TRND

RPL-5036(014)

Trinidad: Patricks Point Dr from
Main St to Janis Ct, Scenic Dr from
Main St to the Saunders Shopping C

Mr. Dan Berman
City Manager / DBELO
City of Trinidad
409 Trinity Street
Trinidad, CA 95570

Dear Mr. Berman:

Enclosed are two originals of the Program Supplement Agreement No. 0S08 Rev. 000 to Administering Agency-State Master Agreement No. 00062S and an approved Finance Letter for the subject project. Please retain the signed Finance Letter for your records.

Please sign both Program Supplement Agreements and return them to this office, Office of Local Programs - MS1 within 90 days from receipt of this letter. If the signed Agreements are not received back in this office within 90 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. **ATTACH YOUR LOCAL AGENCY'S CERTIFIED AUTHORIZING RESOLUTION THAT CLEARLY IDENTIFIES THE OFFICIAL AUTHORIZED TO EXECUTE THE AGREEMENT ON THE AGENCY'S BEHALF.** A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

The State budget authority supporting the encumbered funds is only available for liquidation up to specific deadlines. These deadlines are shown on the attached Finance Letter as the "Reversion Date". Please ensure that your invoices are submitted at least 60 days prior to the reversion date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to the final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to two years.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

WINTON EMMETT, Chief
Office of Project Implementation - North
Division of Local Assistance

Enclosures

c: OLP AE Project Files
(01) DLAE - Suzanne Theiss

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ACCOUNTING
 LOCAL PROGRAM ACCOUNTING BRANCH

FINANCE LETTER

Date: 11/30/2018 EA No:
 D_CO_RT: 01-HUM-0-TRND
 Project No: RPL-5036(014)
 Adv Project Id: 0119000015
 Agreement End Date:

Attention: City of Trinidad

FINANCE ITEMS	PRO RATA OR LUMP SUM	TOTAL COST OF WORK	PART. COST	STATE
Agency Preliminary Engineering - PA/ED		\$40,000.00	\$40,000.00	\$40,000.00
Totals:		\$40,000.00	\$40,000.00	\$40,000.00

Participation Ratio: 100.00%
 This Finance Letter was created based on specific financial information provided by the responsible local agency. The following encumbrance history is prepared by Local Assistance Accounting Office and is provided here for local agency's information and action.

Signature: 

Title: HQ Sr. Area Engineer

For questions regarding finance letter, contact:

Printed Name : Peter B. Anderson
 Telephone No: (916) 653-8431

Remarks: * STIP-RIP funds (\$40,000 - 100% State) were allocated to the PA&ED component of work on October 18, 2018 by the CTC.

ACCOUNTING INFORMATION						Cooperative Work Agreement			
ADV. PROJECT ID	APPROP. UNIT	STATE PROG.	FED/STATE	ENCUMBRANCE AMOUNT	APPROX. YEAR	EXPENDITURE AMOUNT	REVERSION DATE	APPROVED AMOUNT	EXPIRATION DATE
0119000015	18101	2030600620		\$40,000.00	1718	\$0.00	06/30/23		
				\$40,000.00		\$40,000.00			

PROGRAM SUPPLEMENT NO. S08
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 00062S

Adv Project ID **Date:** November 21, 2018
0119000015 **Location:** 01-HUM-0-TRND
 Project Number: RPL-5036(014)
 E.A. Number:
 Locode: 5036

This Program Supplement, effective 10/18/2018, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00062S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 09/24/07 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the ADMINISTERING AGENCY on _____ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION:

Trinidad: Patricks Point Dr from Main St to Janis Ct, Scenic Dr from Main St to the Saunders Shopping Center driveway, and Trinity St from Edwards St to Main St.

TYPE OF WORK: Pedestrian Improvements including Sidewalks, Driveways, Curb Ramps, Crosswalks, et al.

Estimated Cost	State Funds		Matching Funds	
	STATE	LOCAL	OTHER	
\$40,000.00	\$40,000.00	\$0.00		\$0.00

CITY OF TRINIDAD

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer 

Date 11/21/18 \$40,000.00

SPECIAL COVENANTS OR REMARKS

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. This PROJECT is programmed to receive funding from the State Transportation Improvement Program (STIP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. The start of reimbursable expenditures is restricted to the later of either 1) the effective date of the Master Agreement, 2) the effective date of the PROGRAM SUPPLEMENT, or 3) the effective date of the component specific allocation.

2. STATE and ADMINISTERING AGENCY agree that additional funds made available by future allocations will be encumbered on this PROJECT by use of a STATE approved Allocation Letter and Finance Letter. ADMINISTERING AGENCY agrees that STATE funds available for reimbursement will be limited to the amount allocated by the California Transportation Commission (CTC) and/or the STATE.
3. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. An approved time extension will revise the timely use of funds criteria, outlined above, for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof.

Documentation for approved supplementary allocations, time extensions, and fund transfers between components will be a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.

4. This PROJECT will be administered in accordance with the CTC STIP guidelines, as adopted or amended, and the STATE Procedures for Administering Local Grant Projects in the State Transportation Improvement Program (STIP), the Local Assistance Program Guidelines, and the Local Assistance Procedures Manual. The submittal of invoices for project costs shall be in accordance with the above referenced publications and the following.
5. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits, plans specifications & estimate, and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion to make the final payment to the contractor and prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.
6. All obligations of STATE under the terms of this Agreement are subject to the

SPECIAL COVENANTS OR REMARKS

appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.

7. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after the award. Failure to do so will cause delay in processing the invoices for the construction component. As a minimum, the award information should have the following: Project number, project description, PPNO, date the project was advertised, award amount, bid opening date, award date and estimated completion date.
8. This PROJECT is subject to the timely use of funds provisions enacted by Senate Bill 45 (SB 45), approved in 1997, and subsequent CTC guidelines and State procedures approved by the CTC and STATE, as outlined below:

Funds allocated for the environmental & permits, plan specifications & estimate, and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and complete the construction or vehicle purchase contract within 36 months of award.

9. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

10. Any State and Federal funds that may have been encumbered for this project are

SPECIAL COVENANTS OR REMARKS

available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

11. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

Project Study Report (PSR)

To Request Programming in the 2018 RTIP for:

- Project Approval and Environmental Document (PA&ED)
 - Plans, Specifications, and Estimate (PS&E)
 - Right-of-Way
 - Construction

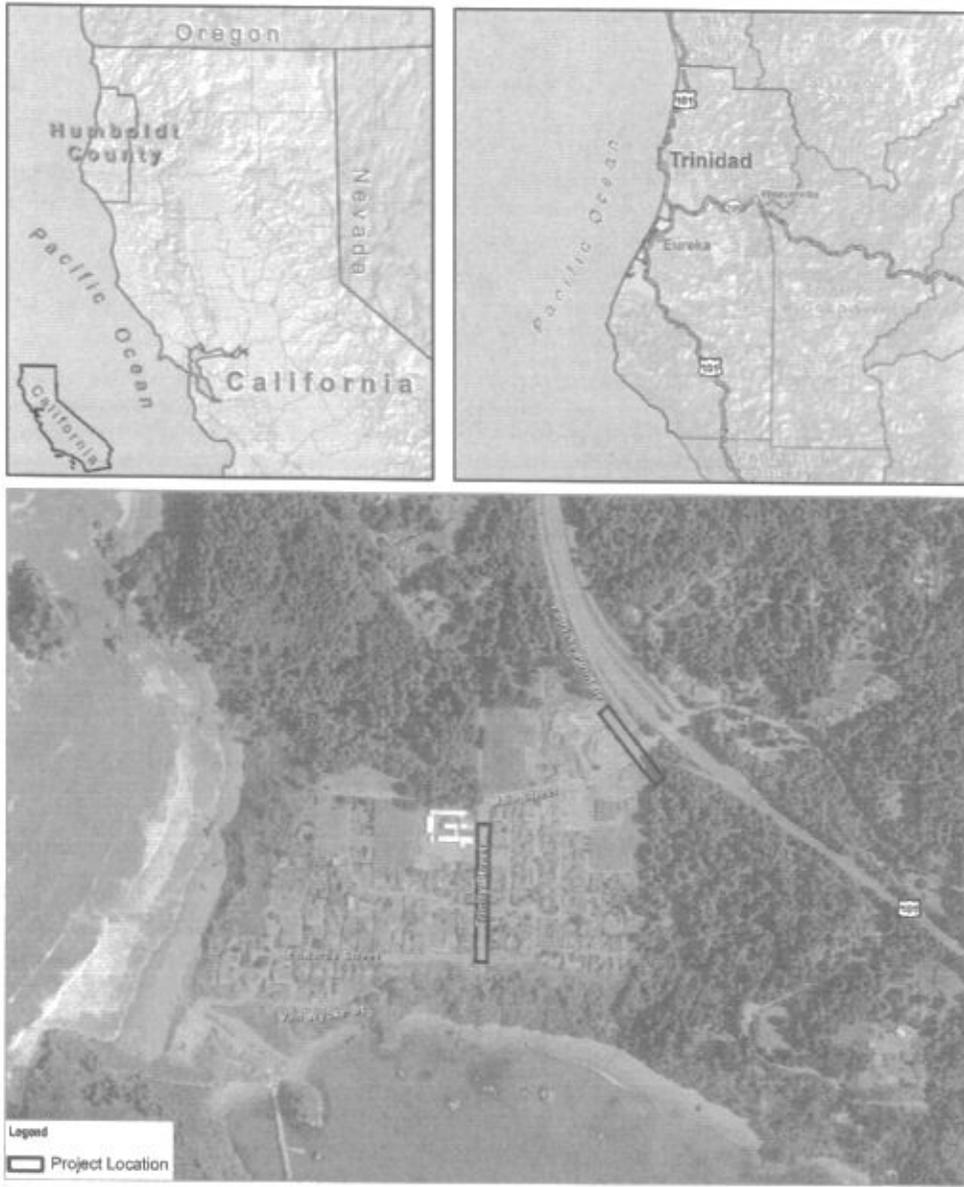
**Downtown Trinidad Pedestrian & Connectivity Improvements
City of Trinidad**

APPROVED:

Dan Berman, Trinidad City Manager

Date

Vicinity Map



Legend
 Project Location



City of Trinidad
 Downtown Trinidad Pedestrian
 & Connectivity Improvements

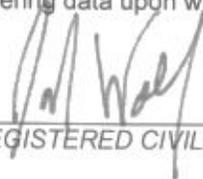
Project No. 8106307001-11000
 Revision No. .
 Date 12/8/2017

Vicinity Map

FIGURE 1

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This project study report has been prepared under the direction of the following registered civil engineer. The registered civil engineer attests to the technical information contained herein and the engineering data upon which recommendations, conclusions, and decisions are based.



REGISTERED CIVIL ENGINEER

12/4/2017

DATE



1. INTRODUCTION

Project Description:

The project includes pedestrian connectivity and accessibility improvements to Patrick's Point Drive, Scenic Drive, and Trinity Street, including sidewalks, driveways, curb ramps, crosswalks, signage, striping and pavement repair.

Project Limits	Patrick's Point Drive – from Janis Court to Main Street; Scenic Drive – from Main Street to approx. 200 feet south of Main Street; Trinity Street from Main Street to Edwards Street.
Funding Source	RTIP, Local Committed Funds
Type of Facility	Patrick's Point Drive – Minor Collector; Scenic Drive – Minor Collector; Trinity Street – Major Collector
Anticipated Environmental Determination or Document	CEQA CE

2. BACKGROUND

The project has been a long time priority for the City and builds upon previous City projects to provide a complete accessible route through central Trinidad. The City's previous Gateway project (completed in 2012) provided an accessible route along Main Street and a portion of Trinity Street. This project will implement complete streets improvements by removing barriers and extending new accessible routes along portions of Patrick's Point Drive, Scenic Drive, and Trinity Street.

The improvements included in the project were identified as priorities by the City in 2013. The Humboldt County Association of Governments (HCAOG) provided funding to the City at that time to develop planning level designs and cost estimates of the City's proposed transportation projects in order to prepare the City for future RTIP cycles.

3. PURPOSE AND NEED

Purpose:

The primary purpose of the project is to remove accessibility barriers and extend new safe and accessible pedestrian routes (in accordance to the Americans with Disabilities Act of 1990) along portions of Patrick's Point Drive, Scenic Drive, and Trinity Street. The secondary project purpose is to ensure the integrity of the roadway pavement.

Need:

Many of the existing sidewalks, driveways and curb ramps within the project area are non-compliant with current accessibility codes and standards and create a barrier in pedestrian mobility. The new accessible routes are needed to provide direct connections to the Trinidad Library/Museum, Saunders Park, Trinidad Town Hall, Trinidad Elementary School and the Trinidad Bay overlook at Edwards Street. Improvements are also needed to reduce conflicts and potential safety hazards between pedestrians and vehicles by formalizing and improving access to off-street parking areas.

Portions of Patrick's Point Drive and Trinity Street are exhibiting signs of extreme pavement distress and failure. These streets are the primary backbone of the City's transportation network and pavement failure would result in significant social and economic impacts to the community (including residents and businesses).

4. DEFICIENCIES

Along Scenic Drive there are no pedestrian facilities or accessible routes for pedestrians. Along Patrick's Point Drive and Trinity Street, many of the existing sidewalks, driveways and curb ramps are non-compliant with current accessibility codes and standards (longitudinal and cross slopes well in excess of that allowed by Americans with Disabilities Act of 1990)

and create a barrier in pedestrian mobility. There are also several existing off-street parking areas along Trinity Street that too short to accommodate standard vehicle lengths which often results in sidewalks being partially or entirely blocked, rendering the route inaccessible for pedestrians.

Portions of Patrick's Point Drive and Trinity Street are exhibiting signs of extreme pavement distress and failure. Patrick's Point Drive through the project area was identified to have a Pavement Condition Index (PCI) of 52 (as of 12/31/16). And portions of Trinity Street are beginning to show signs of distress, which if left unaddressed, would continue to deteriorate and ultimately require the entire roadway to be reconstructed.

5. CORRIDOR AND SYSTEM COORDINATION

The improvements included in the project were prioritized in the HCAOG's Regional Transportation Plan (RTP) - 2014 Update, which was adopted following public meetings and public comments. The project with its current title will also be included in HCAOG's Regional Transportation Plan 2017 Update, which is currently under development.

6. ALTERNATIVES

No alternative projects or improvements were identified that fulfil the project's primary purpose of removing accessibility barriers and extending new safe and accessible pedestrian routes along portions of Patrick's Point Drive, Scenic Drive, and Trinity Street.

7. ENVIRONMENTAL COMPLIANCE

The Project meets the definition of a "project" under Section 15378 of the California Environmental Quality Act of 1970, as amended (CEQA). As the "project sponsor," the City of Trinidad would be the CEQA Lead Agency

This project includes the construction and reconstruction of sidewalks, curb ramps, driveways, pavement reconstruction and other improvements primarily within the existing public right-of-way. Minor encroachments onto private property are anticipated for conforms. It is anticipated that the project will qualify for a CEQA Notice of Exemption (NOE) and that no federal funding will be used and therefore NEPA clearance will not be required (not applicable). The project is located in the California Coastal Zone therefore a Coastal Development Permit (CDP) (City of Trinidad's Coastal Plan jurisdiction) is expected to be required.

8. FUNDING AND PROGRAMMING

Funding:

The project will be funded by a combination of funding sources including the HCAOG RTIP and local funds committed by the City of Trinidad.

Programming:

Fund Source	Fiscal Year Estimate									
	Total	Prior	18/19	19/20	20/21	22/23	23/24	24/25+	Future	Total
Component	In thousands of dollars (\$1,000)									
PA&ED Support			40							40
PS&E Support				60						60
Right-of-Way				15						15
Construction					465					465
Total			40	75	465					580

Fund Source	Fiscal Year Estimate								
	Prior	18/19	19/20	20/21	22/23	23/24	24/25+	Future	Total
Component	In thousands of dollars (\$1,000)								
PA&ED Support		40							40
PS&E Support			60						60
Right-of-Way			15						15
Construction				435					435
Total		40	75	435					550

Fund Source	Fiscal Year Estimate								
	Prior	18/19	19/20	20/21	22/23	23/24	24/25+	Future	Total
Local Committed Funds – City of Trinidad	In thousands of dollars (\$1,000)								
PA&ED Support									
PS&E Support									
Right-of-Way									
Construction				30					30
Total				30					30

9. DELIVERY SCHEDULE

Project Milestones	Milestone Date (Month/Year)
PROGRAM PROJECT	12/2017
BEGIN ENVIRONMENTAL (PA&ED) PHASE	8/2018
COMPLETE ENVIRONMENTAL DOCUMENT (CEQA CE)	12/2018
END ENVIRONMENTAL PHASE (PA&ED MILESTONE)	4/2019
BEGIN DESIGN (PS&E) PHASE	8/2019
END DESIGN PHASE (RTL MILESTONE)	4/2020
BEGIN RIGHT-OF-WAY PHASE	8/2019
END RIGHT-OF-WAY PHASE	4/2020
BEGIN CONSTRUCTION PHASE	10/2020
END CONSTRUCTION PHASE	6/2022
BEGIN CLOSEOUT PHASE	7/2022
END CLOSEOUT PHASE	12/2022

10. EXTERNAL AGENCY COORDINATION

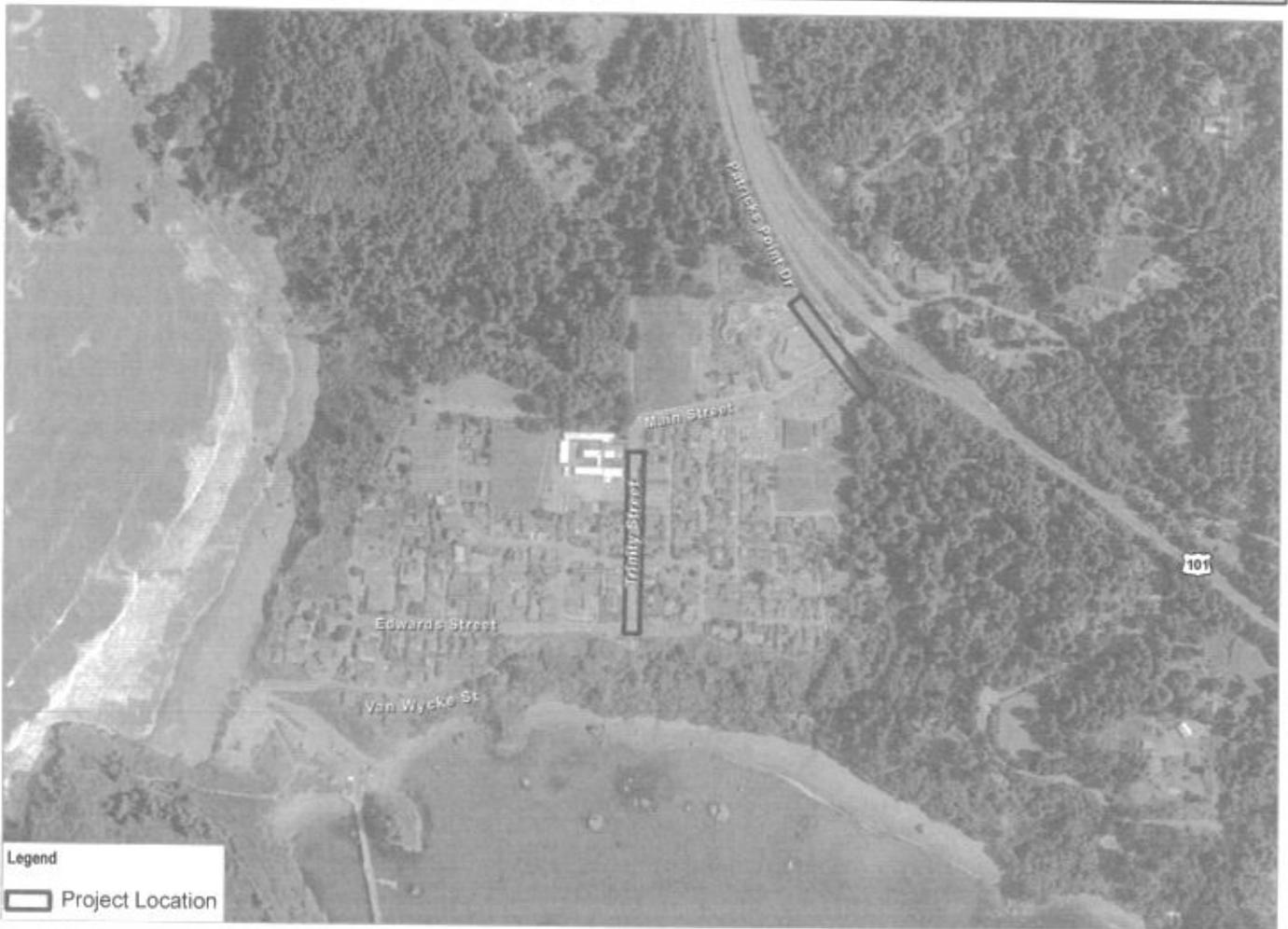
The project requires the following agency coordination:

Local Coastal Program

California Public Resources Code Division 20 (California Coastal Act)
Coastal Development Permit

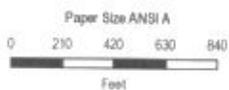
11. ATTACHMENTS

- A. Location Map
- B. Representative Project Photos
- C. Conceptual Drawings
- E. Engineer's Estimate



Legend

Project Location



Map Projection: Lambert Conformal Conic
 Horizontal Datum: North American 1983
 Grid: NAD 1983 StatePlane California 1 FIPS 0401 Feet



City of Trinity
 Downtown Trinity Pedestrian
 & Connectivity Improvements

Project No. 0106307001-11050
 Revision No. -
 Date 12/01/2017

Vicinity Map

FIGURE 1

Downtown Trinidad Pedestrian & Connectivity Improvements



Non-accessible/non-compliant driveway on Patrick's Point Drive (cross slope 8.1%)



Non-accessible/non-compliant sidewalk on Patrick's Point Drive (cross slope 3.5%)

Downtown Trinidad Pedestrian & Connectivity Improvements



Severely failed pavement on Patrick's Point Drive.



Failed culvert on Scenic Drive (exposed end is a hazard to vehicles)

Downtown Trinidad Pedestrian & Connectivity Improvements



Sidewalk/driveway blocked by off-street parking (Trinidad Elementary School and Town Hall in background). Driveway is also non-accessible/non-compliant with cross-slopes greater than 4%.

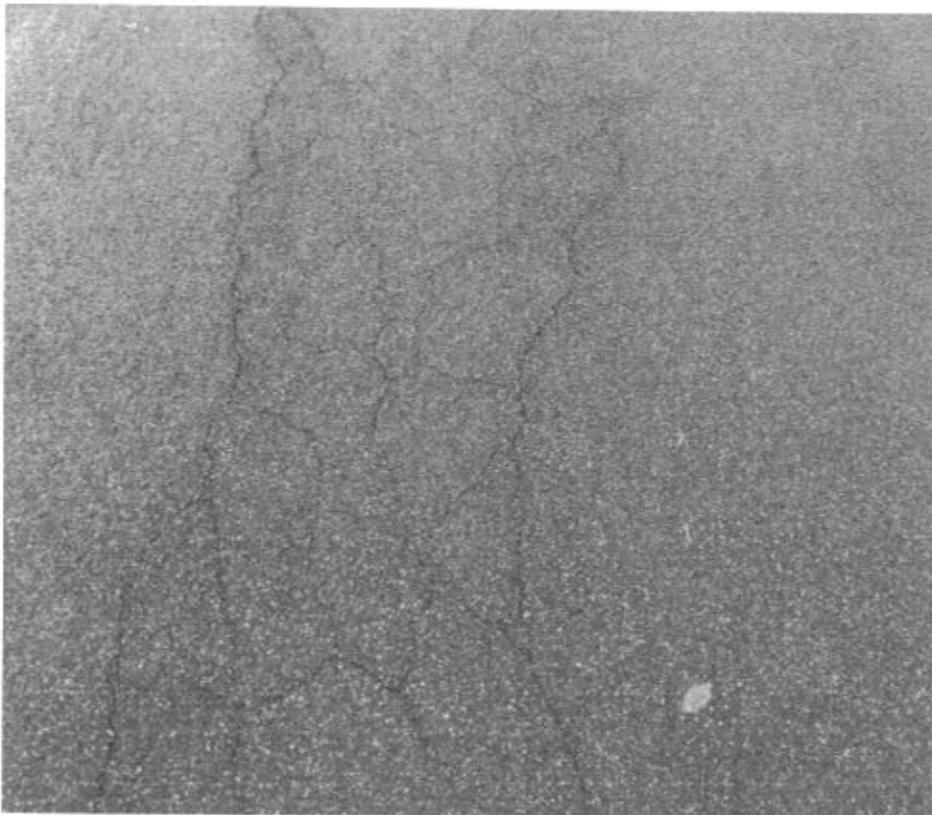


Example of non-accessible/non-compliant sidewalk on Trinity Street (cross slope >5%); Typical of 12 locations on Trinity Street.

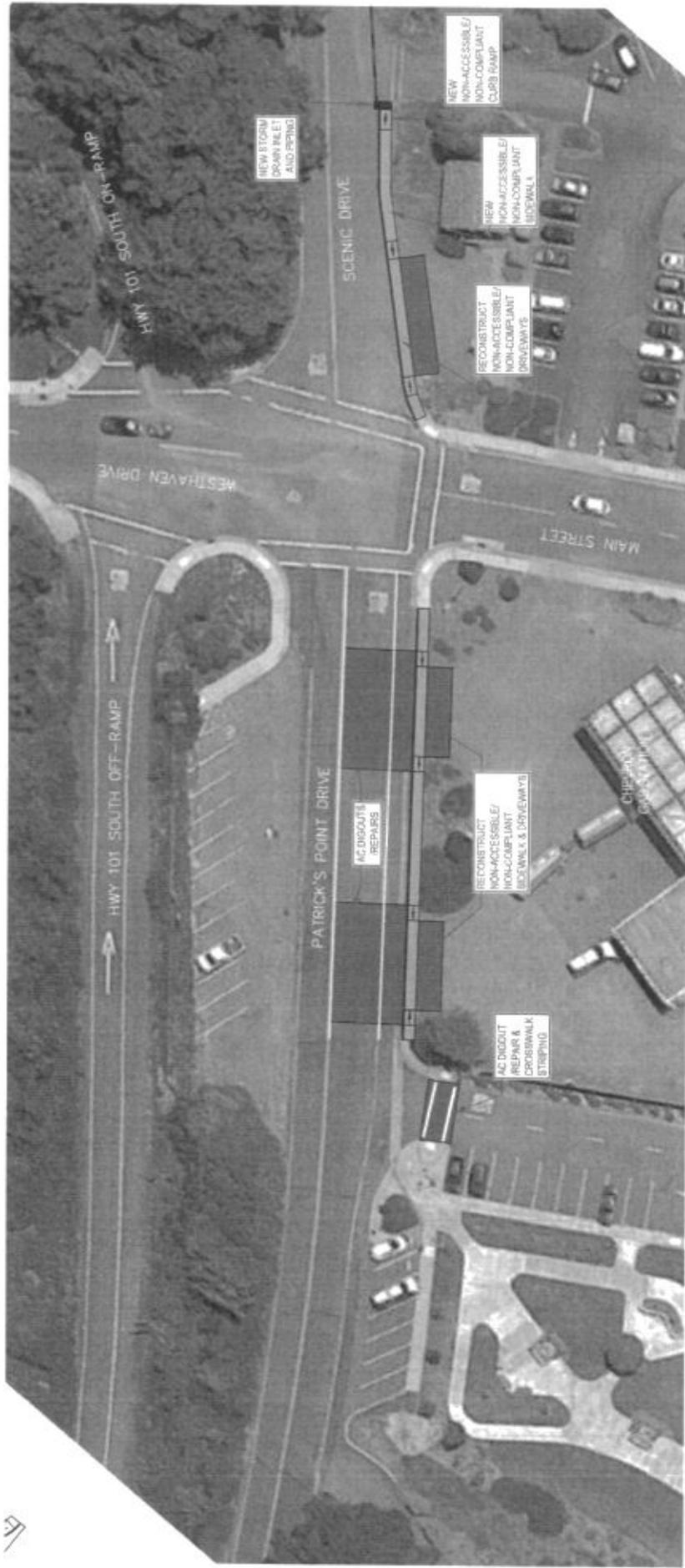
Downtown Trinidad Pedestrian & Connectivity Improvements



Non-accessible/non-compliant curb ramp on Trinity Street (cross-slope 6.3%); Typical of 6 locations on Trinity Street.



Severe alligator cracking/rutting (pavement failure) on Trinity Street.



Project No. 016030160-11552
 Report No. DBS 11152017

CITY OF TRINIDAD
 DOWNTOWN TRINIDAD PEDESTRIAN &
 CONNECTIVITY IMPROVEMENTS
 PATRICK'S POINT DRIVE
 & SCENIC DRIVE



FIGURE 1

Approved: 01/11/2017, Trinidad, Trinidad & Tobago
 Prepared by: GHD
 Project No. 016030160-11552

ENGINEERS ESTIMATE

Agency: City of Trinidad

Project Name: Downtown Trinidad Pedestrian & Connectivity Improvements

Project Location: Trinidad, California

Date of Estimate: November 9, 2017

Item No.	Description	Trinity Quantity	Scenic Quantity	Patrick's Point Quantity	Total Quantity	Units	Unit Cost	Total	
1	Mobilization/Demobilization (7%)				1	LS	\$26,000	\$26,000	
2	Traffic Control (4%)				1	LS	\$15,000	\$15,000	
3	Minor Items (4%)				1	LS	\$15,000	\$15,000	
4	Construction Area Signs	4	4	4	12	EA	\$500	\$6,000	
5	Water Pollution Control				1	LS	\$5,000	\$5,000	
6	Demolition & Removal	10518	2155	4078	16750	SF	\$2	\$33,500	
7	Drainage Inlet, Type G1		1		1	EA	\$4,000	\$4,000	
8	Storm Drain Pipe, 12"		50		50	LF	\$100	\$5,000	
9	Adjust Valve/Meter Box	14			14	EA	\$500	\$7,000	
10	Minor Concrete - Curb			115	115	LF	\$40	\$4,600	
11	Minor Concrete - Curb & Gutter	765	210	115	1090	LF	\$50	\$54,500	
12	Minor Concrete - Sidewalk	700	330	570	1600	SF	\$12	\$19,200	
13	Minor Concrete - Driveway	1780	250	400	2430	SF	\$15	\$36,450	
14	Minor Concrete - Curb Ramp	795	100		895	SF	\$15	\$13,425	
15	Minor Concrete - Valley Gutter	750			750	SF	\$15	\$11,250	
16	Detectable Warning Surface	7	1		8	EA	\$800	\$6,400	
17	Concrete Wheel Stop	4			4	EA	\$150	\$600	
18	Driveway Conforms/Transitions - Concrete	1860			1860	SF	\$15	\$27,900	
19	Driveway Conforms/Transitions - Asphalt (0.2')	1520	950	1020	3490	SF	\$9	\$31,410	
20	Class II Aggregate Base (Town Hall Parking Paving)	17			17	CY	\$75	\$1,275	
21	HMA Paving (0.2') - Parking and Road Paving	900			900	SF	\$9	\$8,100	
22	HMA Paving (0.4') - Pavement Repair/Digouts	300		1800	2100	SF	\$10	\$21,000	
23	Red Curb Paint	150	50	50	250	LF	\$3	\$750	
24	4" Thermoplastic Stripe (Center/Edge)	300	150	1000	1450	LF	\$2	\$2,900	
25	12" Thermoplastic Stripe (Stop Bar/Crosswalk)	310		50	360	LF	\$10	\$3,600	
26	Thermoplastic Pavement Markings	3			3	EA	\$250	\$750	
27	Roadside Signs	4	1	4	9	EA	\$800	\$7,200	
								Construction Capital Subtotal	\$368,000
								Construction Contingency (10%)	\$36,800
								Construction Capital Total	\$405,000

Total Project Costs	
E&P (PA&ED) (10%)	\$40,000
PS&E (15%)	\$60,000
Right of Way (4%)	\$15,000
Construction Engineering (15%)	\$60,000
Construction Capital Total	\$405,000
Total Project Cost	\$580,000



DISCUSSION AGENDA 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 16 PAGES

1. Discussion/Presentation from the Trinidad Trails Committee regarding Trail Priorities and Maintenance

Trinidad Trails Committee

January 9, 2019

City Council Presentation

Topics

- Establishment of Committee
- Mission/Vision Statement
- Committee Members
- Background Info
- Powers & Duties
- Priorities

Mission & Vision Statement

To Guide the
City in:

- The prudent preservation and maintenance of the pedestrian trail system in and around Trinidad.
- The further acquisition of land and partnerships to expand and connect the pedestrian trail system throughout the city and its surrounds.

Trails Committee Structure

- Committee members:

- One City Council Representative – *vacant*
- One Planning Commissioner – *vacant*
- Two City Residents – Gail Kenny and Scarlett Ibis
- One Trinidad Rancheria Representative – Zack Brown,
Alternate Shirley Laos
- One Yurok Tribe Representative – Frankie Myers,
Alternate Rosie Clayburn
- One Visitor Services Business – Ben Morehead

Trails Committee Charter

- The Trails Committee was established as a sub-committee of the Trinidad City Council on March 22, 2017
- The City Council unanimously approved the Charter and committee composition.

“The primary function is to advise the City Council, staff and Planning Commission on matters relating to policies affecting trails in the City of Trinidad.”

Charter: Powers and Duties

1. To serve in an advisory capacity to the Council, Commissions or City Staff;
2. To make recommendations to City Staff on the management, maintenance, and repair of trails in the City of Trinidad;
3. To make recommendations during the environmental review process on projects that may involve or affect trails in the City of Trinidad; and
4. To provide a forum for community engagement, outreach, and education regarding trails.

Trails:

Axel Lindgren Memorial

Trinidad Head

Old Wagon Road

Parker Creek

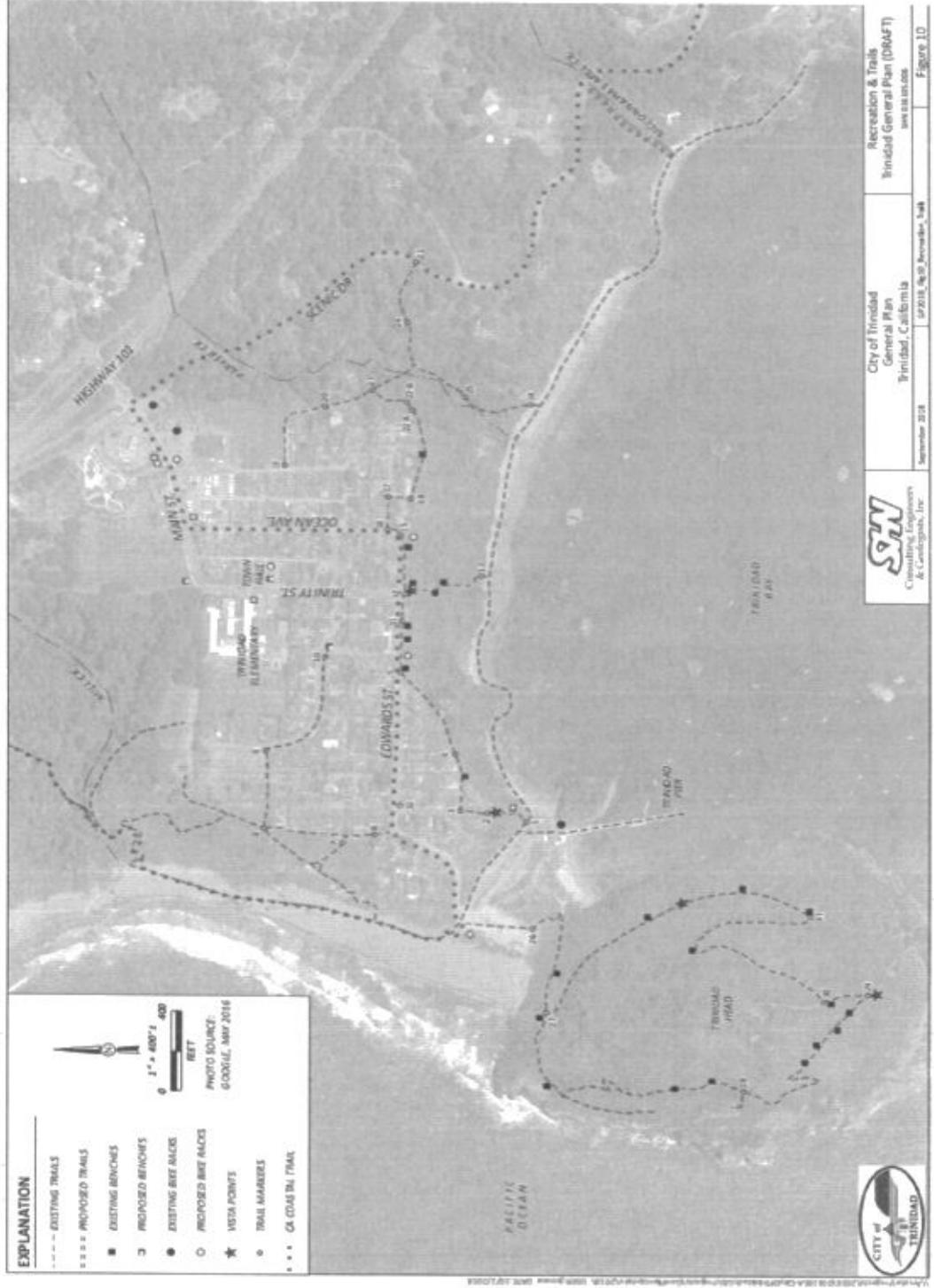
Underwood

State Park

Groth Lane

Harbor

City Trails Map



Background Documentation

- Current General Plan 1980, policy 64
- Draft Conservation, Open Space & Recreation Element and Draft Circulation Element
- Draft Trinidad Trails Plan 2001
- 2011 Trinidad Head vegetation management guidelines; including the Coastal Commission management memo & Planning Commission staff vegetation report
- 2013 Trinidad Head Study Committee Final Report
- Trinidad Recreation and Trails Map

2019 Recommendations

- **City to adopt:**
A Trinidad Trails Policy
 - Committee will draft and submit a Trails Policy for City Council consideration.
- **City to accept:**
Annual trails inventory report
 - Committee will submit annual trails monitoring reports, including; condition of trail, photographs, and recommended maintenance measures based on field observations.
- **City to adopt:**
Trails maintenance budget
 - Identify funding within the City budget to perform appropriate maintenance measures as recommended.

2019 Prioritization Plan

Recommendations:

Priority 1. Axel Lindgren Memorial Trail

- Repair/Replace existing wooden steps
- Repair cable steps
- Improve trailhead

Priority 2. Trinidad Head Trail

- Repair/Replace trailhead stairs (parking lot)
- Install trailhead signage
- Establish a regular maintenance plan schedule
- Continue implementation and ongoing assessment of the Trinidad Head vegetation plan

Priority 3. Trail Signage

- Implement a uniform trail signage plan
- Identify a trail signage budget
- Installation of trail signage

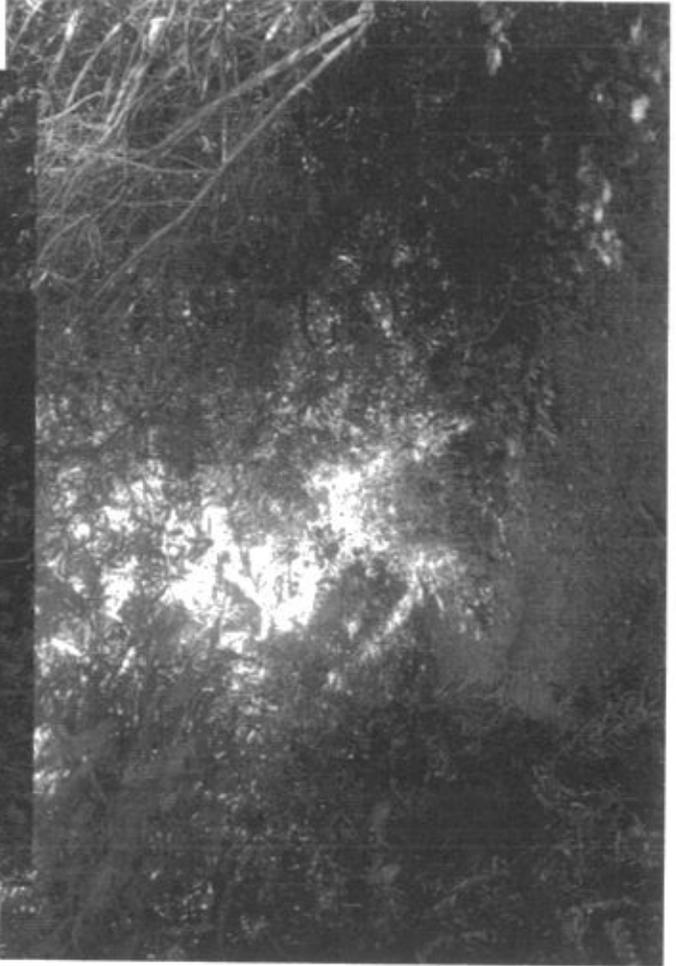
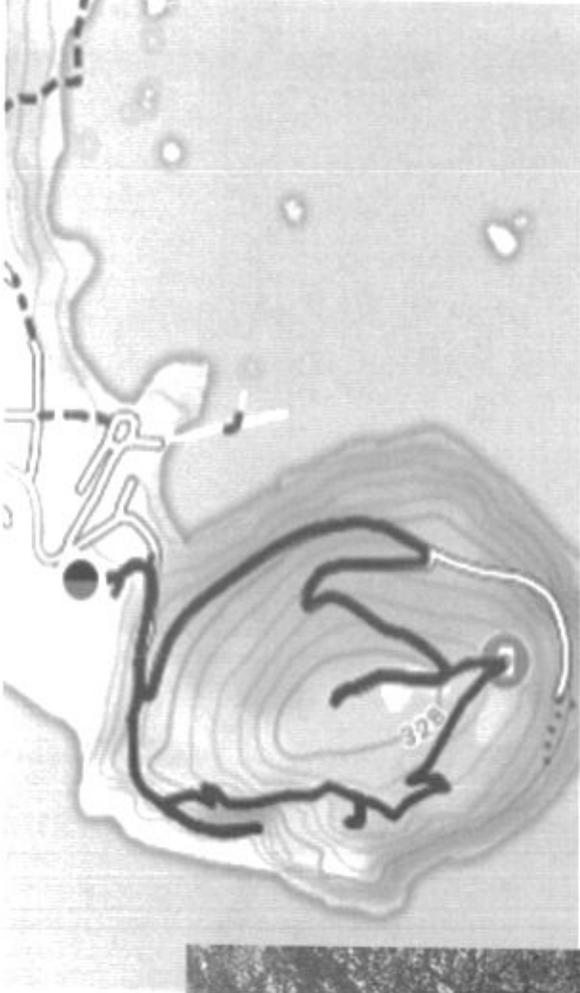
Priority I:
Axel Lindgren Memorial Trail



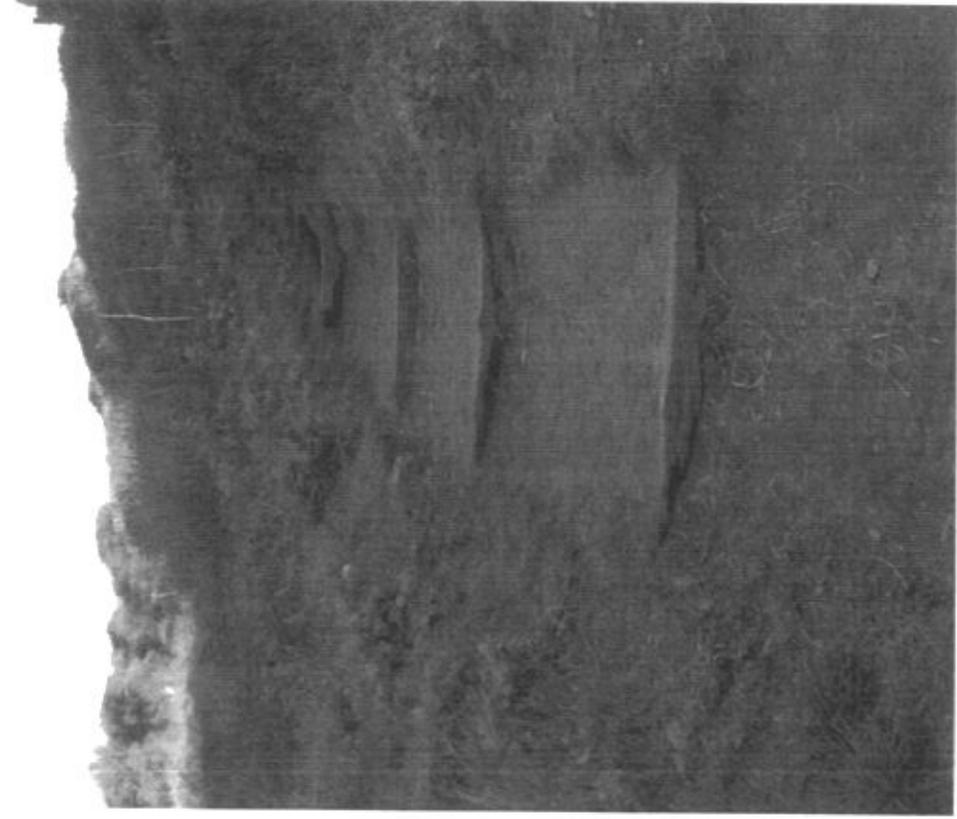
Axel Lindgren Memorial Trail



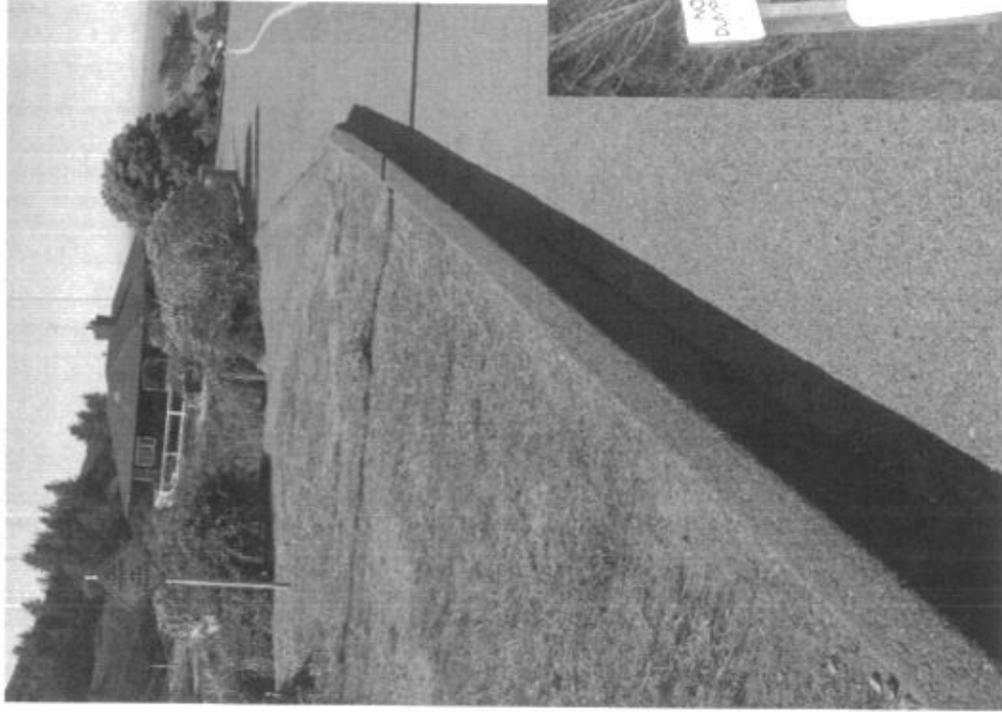
Priority 2:
Trinidad Head Trail



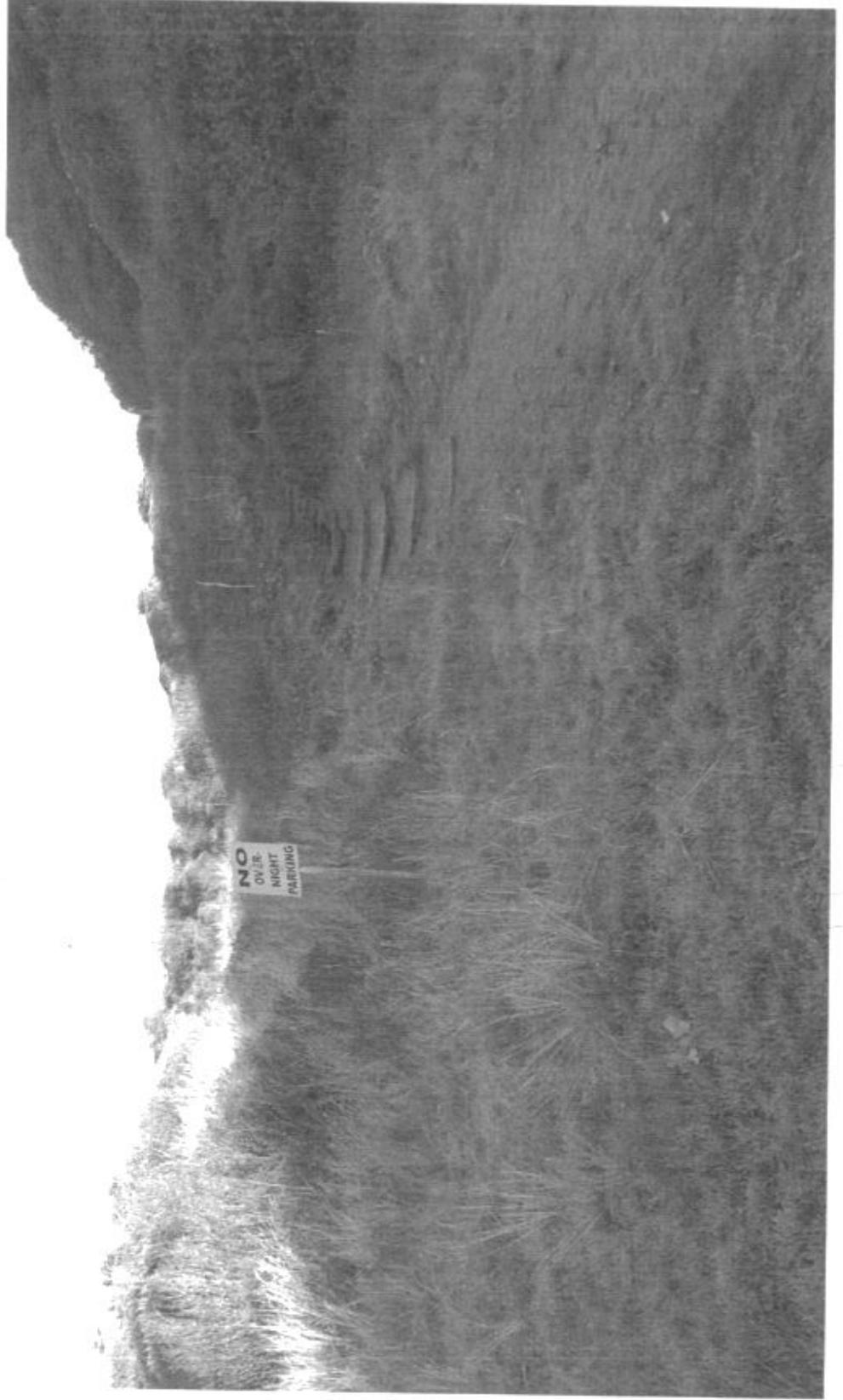
Parking lot trailhead
Trinidad Head Trail



Lack of adequate signage: Harbor Trail & Parker Creek Trail



Lack of adequate signage:
Trinidad Head Trail





DISCUSSION AGENDA 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 50 PAGES

2. Discussion/Decision regarding Resolution 2019-01; Rezone and General Plan Map Amendment for APN: 042-042-17.

AGENDA ITEM REPORT
January 9, 2019

Item: Reinman Zoning and General Plan Map Amendment

Background

The project is located at 651 Parker Street, APN: 042-042-17. The property is currently developed with a 4-plex apartment building. The property owner has requested a zone change from Urban Residential (UR) to Planned Development (PD). The Planning Commission recommended approval of the rezone/general plan amendment at a public hearing on August 29, 2018.

Tribal Consultation

The reason for the delay between hearings was the need to allow the opportunity for formal Tribal Consultation in accordance with SB18. Letters offering consultation were sent on September 10, 2018 to all the Tribes on the Native American Heritage Commission list, including: Big Lagoon Rancheria, Blue Lake Rancheria, Hoopa Valley Tribe, Bear River Band of the Rohnerville Rancheria, Wiyot Tribe, Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Yurok Tribe. The Tribes had until December 10 (90 days) to respond. Only two responses were received. These were from Trinidad Rancheria and Blue Lake Rancheria, both declining the opportunity for consultation. No further consultation is required for this project under SB18.

Summary

The purpose of the rezone is to make the existing development more conforming to the zoning and to allow additional flexibility in the use(s) of the property. The UR zone is restrictive, generally only allowing single-family dwellings. The PD zone allows multi-family developments, so the existing 4-plex would be conforming as to use. However, it would still be nonconforming as to density, because the PD zone only allows one dwelling per 8,000 sq. ft. of lot area. The zone change has been proposed as part of the City's General Plan update since at least 2009, with the idea that the PD zone would be more consistent with the existing use, and consistent with the surrounding mixed uses and zoning, which include UR, PD, Commercial (C) and Public and Religious (PR). However, the property owner no longer wants to wait for the general plan (and zoning ordinance) update to be finalized, and so has elected to pursue the amendment on his own.

The PD zone allows a much greater mix of potential uses on the property (see attachments). However, there are no principally permitted uses in the PD zone, and every new use requires approval of a Use Permit by both the Planning Commission and City Council. The zone change would also allow the potential for new STR(s). While a new STR would not be considered a change of use from residential, any new STR would still require approval of a Use Permit by the Planning Commission under

§17.56.190(G) of the STR ordinance, which allows only one STR per parcel unless an exception is granted by the Planning Commission. Please see the attached staff report for additional details.

Potential Proximity Conflicts of Interest

Several Council members own property within 500 ft. of the project property (Ladwig, West, Miller, Davies). Normally, a 500 ft. distance is the cut off for an assumed conflict of interest, but in small towns, that distance can be cut to 300 ft. if certain conditions apply; two Council members are still within 300 ft. (Ladwig, West). The proximity issue is only a conflict based on a presumed monetary change in property value resulting from the project. According to then City Attorney Paul Hagen's November 2008 memo (attached), when this *presumption* of a direct financial interest is the case, one of two things must occur: (1) the official makes a rebuttal of the presumption of a direct financial interest and proceeds to vote; or (2) if no rebuttal is made, then the official must recuse themselves and cannot vote. Therefore it is an individual decision to recuse oneself or not based upon whether the Council member feels they will have any financial gain or loss from the project. If there is not a quorum available due to recusals, then the "rule of necessity" can be invoked to ensure City operations continue. City Attorney Stunich will be at the meeting to help address questions in this regard.

Recommendation

Staff and the Planning Commission have recommended approval of this project. The project will need to be approved in several steps. The General Plan Land Use Map will be amended by adoption of Resolution 2019-01. The Zoning Map must be amended via an ordinance, and so will require two readings. You can hold the first reading of Ordinance 2019-01 at this meeting. The second reading can occur at the February 13, 2019 meeting. At that time, the Council will also need to adopt a second Resolution (2019-02) authorizing staff to submit an application for an amendment of the City's Local Coastal Program to the California Coastal Commission. Note that as conditioned in the approval documents, the applicant is responsible for all the costs associated with processing the application, including the Local Coastal Program amendment.

Attachments

- Hagan Conflict of Interest Memo, 2008 (17 pages)
- Existing Land Use and Zoning Maps (2 pages)
- Resolution (2019-01) of Adoption of a General Plan Amendment (2 pages)
- Ordinance (2019-01) Amending the Zoning Map (2 pages)
- Exhibit A: Portion of the Land Use Map showing Amendment 2018-01 (1 page)
- Exhibit B: Portion of the Zoning Map showing Amendment 2018-01(1 page)
- Exhibit C: Staff report and associated attachments (21 pages)
- Resolution (2019-02) of Submittal to the Coastal Commission (1 page)

Recommended Action:

1. Adopt the attached Resolution 2019-01 approving the General Plan Land Use Map Amendment.
2. Hold the first reading of Ordinance 2019-01 amending the Zoning Map.
3. Set the second reading of Ordinance 2019-01 for the February 13, 2019 agenda.

At the February 13, 2019 meeting, the following additional actions will be taken:

4. Hold the second reading and adopt Ordinance 2019-01 amending the Zoning Map.
5. Adopt Resolution 2019-02 authorizing submittal of an application for an amendment to the Local Coastal Program to the California Coastal Commission.

MEMORANDUM

TO: Steve Albright, Trinidad City Manager
FROM: Paul Hagen, Trinidad City Attorney *P. H.*
DATE: November 14, 2008
Re: ***Residential Locale of City Councilmembers and Planning Commissioners,
Conflicts of Interest, and Requirements of Recusal***

I. Introduction

The Request

The City of Trinidad has recently been confronted with conflict of interest issues that must be addressed. You have asked me to provide a memorandum which will address two things:

- 1) Assist the Trinidad City Councilmembers and the Planning Commissioners in recognizing and properly responding to potential conflicts of interest on matters before them which involve the issue of real property located within a certain distance ("proximity") of their respective homes (or other property the public official may own); and
- 2) Provide a series of questions and responses which an official may use in this exercise.

The Purpose of This Memorandum

The purpose of this memorandum is limited to the proximity question, and is twofold:

- 1) The memo explains only the area of conflicts of interest law addressing the proximity of a public official's domicile to a parcel of real estate which is part of a matter upon which the official is called to vote. Stated differently, given the distance between an official's home and the project being voted on, when must the official recuse (*i.e.*, disqualify) him or herself?
 - a) There is an extension of this issue when a majority of a public body may be faced with recusal--the "rule of necessity" addresses this;
- 2) The memo provides a list of steps which an official may take when facing a situation involving proximity of real property.

II. The Proximity Conflicts of Interest Issue

Conflicts of Interest Generally

The issue is one of a potential conflict of interest in such situations; the challenge is how to address such a situation when extant. More specifically, the question is when must a member either (a) make an 'absence of conflict' determination prior to voting, or (b) recuse him or herself from voting altogether?

Conflicts of interest for public officials are governed by the Political Reform Act (Gov't Code section 81000 *et seq.*; conflicts of interest situations are addressed at sections 87100 *et seq.*). The purpose of the act is to ensure that "Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial

interests or the financial interests of persons who have supported them.” (GC §81001(b).) The basic idea is that public officials are disqualified from participating in governmental decisions in which they have a financial interest. Defining such a financial interest is rather complicated, consisting of a series of steps with multiple layers.

We begin with the initial inquiry which each official must make.

The Initial Inquiry for Each Official to Make

The beginning of the inquiry is whether the official has one of six qualifying types of economic interest at stake. One of these six types is an “interest in real property,” which is a premise of the question addressed herein. Suffice it to say that if the official or a spouse or dependent has an interest of \$2,000 or more in a parcel of property which lies within the city’s jurisdiction, an interest is deemed to exist.

The Proximity Inquiry

The next step in this inquiry would be whether or not the official’s financial interest in real property is “directly” or “indirectly” involved in a decision before the official. If the official’s property is located within 500 feet of the property which is the subject of the decision, the official’s interest is typically presumed to be “direct.” At this stage of inquiry, there is an exception to the 500-foot rule.

The ‘Small Jurisdiction Exception’ (Possibly) Available to Trinidad

The regulations for the Political Reform Act are found at Title 2 of the California Code of Regulations (section 18700 *et seq.*). Section 18707.10 contains an exception for the domicile of public officials in ‘small jurisdictions.’ The effect of a governmental decision on the residential real property of a public official is deemed “not distinguishable from the effect on the public generally” if all of the following are met:

- 1) The jurisdiction (City of Trinidad):
 - a) Has a population of 30,000 or less, and
 - b) Covers less than 10 square miles;
- 2) The public official is required to live within the jurisdiction;
- 3) The public official, if elected, is elected in an at-large jurisdiction; this would mean not from a ward or precinct, etc., but rather from the city as a whole;
- 4) The official’s property is more than 300 feet from the boundaries of the property at issue in the decision;
- 5) The official’s property is located on a lot which is either:
 - a) Not more than one-quarter acre in size, or
 - b) Not larger than 125 percent of the median residential lot size in the jurisdiction;
- 6) There are at least 20 other properties under separate ownership within a 500 foot radius of the boundaries of the property at issue in the decision that are similar in value. (2 CCR 18707.10.)

It would appear that Trinidad meets all of the requirements for the exception *as to the city*, which are 1 through 3.¹ *That leaves requirements 4 through 6, which are peculiar to each public official.* Assuming that numbers 5 and 6 are met, the analysis once again focuses on the distance between the properties of the official and the matter before the official.

The short version of this exercise is that the 'small jurisdiction exception' whittles the distance between a public official's property and that of the property at issue from 500 feet down to 300 feet. This assumes requirements 1-3, 5 and 6 are met.

The Result as to a Single Member's Need to Recuse

As to matters before either the Planning Commission or the City Council, which involve real property within the city's jurisdiction ("the property at issue"), the question of conflict of interest due to proximity as to any given member's property is analyzed as follows:

1) If a given public official lives *more than 500 feet* from the property at issue, there is no conflict as to proximity; no recusal is necessary.

2) If a given public official lives

a) *Less than 500 feet* from the property, but

b) *More than 300 feet* from the property at issue, and

c) The city can establish that items 5 and 6 in the 'Small Jurisdiction Exception' above,

then there is no conflict as to proximity; no recusal is necessary.

3) If a given public official lives *less than 300 feet* from the property, then:

a) There is a *presumption* by law of a direct financial interest, and therefore

b) One of two things must occur: Either

i) The official makes a *rebuttal of the presumption* of a direct financial interest and proceeds to vote; or

ii) The official does *not make a rebuttal of the presumption* of a direct financial interest, and therefore must recuse him or herself, and therefore cannot and does *not vote*.

The Result as to a Majority of the Body's Members Need to Recuse

What do we do if a *majority* of members of one of the bodies falls within the 500/300 foot situation, requiring recusal of that majority? That is, what happens when the body has a quorum to do business, but due to a conflict of proximity as discussed herein, less than a majority of the quorum exists due to such conflicts? Stated differently, what happens when at least three of the five members live within 500 or 300 feet of a property at issue in a decision and none of them can rebut the presumption of a direct financial interest? How is government to take action?

This situation pits two very strong public policies against each other. One is the "duty to vote," and the other is the duty to avoid conflicts of interest. The Political Reform Act and its implementing regulations anticipate this and case law provides a solution to it.

¹ The city staff needs to make this determination. This memo does not assume the 300' situation obtains.

There are two bodies in Trinidad which may find themselves in this situation--the Planning Commission and the City Council.

III. The "Rule of Necessity"

Governmental Bodies Must Be Able to Take Action; Inability to Act is Not an Option

The "rule of necessity" is recognized as an exception to the conflict of interest statutes, and its effect is found in the Political Reform Act at section 87101, and its regulations at 2 CCR 18701(a). This rule "permits a public officer to carry out the essential duties of his office despite a conflict of interest where he is the only one who may legally act. It ensures that essential governmental functions are performed even where a conflict of interest exists." (65 Ops.Cal.Atty.Gen. 305.)

In so doing, the Rule balances the competing policies of the duty to avoid a conflict with the duty to vote:

"The common law developed the rule of necessity to prevent the vital processes of government from being halted or impeded by officials who have conflicts of interest in the matters before them. (*Gonsalves v. City of Dairy Valley* (1968) 265 Cal.App.2d 400, 404 [...; applying rule of necessity to situation where all public officials had financial stake in decision].) There is a strong public policy "that members of public legislative bodies take a position, and vote, on issues brought before them. This policy has been expressed as 'the duty of members of a city council to vote and that they ought not' by inaction, prevent action by the board. " " [citations omitted]" (*Kunec v. Brea Redevelopment Agency* (1997) 55 Cal.App.4th 511, 520.)

The "Rule of Necessity" Allows A Vote Despite a Majority with a Conflict

Since the 15th century, English common law has recognized that situations exist in which a governmental body may be required to act even when all of its members have some conflict. Although the so-called "rule of necessity" began with the courts' necessity to hear a case even if the judge had a personal interest in the matter, the Rule has long since been applied to administrative bodies and their officials, whether acting in the quasi-judicial or the administrative function. That is, it applies to the city council as well as its subordinate body, the planning commission, and it applies to administrative decisions (*e.g.*, voting on contracts, budgets, etc.) as well as quasi-judicial decisions (*e.g.*, involving permits).

"There is an exception, based upon necessity, to the rule of disqualification of an administrative officer. An officer, otherwise disqualified, may still act, if his failure to act would necessarily result in a failure of justice." The rule of necessity has been applied in this state to members of municipal bodies [citations omitted] The rule is not confined to officers exercising quasi-judicial functions." (*Caminetti v. Pacific Mut. Life Ins. Co. of Cal.* (1943) 22 Cal.2d 344, 366.)

"The rule is well settled that where an administrative body has a duty to act upon a matter which is before it and is the only entity capable to act in the matter, the fact that the members may have a personal interest in the result of the action taken does not disqualify them to perform their duty. It is a rule of necessity which has been followed consistently." (*Gonsalves v. City of Dairy Valley* (1968) 265 Cal.App.2d 400, 404.)

How the Rule of Necessity Works

Two-Phase Analysis:

Invocation of the Rule only comes into effect after a two-phase analysis, asking:

- 1) Whether the participation of one or more of the conflicted members is legally required? If so,
- 2) Whether there is any alternative to the body as a source of decision which does not present a conflict of interest situation?

1) Is the Participation of One or More Members Legally Required?

Where a governmental body lacks a majority simply because one or more of its members were not actually present at the time of disqualification the Rule would *not* apply. Stated differently, if a sufficient number of non-conflicted members exist to form a quorum, their mere absence does not make participation by a conflicted member required.

However, if a *majority* of a governmental body *were* present and *must* recuse themselves due to a potential conflict, then the body would be unable to act, and then the Rule comes into play because the body is legally required to take action. Stated differently, if the conflicts leave *less than a quorum* of the body available to act, the legally-required-participation exception comes into play.

As to how many members may act, it is *only the number needed to form a quorum*; no other members may be brought back to voting status and participate.

2) Is There Any Alternative to the Body as a Source of Decision Which Does Not Present a Conflict of Interest Situation?

The Rule can only be invoked when “there exists no alternative source of decision consistent with the purposes and terms of the statute authorizing the decision.” (2 CCR 18708(a).) This means that the body must make a determination as to whether there is any alternative to the body as a source of decision which does not present a conflict of interest situation. (Simply put, can someone else do this?)

Application to Planning Commission vs. to City Council

In our case, the question becomes whether or not the Commission must treat the Council as “alternative source of decision consistent with the purposes and terms of the statute authorizing the decision.” The answer is No. The reason is that to do so would automatically deprive the Commission of its obligation to act. The Commission is charged with legal authority to address certain matters *before* the Council does, and some of those matters may be appealed to the Council.

Thus, where the facts of a matter place a majority of the Planning Commission in a conflict of interest situation, the Commission must invoke the rule of necessity and choose enough of its members to constitute a quorum and vote. Having done this, the citizen parties involved in the decision are free to appeal that decision to the Council if they will.

Application to the City Council

If the Council is confronted with any situation in which a majority of its members are conflicted and therefore may not vote, there is no alternative source of decision to the Council and the Council must invoke the Rule.

Caveat to Invoking the Rule of Necessity

The Rule is not invoked to either:

- a) Break a tie; or
- b) Allow a member to vote if there is any other way to convene a quorum (*i.e.*, it cannot be used to convene a quorum when there is another way to do so, such as waiting until someone who can vote without a conflict shows up and does so).

Mechanics of Invoking the Rule of Necessity

When such a majority of the members of either body are conflicted out and cannot vote, one of the members will be chosen by a random method and then be allowed to vote on the matter despite the conflict. Those remaining members not necessary to comprise a quorum will not be allowed to vote at all. The vote must be accompanied by an explanation of why, given the existence of a conflict of interest, it was taken. That is, a record must be made when invoking the Rule.

Requirements of Making a Record When Invoking the Rule of Necessity

Should invocation of the rule of necessity arise, the public official(s) who proceed to vote despite a conflict must make a public record of the following, containing the language in "Appendix A" to this memorandum (specifically section (b)(1-4)).

The disclosure in Appendix A above must be in the minutes, for purposes of public disclosure and judicial review:

"Such conflicts should be disclosed in the minutes to make them easily accessible to the public at large. [citations omitted] "The rationale behind requiring the reasons to be set forth in the minutes as contrasted with allowing them to be ... transcribed from a reporter's notes is to ensure that the reasons are readily ascertainable and available to the public and the reviewing court." " (*Kunec, supra* at 522-523.)

Care in Invoking the Rule of Necessity

Care must be taken in proceeding when the Rule is invoked, as the Rule is an exception to the very strong public policy of public officials not voting when they have a conflict of interest. Several points here:

- 1) The official is prohibited from using his or her influence on any other member of the body on the matter in question;
- 2) The official must state exactly why there is no alternative route by which action can be taken; and
- 3) The official must limit his or her participation to action that is legally required.

All of these steps must be closely adhered to in order for the action to be valid. (*Kunec, supra.*)

IV. A Series of Questions and Responses Which an Official May Ask and Answer When Facing a Proximity Conflicts of Interest Issue

Introduction

This portion of the memorandum provides a series of questions and responses which an official may use when confronted with addressing only the proximity issue discussed. The first questions are more general, applicable to more situations. However, overall the questions address only the situation where a public official has an interest in real property within the City of Trinidad which may cause a conflict of interest requiring a recusal.

The memo assumes the 500 feet situation obtains. If an official has an interest in property situated between 500 and 300 feet from real property at issues before the public body, it is up to the city and that official to make a determination as to items 1-3, 5 and 6 noted above in 2 CCR 18707.10 and ascertain the applicability of the 300 feet exception.

Questions

1) Am I Making a Governmental Decision?

Obviously, if the matter has proceeded to the point where the public official must vote on it, it is a governmental decision. There are many situations short of this may also require recusal. However, if you vote on it as a public official, you are making a governmental decision. Proceed.

2) Do I Have an Economic Interest in the Decision?

Economic interests may lie in any of five or six different categories². Here, we are looking only at real property interests.

An interest in real property is considered an economic interest if the interest is worth \$2,000 or more in fair market value. "Interest" here includes not only ownership, but also mortgages, options to buy, equity (direct or indirect) and leasehold interests. It does not include month-to-month tenancies (this means monthly tenants do not have an interest, while landlords do).

So the question here is better phrased:

Do I have an interest in real property which is both:

- a) **Within either**
 - i) **The City of Trinidad, or**
 - ii) **Two miles of the geographical boundaries of the City; and**
- b) **Worth more than \$2,000 in fair market value?**

If the answer is Yes, you must proceed to the next question.

² Categories of Interests: Business entity investments (holding any business position in a business entity constitutes another, sixth, category); Real property; Income; Gifts; Personal finances of official or their immediate family. (2 CCR 18703-18703.5.)

3) Is My Interest in Real Property Directly or Indirectly Involved in the Decision?

Actually, for these purposes, it doesn't matter much. This is because economic interests which are not directly involved (*i.e.*, which are *indirectly* involved) must still be analyzed under the rules for economic interest involvement. So either way you have to pay close attention. This is the tricky part of the analysis.

The underlying issue here is one of the *materiality* of the impact of the decision on you. The short version here is that economic interests which are directly involved are presumed to be material, whereas such interests which are indirectly involved are presumed to be non-material. Either of these presumptions may be rebutted (see "Appendix B").

There is a basic distinction here between leasehold interests and non-leasehold interests. Since for most people the interest will be *non-leasehold*, we will start with that first and move to leaseholds:

3a) Is my *non-leasehold* interest directly involved?

- If the real property at issue in the decision lies within a 500 foot-radius of your real property, your interest is *presumed* to be direct and therefore material.
- If the decision involves the zoning, annexation, sale, lease or permitted use of, or taxes or fees imposed on the official's property, it has a direct involvement.
- **Caveat:** A material financial effect is *presumed* here, and *recusal required*, unless the official can show that the decision will have no financial effect on his or her economic interests.
- **Rebuttal of presumption of materiality:** The official may *rebut* this presumption "by proof that it is not reasonably foreseeable that the governmental decision will have any financial effect on the [official's] real property." (2 CCR 18705.2(a)(1).)

3b) Is my *non-leasehold* interest indirectly involved?

- When the real property at issue in the decision is more than 500 feet from the official's real property, the official's interest is only indirectly involved. This interest is presumed not to be material.
- The presumption of *non-materiality* may be overturned if it can be shown that the official's property will be materially affected by the decision.
- The law provides specific language for rebuttal of *non-materiality* here; see 2 CCR 18705.2(b)(1).

3c) Is my leasehold interest directly involved?

- Again, the presumption of materiality applies. The "rebuttal" and "caveat" sections above apply here as well.
- The law provides specific language for rebuttal of materiality here; see 2 CCR 18705.2(a)(2).

3d) Is my leasehold interest indirectly involved?

- A presumption of *non-materiality* applies here.

- The law provides specific language for rebuttal of *non-materiality* here; see 2 CCR 18705.2(b)(2).

4) Is it Reasonably Foreseeable That My Economic Interest Will Be Materially Affected?

The catch-alls to every possible economic conflict of interest (of which there are two; this section and the next) comes at the end: Is it reasonably foreseeable that your economic interests will be materially affected? For this you must look at all of the circumstances at the time the decision is made, with the concept of foreseeability hinging on the specific facts of each individual case.

For the effect of a decision to be foreseeable, it need not be either certain or direct. However, it must be more than merely conceivable.

For the effect of a decision to be foreseeable, *it must appear that there is a substantial likelihood*, based on all facts available to you at the time you make the decision, *that the effects that would bring about the conflict of interest will occur*. If the conflict is reasonably foreseeable, you must recuse yourself; if the conflict is not reasonably foreseeable, you may vote. For help with this, see "Appendix C".

5) Is the Effect of the Decision on My Economic Interest Distinguishable from Its Effect on the General Public?

Even if the decision has a reasonably foreseeable material effect which cannot be rebutted (and thus would otherwise require recusal), there is one last variable which may avoid disqualification here: Whether the decision will affect your economic interest differently than it does of the "public generally."

If the decision affects the general public's financial interests in the same manner as it does your own, the fact that affects your interest materially does not create a conflict of interest. The idea here is that when your interests are in harmony with those of the public in general *or a significant segment of it*, there is no conflict in your making that decision:

"A public official has a financial interest in a decision within the meaning of Section 87100 [disallowing decisions by public officials where a financial interest exists] if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following [categories discussed above follow here]:" (Gov't Code § 87103.)

For help (so to speak) on this, see "Appendix D" for the regulation written for that purpose.

V. Close

This memorandum is but a *beginning* tool for your analysis in determining the existence of a conflict requiring your recusal. There are many regulations and other laws not mentioned herein. If you are in any doubt as to whether or not you have a conflict, please do not hesitate to contact the city attorney for advice.

Appendix A
2 CCR 18708; Legally Required Participation

“§ 18705.2. Legally Required Participation

(a) A public official who has a financial interest in a decision may establish that he or she is legally required to make or to participate in the making of a governmental decision within the meaning of Government Code section 87101 only if there exists no alternative source of decision consistent with the purposes and terms of the statute authorizing the decision.

(b) Whenever a public official who has a financial interest in a decision is legally required to make or to participate in making such a decision, he or she shall state the existence of the potential conflict as follows:

- (1) The public official shall *disclose the existence of the conflict and describe with particularity the nature of the economic interest*. “Particularity” as used in this regulation shall be satisfied if the official discloses:
 - (A) Whether the conflict involves an investment, business position, interest in real property, or the receipt of income, loans or gifts;
 - (B) If the interest is an investment, the name of the business entity in which each investment is held; if the interest is a business position, a general description of the business activity in which the business entity is engaged; if the interest is real property, the address or another indication of the location of the property, unless the property is the official's principal or personal residence, in which case the official shall disclose this fact. For income, loans or gifts, the official shall disclose the person or entity that is the source.
- (2) The public official or another officer or employee of the agency shall give a *summary description of the circumstances under which he or she believes the conflict may arise*.
- (3) Either the public official or another officer or employee of the agency shall *disclose the legal basis for concluding that there is no alternative source of decision*.
- (4) *The disclosures required by this regulation shall be made in the following manner:*
 - (A) If the governmental decision is made during an open session of a public meeting, the disclosures shall be made orally before the decision is made, by either the public official or by another officer or employee of the agency. The information contained in the disclosures shall be made part of the official public record either as a part of the minutes of the meeting or as a writing filed with the agency. The writing shall be prepared by the public official and/or any officer or employee and shall be placed in a public file of the agency within 30 days after the meeting; or
 - (B) If the governmental decision is made during a closed session of a public meeting, the disclosures shall be made orally during the open session either before the body goes into closed session or immediately after the closed session. The information contained in the disclosures shall be made part of the official public record either as a part of the minutes of the meeting or as a writing filed with the agency. The writing shall be prepared by the public official and/or any officer or employee and shall be placed in a public file of the agency within 30 days after the meeting; or

Appendix A
2 CCR 18708; Legally Required Participation

- (C) If the government decision is made or participated in other than during the open or closed session of a public meeting, the disclosures shall be made in writing and made part of the official public record, either by the public official and/or by another officer or employee of the agency. The writing shall be filed with the public official's appointing authority or supervisor and shall be placed in a public file within 30 days after the public official makes or participates in the decision. Where the public official has no appointing authority or supervisor, the disclosure(s) shall be made in writing and filed with the agency official who maintains the records of the agency's statements of economic interests, or other designated office for the maintenance of such disclosures, within 30 days of the making of or participating in the decision." (2 CCR 18708; emphasis added.)

Appendix B

2 CCR 18705.2.; Materiality Standard: Economic Interests in Real Property

“§ 18705.2. Materiality Standard: Economic Interests in Real Property.

(a) Directly involved real property.

- (1) Real property, other than leaseholds. The financial effect of a governmental decision on the real property is presumed to be material. This presumption may be rebutted by proof that it is not reasonably foreseeable that the governmental decision will have any financial effect on the real property.
- (2) Real property, leaseholds. The financial effect of a governmental decision on the real property in which an official holds a leasehold interest is presumed to be material. This presumption may be rebutted by proof that it is not reasonably foreseeable that the governmental decision will have any effect on any of the following:
 - (A) The termination date of the lease;
 - (B) The amount of rent paid by the lessee for the leased real property, either positively or negatively;
 - (C) The value of the lessee's right to sublease the real property, either positively or negatively;
 - (D) The legally allowable use or the current use of the real property by the lessee; or
 - (E) The use or enjoyment of the leased real property by the lessee.

(b) Indirectly involved real property interests.

- (1) Real property, other than leaseholds. The financial effect of a governmental decision on real property which is indirectly involved in the governmental decision is presumed not to be material. This presumption may be rebutted by proof that there are specific circumstances regarding the governmental decision, its financial effect, and the nature of the real property in which the public official has an economic interest, which make it reasonably foreseeable that the decision will have a material financial effect on the real property in which the public official has an interest. Examples of specific circumstances that will be considered include, but are not limited to, circumstances where the decision affects:
 - (A) The development potential or income producing potential of the real property in which the official has an economic interest;
 - (B) The use of the real property in which the official has an economic interest;
 - (C) The character of the neighborhood including, but not limited to, substantial effects on: traffic, view, privacy, intensity of use, noise levels, air emissions, or similar traits of the neighborhood.
- (2) Real property, leaseholds. The financial effect of a governmental decision on real property in which a public official has a leasehold interest and which is indirectly involved in the governmental decision is presumed not to be material. This presumption may be rebutted by proof that there are specific circumstances regarding the governmental decision, its financial effect, and the nature of the real property in which the public official has an economic interest, which make it reasonably foreseeable that the governmental decision will:

Appendix B

2 CCR 18705.2.; Materiality Standard: Economic Interests in Real Property

- (A) Change the legally allowable use of the leased real property, and the lessee has a right to sublease the real property;
- (B) Change the lessee's actual use of the real property;
- (C) Substantially enhance or significantly decrease the lessee's use or enjoyment of the leased real property;
- (D) Increase or decrease the amount of rent for the leased real property by 5+percent during any 12-month period following the decision; or
- (E) Result in a change in the termination date of the lease.

Appendix C

2 CCR 18706. Determining Whether a Material Financial Effect Is Reasonably Foreseeable

“§ 18706. Determining Whether a Material Financial Effect Is Reasonably Foreseeable.

(a) A material financial effect on an economic interest is reasonably foreseeable, within the meaning of Government Code section 87103, if it is substantially likely that one or more of the materiality standards (see Cal. Code Regs., tit. 2, ss 18704 18705) applicable to that economic interest will be met as a result of the governmental decision.

(b) In determining whether a governmental decision will have a reasonably foreseeable material financial effect on an economic interest as defined in subdivision (a) above, the following factors should be considered. These factors are not intended to be an exclusive list of the relevant facts that may be considered in determining whether a financial effect is reasonably foreseeable, but are included as general guidelines:

- (1) The extent to which the official or the official's source of income has engaged, is engaged, or plans on engaging in business activity in the jurisdiction;
- (2) The market share held by the official or the official's source of income in the jurisdiction;
- (3) The extent to which the official or the official's source of income has competition for business in the jurisdiction;
- (4) The scope of the governmental decision in question; and
- (5) The extent to which the occurrence of the material financial effect is contingent upon intervening events, not including future governmental decisions by the official's agency, or any other agency appointed by or subject to the budgetary control of the official's agency.

(c) Possession of a real estate sales or brokerage license, or any other professional license, without regard to the official's business activity or likely business activity, does not in itself make a material financial effect on the official's economic interest reasonably foreseeable.”

Appendix D
2 CCR 18707, Public Generally

“§ 18707. Public Generally.

(a) Introduction.

Notwithstanding a determination that the reasonably foreseeable financial effect of a governmental decision on a public official's economic interests is material, a public official does not have a disqualifying conflict of interest in the governmental decision if the official can establish that the governmental decision will affect the public official's economic interests in a manner which is indistinguishable from the manner in which the decision will affect the public generally as set forth in 2 Cal. Code Regs. sections 18707.1-18707.9.

(b) Steps to Determine Application of Public Generally.

To determine if the effect of a decision is not distinguishable from the effect on the public generally as set forth in subdivision (a) of this regulation, apply Steps One through Four:

- (1) Step One: Identify each specific person or real property (economic interest) that is materially affected by the governmental decision.
- (2) Step Two: For each person or real property identified in Step One, determine the applicable "significant segment" rule according to the provisions of 2 Cal. Code Regs. section 18707.1(b).
- (3) Step Three: Determine if the significant segment is affected by the governmental decision as set forth in the applicable "significant segment" rule. If the answer is "no," then the analysis ends because the first prong of a two-part test set forth in 2 Cal. Code Regs. section 18707.1(b) is not met, and the public official cannot participate in the governmental decision. If the answer is "yes," proceed to Step Four.
- (4) Step Four: Following the provisions of 2 Cal. Code Regs. section 18707.1(b)(2), determine if the person or real property identified in Step One is affected by the governmental decision in "substantially the same manner" as other persons or real property in the applicable significant segment. If the answer is "yes" as to each person or real property identified in Step One, then the effect of the decision is not distinguishable from the effect on the public generally and the public official may participate in the decision. If the answer is "no" as to any person or real property identified in Step One, the public official may not participate in the governmental decision unless one of the special rules set forth in 2 Cal. Code Regs. sections 18707.2 through 18707.9 applies to each person or real property triggering the conflict of interest."

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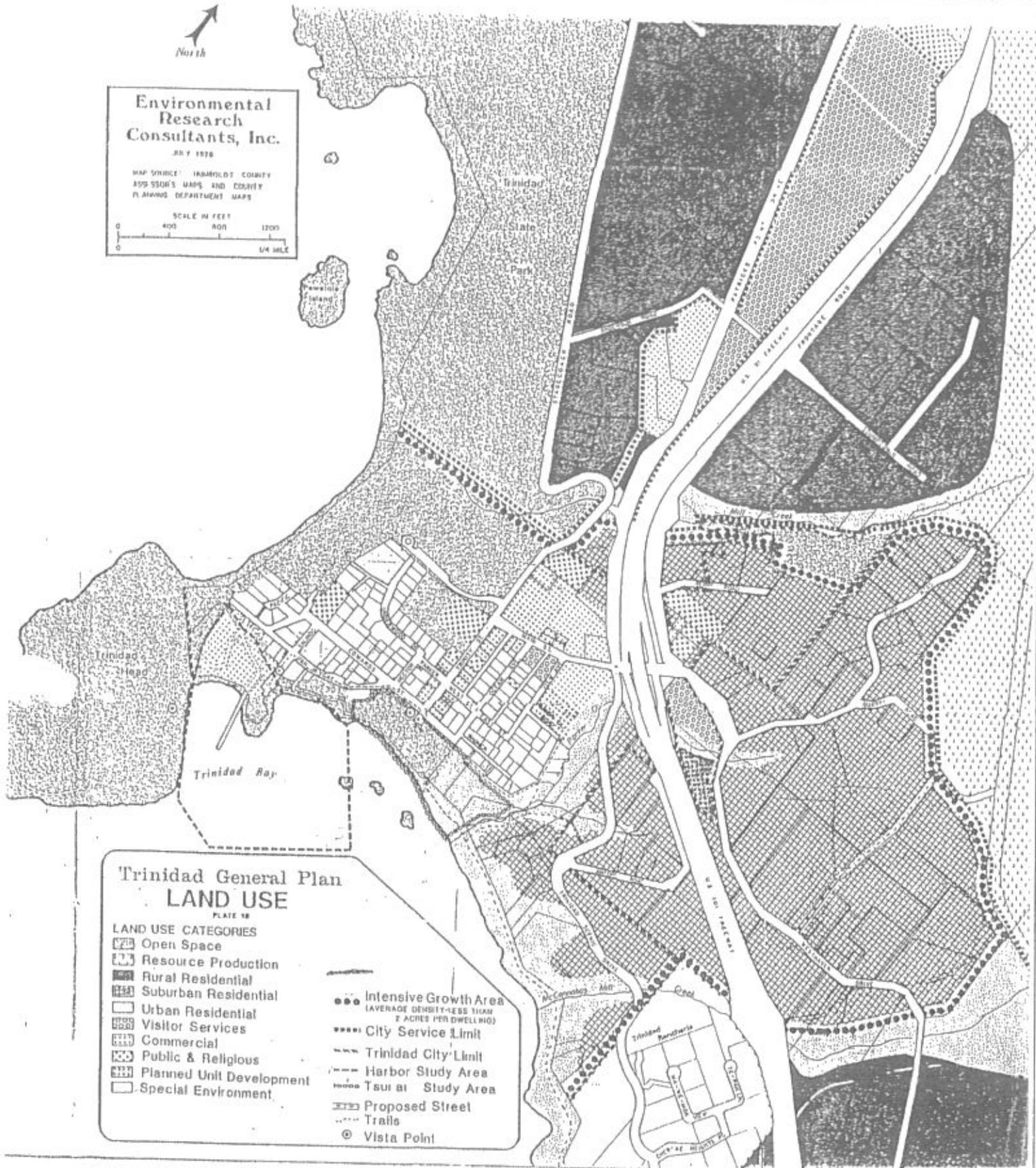
V. Close 9



**Environmental
Research
Consultants, Inc.**
JULY 1978

MAP SOURCE: INDIANOLA COUNTY
AND SSOB'S MAPS AND COUNTY
PLANNING DEPARTMENT MAPS

SCALE IN FEET
0 400 800 1200
0 1/4 MILE



**Trinidad General Plan
LAND USE**
PLATE 18

- LAND USE CATEGORIES**
- Open Space
 - Resource Production
 - Rural Residential
 - Suburban Residential
 - Urban Residential
 - Visitor Services
 - Commercial
 - Public & Religious
 - Planned Unit Development
 - Special Environment
- Intensive Growth Area
(AVERAGE DENSITY LESS THAN
2 ACRES PER DWELLING)
 - City Service Limit
 - Trinidad City Limit
 - Harbor Study Area
 - Tourist Study Area
 - Proposed Street
 - Trails
 - Vista Point

RESOLUTION NO. 2019-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD,
CALIFORNIA, TO AMEND THE LAND USE MAP (PLATE 1B) OF THE TRINIDAD
GENERAL PLAN / LAND USE PLAN PORTION OF THE LOCAL COASTAL
PROGRAM TO CHANGE APN 042-042-017, 651 PARKER STREET, FROM URBAN
RESIDENTIAL TO PLANNED DEVELOPMENT**

WHEREAS, an application to amend the land use and zoning maps for Assessor Parcel Number 042-042-017 (651 Parker Street) was submitted by the owners Mike and Hope Reinman on July 12, 2018; and

WHEREAS, the application is known as Reinman 2018-0; General Plan / Zoning Amendment. The amendment is to change the land use and zoning designations of Assessor Parcel Number 042-042-017 (651 Parker Street) from Urban Residential to Planned Development; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the General Plan / Zoning Map amendments on August 29, 2018 in accordance with State Law and the Municipal Code and recommended approval of the General Plan / Zoning Map Amendments to the City Council; and

WHEREAS, the amendment is statutorily exempt from CEQA per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the City Council held a duly noticed public hearing on the General Plan / Zoning Map amendment on January 9, 2019; and

WHEREAS, this amendment is consistent with other parts of the City's General Plan and certified Local Coastal Program; and

WHEREAS, Tribal Consultation was conducted for this General Plan amendment in accordance with State law; and

WHEREAS, the General Plan / Zoning Map amendment was discussed fully with testimony and documentation presented by the public and affected government agencies with all persons given the opportunity to speak for and against the proposed amendment; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad as follows:

1. That it does hereby adopt the herein-described Reinman 2018-01: General Plan / Land Use Plan amendment, as represented in the attached Exhibit "A," for the reasons set forth in this Resolution and in the staff report attached as Exhibit "C" and as conditioned in the staff report attached as Exhibit "C."

Introduced, passed and adopted this 9th day of January, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF TRINIDAD, CALIFORNIA, AMENDING THE ZONING MAP OF THE IMPLEMENTATION PORTION OF THE LOCAL COASTAL PROGRAM TO CHANGE APN 042-042-017, 651 PARKER STREET, FROM URBAN RESIDENTIAL TO PLANNED DEVELOPMENT

WHEREAS, an application to amend the land use and zoning maps for Assessor Parcel Number 042-042-017 (651 Parker Street) was submitted by the owners Mike and Hope Reinman on July 12, 2018; and

WHEREAS, the application is known as Reinman 2018-01: General Plan / Zoning Amendment. The amendment is to change the land use and zoning designations of Assessor Parcel Number 042-042-017 (651 Parker Street) from Urban Residential to Planned Development; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the General Plan / Zoning Map amendments on August 29, 2018 in accordance with State Law and the Municipal Code and recommended approval of the General Plan / Zoning Map Amendments to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the General Plan / Zoning Map amendments on January 9, 2019; and

WHEREAS, the amendment is statutorily exempt from CEQA per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, this amendment is consistent with other parts of the City's Zoning Ordinance and certified Local Coastal Program; and

WHEREAS, the General Plan / Zoning Map amendment was discussed fully with testimony and documentation presented by the public and affected government agencies with all persons given the opportunity to speak for and against the proposed amendment; and

NOW THEREFORE BE IT ORDAINED, the City Council does hereby amend the Zoning Map (Section 17.12.040; Section 3.04 as certified). The property to be rezoned is described below and is shown on the map in Exhibit B.

"Assessor Parcel Number 042-042-017, 651 Parker Street, City of Trinidad, California"

BE IT FINALLY ORDAINED, this action is based on the information, findings and conditions as described in the staff report attached as Exhibit C.

SECTION II: This ordinance shall become effective immediately upon certification by the California Coastal Commission.

PASSED AND ADOPTED on this 13th day of February, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Exhibit A:
 Enlarged portion of the Trinidad Land
 Use Map showing Reinman 2018-01:
 General Pan / Zoning Map Amendment



Trinidad General Plan LAND USE

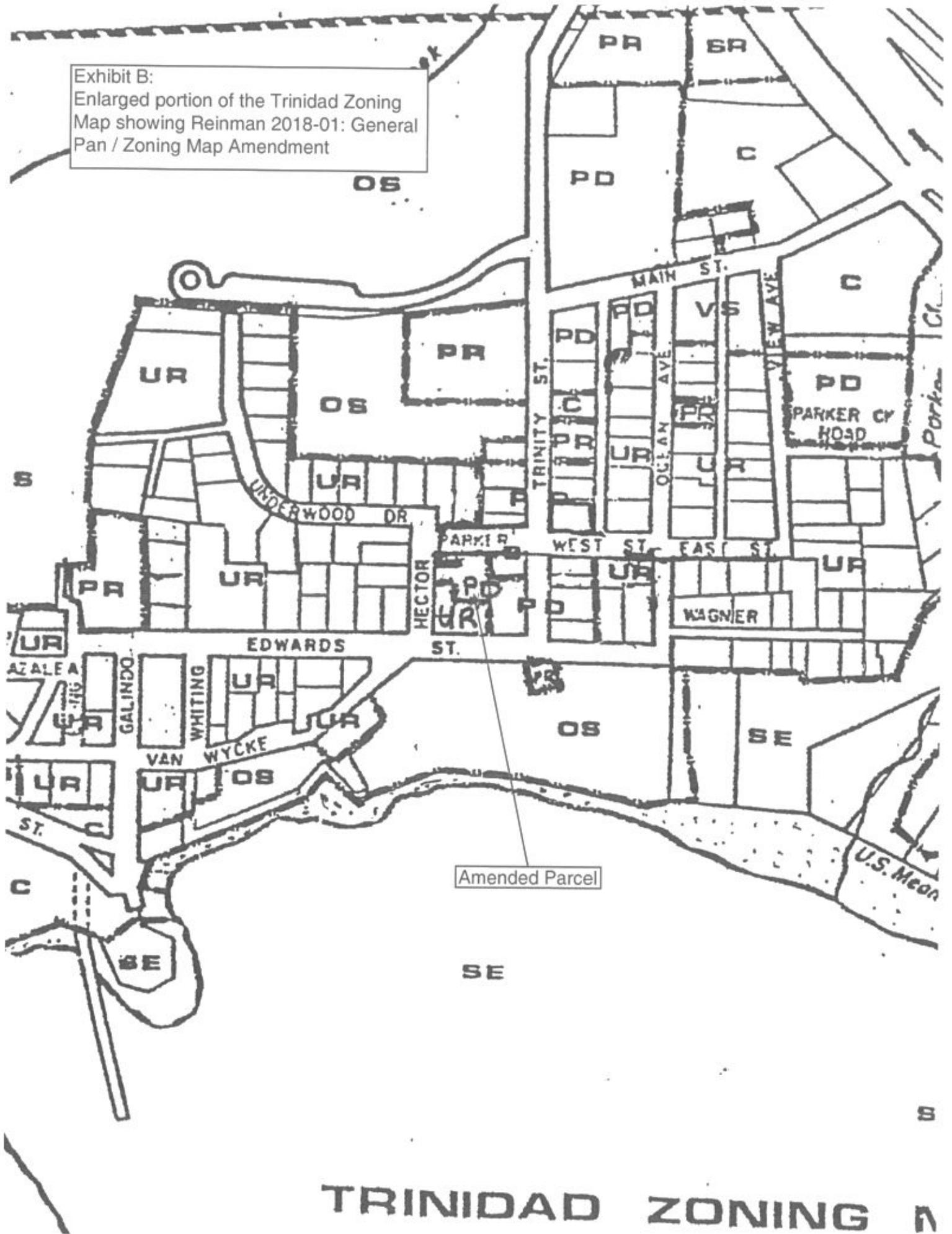
PLATE 1B

- LAND USE CATEGORIES**
- Open Space
 - Resource Production
 - Rural Residential
 - Suburban Residential
 - Urban Residential
 - Visitor Services
 - Commercial
 - Public & Religious
 - Planned Unit Development
 - Special Environment

- Intensive Growth Area
 (AVERAGE DENSITY-LESS THAN
 2 ACRES PER DWELLING)
- City Service Limit
- Trinidad City Limit
- Harbor Study Area
- Tsurai Study Area
- Proposed Street

McCoy

Exhibit B:
Enlarged portion of the Trinidad Zoning
Map showing Reinman 2018-01: General
Pan / Zoning Map Amendment



TRINIDAD ZONING

Exhibit C:
Detailed Staff Report for Reinman
2018-01: General Plan / Zoning Map
Amendment



Filed: July 12, 2018
Staff: Trever Parker
Staff Report: July 25, Dec. 31, 2018
Commission Hearing Date: August 29, 2018
Commission Action: Conditionally Approved
City Council Hearing Date: January 9, 2019
City Council Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2018-01

APPLICANT / OWNER(S): Hope and Mike Reinman

AGENT: Sarah Atkins

PROJECT LOCATION: 651 Parker Street

PROJECT DESCRIPTION: Zoning and General Plan Amendment request to change the zoning and general plan designations of the property from UR – Urban Residential to PD – Planned Development.

ASSESSOR'S PARCEL NUMBER: 042-042-017

ZONING: UR – Urban Residential

GENERAL PLAN DESIGNATION: UR – Urban Residential

ENVIRONMENTAL REVIEW: Statutorily Exempt from CEQA per §15265 of the CEQA Guidelines exempting activities and approvals pursuant to the Coastal Act, including adoption of local coastal plans.

APPEAL STATUS:

Amendments to the Local Coastal Program, including the Zoning Ordinance and General Plan require approval by City Council and certification by the Coastal Commission at public hearings. Therefore, they are not appealable. The rezone/resdesignation will not take effect until certified by the Coastal Commission.

SITE CHARACTERISTICS:

The property is located on the south side of Parker Street, between the Eatery and the Holy Trinity Church. It is currently developed with a 4-plex apartment structure that contains four, 2-bedroom units. One of the units is licensed as a short term rental (STR). The property is accessed from Parker Street. The existing septic system is located to the west of the 4-plex as shown on the site plan. The lot slopes gently towards the west. The property is zoned Urban Residential (UR), but is located within a mixed use area with Commercial (C) and Planned Development (PD) to the east, and north, Public and Religious (PR) to the west, and UR to the north, west and south.

STAFF COMMENTS:

Background

In general, every property has a land use designation in the applicable general plan, and a zoning designation in the applicable zoning ordinance. Often the general plan designation is more general (e.g. low density residential) and the zoning is more specific (e.g. Residential 2-5 acre minimum parcel size). Because Trinidad is small, the zoning and land use designations are the same.

The City is in the process of updating its general plan, with the current effort starting in 2007. Since at least 2009, the City has proposed changing the land use designation of this property from UR to MU - Mixed Use (see attached draft land use map). Mixed use is just a new name for the current PD designation. The purpose of the proposed change is to make the existing multi-family development more consistent with the land use designation; multi-family is an allowable use in the PD zone, though the 4-plex would still be nonconforming as to the maximum density. The PD designation is also consistent with the surrounding mix of zoning, including UR, PD, C, and PR.

For the City to have designated the 4-plex property as UR in the 1978 Trinidad General Plan, it must have intended for the apartments to eventually be demolished and replaced with a single-family home. It is generally difficult to make modifications, and sometimes even repairs, to nonconforming uses and structures. During the ongoing general plan update, there has been support for keeping the multi-family development. Therefore, the designation was proposed to be changed.

The property owners / applicants have inquired about changing the land use designation and zoning of this property on several occasions. However, because the City was already proposing that change as part of the general plan update, they did not submit an application in order to save the time and expense to themselves. However, the general plan update has taken longer than planned. So now the owners have elected to pursue the amendment on their own.

The stated purpose of the rezone, according to the applicants, is “for compliance of existing multi-family use for conformance and allowable use flexibility.” The owner has also expressed an interest in utilizing more than one of the apartments as an STR, which the rezone could allow with future approval by the Planning Commission (more information below).

Process

Chapter 17.68 of the Trinidad Zoning Ordinance sets forth the process for amending the zoning ordinance and the general plan. Only map amendments may be initiated by individual property owners. The Planning Commission must hold a public hearing on the amendment, and then make a recommendation to the City Council. If the Planning Commission recommends approval, the City Council must also hold a public hearing. The amendment is approved via both a resolution and ordinance. If the amendment is approved by the City Council, then the City must submit an application for an LCP amendment to the Coastal Commission, who will also conduct a review of the applicable regulations and hold a public hearing on the application. The amendment does not take effect unless and until the Coastal Commission certifies the change. All the appropriate notifications and procedural steps have been followed in processing this application.

ZONING ORDINANCE CONSISTENCY

The purpose of the UR zone is to allow relatively dense residential development. The minimum lot size allowed in the UR zone is 8,000 sq. ft. and the maximum density is one dwelling per 8,000 sq. ft. The existing lot is approximately 14,300 sq. ft. The 4-plex was legally developed, but is nonconforming as to use and density under the current UR regulations.

According to the application materials, the existing structure is 60 ft. by 38 ft. with a 4 ft. concrete walkway along three sides (east, north, south) of the building. The total building footprint is 2,280 sq. ft., consisting of four 986 sq. ft., 2-bedroom apartments, and a total floor area of 3,944 sq. ft. (common use areas such as access hallways and stairways do not count toward the floor area). New covered balconies / patios were approved for each apartment by the Planning Commission in June 2018.

A summary comparison of the differences in development standards between the UR and PD zones is included in Table 1 below. A more detailed breakdown of the differences is included as an attachment to this staff report. One of the important things to consider is that the PD zone allows more diversity and greater intensity of uses compared to the UR zone. However, every new or changed use allowed in the PD zone requires approval of a Use Permit, which can be conditioned to address a variety of concerns. The PD zone provides the City with a substantial amount of oversight.

Table 1: Comparison of Regulations in the UR and PD Zones

Regulation	Urban Residential (UR)	Planned Development (PD)
Principally Permitted Uses	A. Single-family dwelling, B. Home occupation	None
Uses Permitted with a Use Permit	A. Guest house; servant's quarters; B. Removal of trees more than twelve inches DBH.	A. Single-family dwelling, duplex, condos and townhouses with not more than four dwellings in a building; groups of permitted types; B. Motels, inns, gift shops, restaurants (not drive-in), personal services, professional offices, retail sales and visitor services; C. Home occupations D. Rest homes, day care centers; E. A combined residence with a business use allowed by this section, other than a motel
Minimum Lot Area	8,000 sq. ft.	2,500 sq. ft. for developments with five or more dwelling or commercial units. 8,000 sq. ft. for developments with less than five units
Maximum Density	One dwelling per 8,000 sq. ft.	One dwelling per 8,000 sq. ft. or based on septic requirements
Minimum Yards	Front: 20 ft. Rear: 15 ft. Side: 5 ft. Street Side: 15 ft.	Where 8,000 sq. ft. minimum lot area applies, same as UR zone; where 2,500 sq. ft. minimum lot area applies, none, except when adjacent to any other zone the yard shall be the same as that required in the adjacent zone.
Maximum Height	25 ft. except that the design assistance committee may require a lesser height	25 ft. except that the design assistance committee may require a lesser height
Parking	2 spaces in addition to any garage spaces	Single-family dwelling: 2 spaces in addition to any garage spaces Attached dwellings: 1.5 spaces per dwelling Commercial: depends on the use

Other regulations, such as requirements for Coastal Development Permits, Design Review, grading, geologic studies, etc. are the same for both zoning designations.

The rezone to PD will increase the potential for additional apartments to be converted into STRs. Currently, one of the four apartments is licensed as an STR. Another apartment is utilized as a minimum 30-day vacation rental, which does not require an STR license. Under the City's STR Ordinance, there is a cap on the total number of STRs allowed in the UR zone (§17.56.190.F) as well as a limitation that only allows one STR License per owner in the UR zone (§17.56.190.H). The number of STRs is also restricted to no more than one STR per parcel (§17.56.190.G) in both zones. However, this last standard may be modified through issuance of a Use Permit by the Planning Commission. But since the UR zone cap is already exceeded, the property owner can not apply for an additional STR(s) under the current zoning; there is no cap in the PD zone.

Other zoning and STR issues brought up in August 7 letter from Kathleen Lake and Tom Davies.

The proposal does not constitute "spot zoning" as asserted in the letter. Spot zoning, as interpreted by the courts, normally refers to a parcel that is given a more restrictive zoning designation than the surrounding parcels. Regardless, the proposed use classification is not different from surrounding use classifications, of which there are four different ones, including PD. And the zone change will make the existing use more conforming to its designation, consistent with General Plan policies (see below).

Technically spot zoning can still occur even if a parcel is adjacent to similar zoning, because a line does have to be drawn somewhere, though it is much less likely. On the other hand, spot zoning is not illegal if it is done based on rational reasoning and serves a public benefit (*Foothill Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302). In this case, I don't believe spot zoning has occurred, but regardless, the project is consistent with existing General Plan policies. In addition, the PD zone allows a mix of uses, all of which require approval of a Use Permit and therefore a public hearing before the Planning Commission, which could be seen as a public benefit in an area of town that already has a mix of uses.

The letter is correct in that affordable housing opportunities in Trinidad are limited. By changing the zoning and land use designation of this property to PD, the existing multi-family use will no longer be nonconforming (though the density still will be), which removes certain barriers to making improvements to the structure to maintain it as a viable 4-plex. The zone change will allow the property owner to apply for additional STR licenses, but to do so, an exception, in the form of a Use Permit, would have to be granted by the Planning Commission. One of the considerations in granting or denying that permit can include the loss of affordable housing.

Staff would also like to point out that the statement that the City Planner and City Manager submitted a Vacation Dwelling Unit (VDU) ordinance amendment to the Coastal Commission without approval or direction from the Planning Commission or City Council is incorrect (it is also impossible, since amendments require a resolution and adoption of an ordinance by the City Council). The City's first VDU (now known as STR) Ordinance was adopted in 2012, but after substantial negotiations with Coastal Commission staff, a revised ordinance was adopted in the fall of 2014. The VDU Ordinance was then submitted to the Coastal Commission for certification, which was scheduled for hearing in March 2015.

Prior to certification of the ordinance, the owner of the 4-plex (and applicant for this proposal) requested that the City reconsider the one VDU per parcel limitation, which the Council did at their meeting of March 9, 2015. At the time, the owner was operating two VDUs in the 4-plex. The Council decided to look into and consider the issue further. After another discussion at their April 8, 2015 meeting, the Council made the following motion: *"to direct staff to draft language intended to correct the issue affecting the apartment complex, seek advice from Coastal Commission Staff, and if supported, bring revisions back to Council for review to amend the current ordinance."*

As directed by the Council, staff brought an amendment for consideration by the Planning Commission to their May 20, 2015 meeting. After public hearing, the Planning Commission recommended against the amendment. The City Council accepted the Planning Commission's recommendation, and did not pursue the amendment further. However, they did start the process of developing a cap on the total number of VDUs, which eventually became the current STR ordinance. The March 9, 2015 memo quoted in the letter is in response to an email request sent to the Coastal Commission by Mike Reinman, not City staff, which is documented in the link provided. The Planning Commission meeting minutes quoted in the letter are actually from the May 20, 2015 meeting, not July 15, 2017 as stated.

In regards to the January 2016 email and April 2016 appeal mentioned in the letter, the following is copied from the appeal staff report, which involved quite a number of properties and STRs. The appeal was denied, upholding the staff decisions and determinations, by the Planning Commission at their August 31, 2016 meeting.

651 Parker St. (4-Plex)

In November 2015, the City Council concurred with the City Attorney's interpretation regarding the "one VDU per parcel" limitation in the VDU ordinance. Due to the wording of the definition of a VDU ("means any structure, accessory structure, or portion of such structures, which is contracted for transient use") it was determined that two separate dwelling units on one parcel cannot be rented together as a single VDU. However, that does not apply to multiple units within a single structure (because a VDU can be a structure or a portion of a structure). Under this interpretation, Mr. Reinman can rent out two of the 2-

bedroom apartments together as one 4-bedroom VDU. This issue did take time to resolve, and Mr. Reinman was given a grace period to comply. Currently, two of the apartments are rented to long-term tenants. One is rented as a minimum 30 day vacation rental, and one is a normal VDU. In addition, if the 30 day rental is available, one can rent that apartment in addition to the short term VDU apartment under one contract for a total of four bedrooms. This is reflected in the rental listing: <https://www.vrbo.com/124223>

Though not related to the issuance of the current VDU license but mentioned in the appeal, Mr. Reinman did inquire to me about removing a wall between two apartments in order to make it more attractive as a single rental. I did inform him that a building permit would be required, but likely not planning review. The property is zoned UR, which is a single-family zone; the multi-unit apartment complex is nonconforming. Reducing the number of apartments would actually make the structure more conforming as to the current zoning. The Planning Commission has proposed rezoning the property to PD (Planned Development) or mixed use in the General Plan update in order to make it more conforming, but the apartments still would not meet the density requirements of that zone. The City's Housing Element emphasizes single-family housing; there is nothing in either the existing or draft Housing Elements that would be inconsistent with converting the 4-plex into a 3-plex.

GENERAL PLAN AND COASTAL ACT CONSISTENCY

General Plan Nonconforming Use Policies

19. The Land Use Map recognizes existing land use areas and attempts, wherever possible, to place them in a category which allows compatible uses. It is intended that all new development be channeled into appropriately designated areas so that land use conflicts can be minimized.
20. Some existing uses are not placed in an appropriate land use category because of their isolated location and the undesirability of providing for expansion of similar uses in the immediate area. Rather it is intended that the immediate site be placed in a compatible zone to allow the use to continue as a conforming use, but not to allow for expansion onto adjacent lands.
21. Where uses are incompatible they are not recognized in the Land Use Map and it is intended that they be treated as non-conforming uses and not be given zoning preference. Existing zoning, the attitudes of local property owners and the judgment of the Planning Commission should be the basis for distinguishing between uses that are compatible and those that are non-compatible.

The proposed rezone is consistent with these policies by placing the existing multi-family use within an appropriate zoning/land use category. The 4-plex is not in an

isolated location, and these policies imply that it should have originally had a PD designation. The existing use is not incompatible with the surrounding uses.

General Plan Housing Policies

45. Trinidad's role in the effort to provide adequate housing is focused on three areas:
 - (a) Attempting to keep the cost of existing moderate cost housing down so it can continue to be available to people with limited incomes who desire to live in Trinidad;
 - (b) Protecting the unique character of the City as a single-family owner occupied fishing village;
 - (c) Encouraging the County to allow a variety of housing types in the residential areas surrounding the City consistent with septic tank limitations.
47. Only single-family residences should be permitted in the Urban Residential, Suburban Residential, Rural Residential and General Rural categories.
48. Multiple family developments such as condominiums, townhouses and apartments with from one to four dwelling units in a building may be appropriate in the Planned Development category provided the density does not exceed that of the Urban Residential category or waste disposal constraints, whichever is most restrictive. Mobile home parks are not consistent with the character of the intensive development area and should not be permitted in the City.

Housing Element

2. Due to existing physical constraints, the City of Trinidad retains the existing emphasis on single-family dwelling units in residential designated areas.
12. The City of Trinidad encourages the use of multi-family developments in Planned Development designations provided that the density does not exceed the physical limitations of the land.

Although the General Plan emphasizes single-family housing, it also recognizes that small, multi-family developments are appropriate in the PD zone. The proposed project is consistent with these policies.

General Plan Appendix A – Land Use Categories and Zoning Conformance

Urban Residential: The Urban Residential category provides areas for intensive residential development. These areas are served by public water systems, public sewers are available or soil conditions have a demonstrated capability to support septic tank systems at the allowable density. Nearby areas designated for commercial uses provide Urban Residential areas with necessary commercial services. Unobtrusive home

occupations and limited rooming and boarding of non-related residents or visitors may be appropriate.

Planned Development: The Planned Development category identifies areas that are: (1) essentially residential where limited commercial activities may be appropriate subject to special integrating design; or (2) sites which, because of their location, flexibility is needed to adapt the use to the site and to surrounding areas. In addition to allowing the types of housing prescribed in the Housing Element, the Planned Development category may include visitor accommodations and services, commercial uses, and recreation uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings. Campgrounds and Recreational vehicle parks are not considered appropriate visitor accommodations in the Planned Development category. Intensity of development should not exceed that allowed in the Urban Residential category or waste disposal constraints, whichever is more restrictive.

The existing multi-family use, and the property itself are more consistent with the description of the PD designation than the UR designation. The zone change / land use designation change is appropriate and consistent with the Trinidad General Plan.

Coastal Act Policies (Chapter 3)

Public Access

The project property is not located between the sea and first public roadway. It will not affect or interfere with public access.

Recreation

The PD designation would allow the parcel to be used for visitor services with approval of a Use Permit by the Planning Commission

Marine Environment

Not applicable.

Land Resources

The project parcel does not include environmentally sensitive habitat areas or agricultural uses.

Development

The project does not propose any new development.

Industrial Development

Not applicable.

The proposed project is consistent with, and does not conflict with the resource policies of the Coastal Act.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Generally, zone changes are not exempt from review under CEQA. However, because Trinidad is in the Coastal Zone, and this project requires certification of an LCP amendment by the Coastal Commission, it falls under a statutory exemption. CEQA Guidelines §15265 states: "CEQA does not apply to activities and approvals pursuant to the Coastal Act by... any local government... necessary for the preparation and adoption of a local coastal program." That same section further explains that: "This section shifts the burden of CEQA compliance from the local agency... to the California Coastal Commission." The Coastal Commission's LCP approval process is a "certified regulatory program," which means it has been certified as being equivalent to CEQA.

As part of the application to the Coastal Commission for an LCP amendment for this project, the City will have to submit sufficient environmental information and analysis for the Coastal Commission to make their determination regarding environmental impacts. Because every new or changed use in the PD zone requires approval of a Use Permit by the Planning Commission, future projects would be analyzed for impacts on a case-by-case basis. One of the required Use Permit findings is: "That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment." Therefore, the zone change itself will not have any foreseeable, significant environmental impacts.

SLOPE STABILITY:

The project site is not mapped as being "unstable" or of "questionable stability" on Plate 3 of the General Plan. The project is located outside of the Alquist-Priolo Fault Zone. Due to a lot line adjustment, the southern portion the property does appear to fall within the "questionable stability" designation on Plate 3 of the General Plan. However, that part of the property is currently undeveloped. Any future development in that area may require a geologic assessment. However, no geologic study is required for the zone change.

SEWAGE DISPOSAL:

The property is served by an existing septic system. The system consists of two standard 1200 gallon tanks of unknown age and three 50 ft. leachlines that were

installed in 2016. The leachfield repair was designed and permitted for 4 units and 8 bedrooms. A reserve area was also located on the property. Note that the seepage pits indicated on the site plan were abandoned as part of the installation of the leach lines in 2016. The property currently has a valid OWTS Operating Permit. The proposed project will not affect wastewater flows.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

The project will not result in any external changes to the existing structures or topography. Therefore, Design Review approval is not required.

PLANNING COMMISSION ACTION

Based on the above analysis, and as conditioned, the proposed rezone was found to be consistent with the City's Zoning Ordinance, General Plan and the California Coastal Act. The Planning Commission agreed with staff's analysis, and recommended approval of the project to the City Council with the following motion:

Based on the information submitted in the application, and included in the staff report and public testimony, the project is consistent with applicable regulations, and I move to adopt the information and findings in the staff report and recommend to the City Council that they approve the approve the requested rezone and land use designation change as conditioned therein.

STAFF RECOMMENDATION:

Based on the above analysis, and as recommended by the Planning Commission, the proposed rezone/redesignation can be found to be consistent with the City's Zoning Ordinance, General Plan and the California Coastal Act. If the City Council agrees with staff's analysis, the project may be approved with adoption of the attached Resolution 20109-01 and Ordinance 2019-01.

CITY COUNCIL ALTERNATIVES

If the City Council does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the City Council has several alternatives.

- A. Alter the proposed conditions of approval to address any specific concerns on the part of the Council or the public.
- B. Delay action / continue the hearing to obtain further information.
 - In this case, the City Council should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
 - The City Council should provide a motion that identifies the Finding(s) that cannot be made and giving the reasons for the inability to make said Finding(s).

CONDITIONS OF APPROVAL

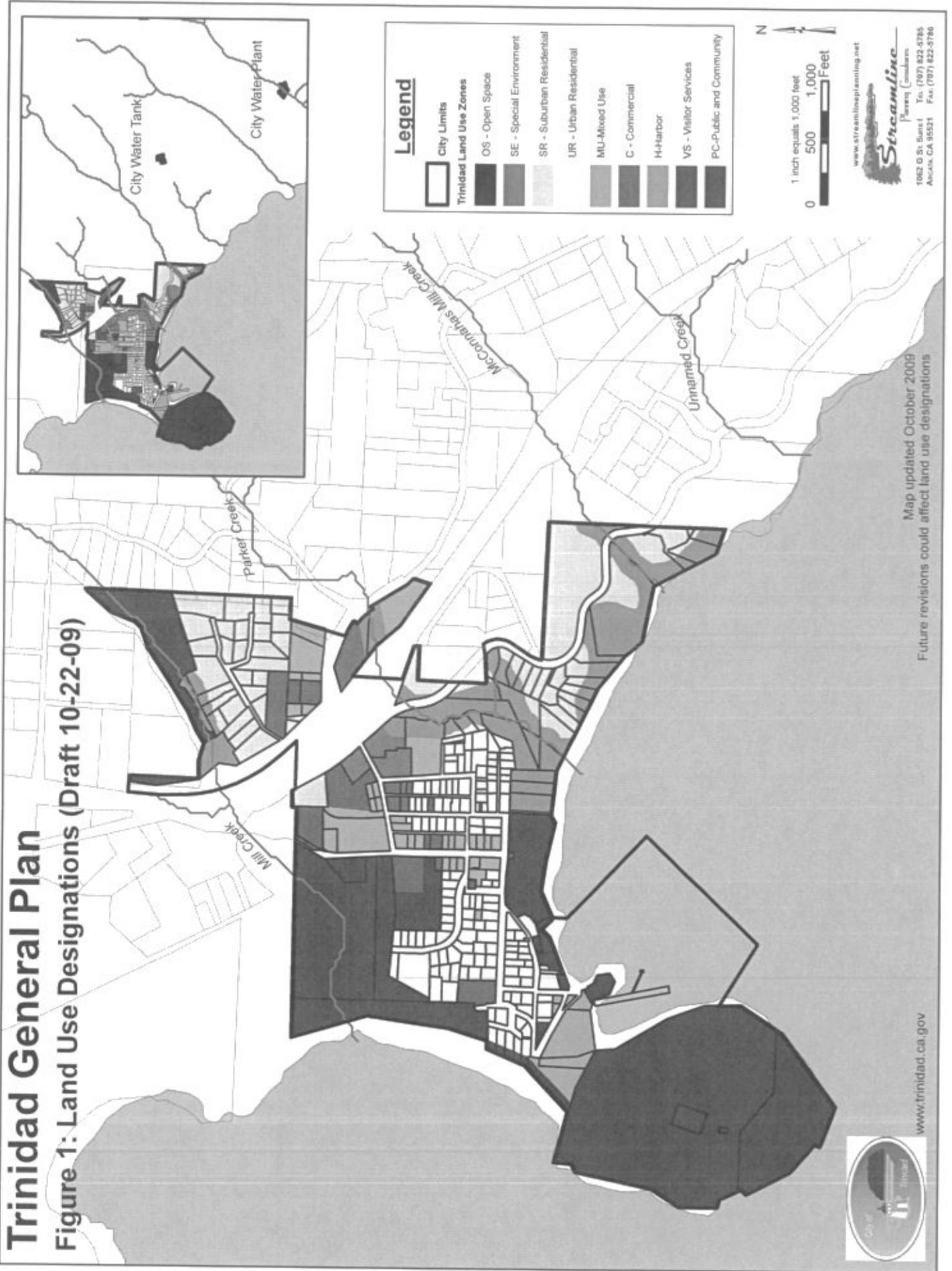
1. The applicant is responsible for reimbursing the City for all costs associated with processing the application, including through the City Council and Coastal Commission. *Responsibility: City Clerk prior to amending maps.*
2. The application is responsible for assisting City staff to prepare and submit the information and materials necessary to apply for a Local Coastal Program Amendment through the CA Coastal Commission. *Responsibility: City Clerk prior to amending maps.*
3. The proposed zoning and general plan map amendments will not go into effect until approved by the City Council and certified by the CA Coastal Commission. *Responsibility: City Clerk prior to amending maps.*

ATTACHMENTS

- Site plan (one 11" x 17" page)
- 2009 Draft Land Use Map (1 page)
- Zone and Land Use Designation Comparison Table (2 pages)
- Letter from Kathleen Lake and Tom Davies (5 pages)

Trinidad General Plan

Figure 1: Land Use Designations (Draft 10-22-09)



Legend

	City Limits
	Trinidad Land Use Zones
	OS - Open Space
	SE - Special Environment
	SR - Suburban Residential
	UR - Urban Residential
	MU - Mixed Use
	C - Commercial
	H-Harbor
	VS - Visitor Services
	PC - Public and Community

1 inch equals 1,000 feet
 0 500 1,000 Feet

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City of Trinidad

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Map updated October 2008
 Future revisions could affect land use designations

	Urban Residential (UR)	Planned Development (PD)
Purpose	<p>General Plan (Appendix A, page 2-3) The Urban Residential category provides areas for intensive residential development. These areas are served by public water systems, public sewers are available or soil conditions have a demonstrated capacity to support septic tank systems at the allowable density. Nearby areas designated for commercial uses provide Urban Residential areas with necessary commercial services. Unobstructive home occupations and limited rooming and boarding of non-related residents or visitors may be appropriate.</p>	<p>General Plan (Appendix A, page 3) The Planned Development category identifies areas that are: (1) essentially residential where limited commercial activities may be appropriate subject to special integrating design; or, (2) sites which, because of their location, are suitable for one or more types of uses but where considerable design flexibility is needed to adapt the use to the site and to surrounding areas. In addition to allowing the types of housing prescribed in the Housing Element the Planned Development category may include visitor accommodations and services, commercial uses, and recreational uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings. Campgrounds and Recreational vehicles parks are not considered appropriate visitor accommodations in the Planned Development category. Intensity of development should not exceed that allowed in the Urban Residential category or waste disposal constraints, whichever is more restrictive.</p>
	<p>Zoning Ordinance 17.32.010 The urban residential zone is intended to be applied in areas designated as urban residential in the general plan. These areas are served by public water systems. This zone allows the highest density of residential use, taking into consideration neighborhood characteristics and soil capacity for wastewater leaching. The following regulations shall apply in all urban residential zones. (Ord. 166 §4.06(part), 1979)</p>	<p>Zoning Ordinance 17.36.010 The planned development (PD) zone is intended to be used in areas designated as planned development in the general plan. These areas are either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses. Limited commercial uses, including visitor accommodations, visitor services, recreational uses, offices, gift shops and personal services may be appropriate. The PD zone is not intended for campgrounds and recreational vehicle parks.</p>
Permitted Uses	<p>Zoning Ordinance 17.32.020 Principal permitted uses are: A. Single-family dwelling, subject to the requirements of Section 17.32.090; B. Home occupation, as provided in Section 17.56.060. (Ord. 166 §4.06(A), 1979)</p>	<p>Zoning Ordinance 17.36.020.A. Uses permitted with a use permit in the PD zone are: A. Single-family dwelling, duplex, condominiums and townhouses with not more than four dwellings in a building; groups of permitted types; B. Motels, inns, gift shops, restaurants (not drive-in), personal services, professional offices, retail sales and visitor services; C. Home occupations as provided in Section 17.56.060; D. Rest homes, day care centers; E. A combined residence with a business use allowed by this section, other than a motel, where the business is not a home occupation as described by this title. (Ord. 87-190 §1(Exh. A(part)), 1987; Ord. 168 §3, 1980; Ord. 167 §7, 1980; Ord. 166 §4.07(A), 1979)</p>
	<p>Zoning Ordinance 17.32.030 Uses permitted with a use permit in the UR zone include: A. Guest house; servant's quarters; B. Removal of trees more than twelve inches DBH. (Ord. 167 §6, 1980; Ord. 166 §4.06(B), 1979)</p>	
Minimum Lot Area	<p>Zoning Ordinance 17.32.040 When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the city. In no case shall a lot be less than eight thousand square feet in area. (Ord. 166 §4.06 (C) (1) , 1979)</p>	<p>Zoning Ordinance 17.36.030 For planned developments with five or more dwelling or commercial units, two thousand five hundred square feet per dwelling lot; none for commercial units; provided that the ground floor area of the unit shall not exceed one hundred percent of the lot area, except ground floor area shall not exceed seventy-five percent of the area of a corner lot. Lots shall be not less than thirty feet in width, except that corner lots shall not be less than forty-two feet in width. For planned development with less than five dwelling or commercial units, eight thousand square feet. (Ord. 166 §4.07(B)(1), 1979)</p>
	<p>Housing Element §4.B.2. Table 19 Single Family Min Lot Area: 8,000 s.f.</p>	
Minimum Yards	<p>Zoning Ordinance 17.32.060 Unless modified by the design assistance committee as provided in Section 17.56.190, minimum yards in the UR zone are: A. Front, twenty feet; B. Rear, fifteen feet; C. Side, five feet. (Ord. 166 §4.06 (C) (3) , 1979)</p>	<p>Zoning Ordinance 17.36.050 Minimum yard requirements in the PD zone are as follows: where eight thousand square feet minimum lot area applies, same as UR zone; where two thousand five hundred square feet minimum lot area applies, none, except when adjacent to any other zone the yard shall be the same as that required in the adjacent zone. The minimum yard between buildings shall be equal to the height of the higher building. (Ord. 166 §4.07(8)(3), 1979)</p>
	<p>Housing Element §4.B.2. Table 19 Front - 20 Rear - 15 Side - 5</p>	
Maximum Density	<p>Zoning Ordinance 17.32.050 Maximum density in the UR zone is eight thousand square feet of lot area per dwelling, guest house or servants' quarters. (Ord. 166 §4.06(C)(2), 1979)</p>	<p>Zoning Ordinance 17.36.040 The number of dwelling units permitted shall be determined by dividing the net development area by eight thousand square feet. Net development area shall be determined by subtracting the area devoted to commercial uses including yards, open space, parking and access roads serving commercial uses, and areas over thirty percent slope. If septic tanks are the intended means of wastewater disposal, density shall be based on soil suitability and the requirements of the city's wastewater disposal regulations. (Ord. 166 §4.07(8)(2), 1979)</p>
	<p>Housing Element §4.B.2. Table 19 Single Family Density: 1 unit per 8,000 s.f.</p>	
Maximum Height	<p>Zoning Ordinance 17.32.070 Maximum building height in the UR zone is twenty-five feet, except that the design assistance committee may require a lesser height as provided in Section 17.56.190. (Ord. 166 §4.06(C)(4), 1979)</p>	<p>Zoning Ordinance 17.36.060 Maximum building height is twenty-five feet, except that the design assistance committee may require a lesser height as provided in Section 17.56.190. (Ord. 166 §4.07(8)(4), 1979)</p>

	Urban Residential (UR)	Planned Development (PD)
Open Space	Zoning Ordinance: N/A	Zoning Ordinance 17.36.070 Twenty-five percent of the project site shall be common open space when dwellings are included. In addition, eight hundred square feet of common usable open space shall be provided per dwelling unit. The developer shall landscape and provide suitable recreational facilities within the usable open space areas and establish a homeowners' association or other means of providing for the perpetual maintenance of both usable and unusable common open space. Private open space, consisting of balconies or fenced area, shall be provided adjacent to each dwelling unit, and the area of such private open space shall be at least ten percent of the gross floor area of the dwelling unit. (Ord. 166 64.07(8)(5), 1979)
Vegetation Removal	Zoning Ordinance 17.32.080 Trees may be removed if they are diseased or pose an imminent danger to people or structures, subject to the approval of the city engineer. Vegetation shall not be removed from a proposed building site until the site is approved by the building inspector. The building inspector shall approve the proposed site only if it involves removal of the least number of trees over twelve inches DBH. The minimum number of trees and shrubs over eight feet in height may be removed for the purpose of improving private or public views subject to the approval of the design assistance committee. (Ord. 166 §4.06 (C) (5) , 1979)	Zoning Ordinance: N/A
Required Geologic Study	Zoning Ordinance 17.32.090 Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the SR zone shall only be permitted on lands designated as unstable or of questionable stability on Plate 3 of the general plan if analysis by a registered geologist or engineering geologist, at the applicant's expense, demonstrates to the satisfaction of the planning commission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist's report shall conform to the requirements of Section 17.20.130. (Ord. 166 §4.06 (C) (6) , 1979)	Zoning Ordinance: N/A
Parking		Zoning Ordinance 17.56.180.B.8. Within the PD planned development zone: gift shops, personal services, professional offices, retail sales, visitor services and combined residence and businesses other than a home occupation: a minimum of three spaces for up to five hundred square feet of gross floor area of the business; an additional one space per each additional three hundred square feet of gross floor area of the business.
	Zoning Ordinance 17.56.180.C. Where four or more dwellings are located on the same lot, outdoor parking shall not be closer than five feet to any on-site building and not closer than three feet to any side or rear lot line.	
		Zoning Ordinance 17.56.180.H. In the PD, planned development zone, in lieu of providing parking facilities required by the provisions of this section, the requirements may be satisfied by payment to the city, prior to the issuance of the building permit, of an amount per parking space, prescribed by the council, for each parking space required by this section but not provided....The council may decline to accept payment in lieu of providing parking facilities.
	Housing Element §4.B.2. Table 19 Single Family: 2 off-street parking/unit	Housing Element §4.B.2. Table 19 Single Family: 2 off-street parking/unit Multi Family: 1.5 off-street parking/unit
Notes	General Plan (Recommended Policy No. 47, page 30) Only single family residences should be permitted in the Urban Residential, Suburban Residential, Rural Residential and General Rural categories	General Plan (Recommended Policy No. 48, page 30-31) Multiple family developments such as condominiums, townhouses and apartments with from one to four dwelling units in a building may be appropriate in the Planned Development category provided the density does not exceed that of the Urban Residential category or waste disposal constraints whichever is most restrictive.
	General Plan (page 6) Amendments to the Land Use Map shall be scheduled for public hearing before the Planning Commission in September or January. Scheduling the first hearing for amendment to the Land Use Map at any other item shall only occur if authorized by the City Council.	

August 7, 2018

**Regarding: Public Written Comments for Trinidad Planning Commission Meeting:
2018-01 Zoning changes for Reinman 4 plex from UR to PD, and future "use changes".**

From: Kathleen Lake and Tom Davies

Dear Trinidad Planning Commission,

We are writing to ask you to deny the rezoning of the four-plex on Parker Street in Trinidad from family dwelling units/UR to "other uses"/PD. We are requesting that you preserve existing housing stock and to retain the fishing village community atmosphere as is stated in our Trinidad General Plan.

We are concerned that this project would not only allow this property, but others to capitalize on the residential housing in Trinidad. This rezoning would be the same as allowing the building of a hotel, without onsite management, by skirting the laws and illegally spot zoning, for one investor. Allowing the potential change of use to "other" creates multiple potential additional problems for the neighborhood through additional commercialization (e.g. parking, traffic, over occupancy, transient use) and unforeseen consequences. This proposal does not follow the General Plan objective of 1) protecting residential housing stock or 2) maintaining a "small seaside village atmosphere."

The "classic" definition of spot zoning is *"the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."* We request that you deny the request to rezone the 4 plex. Given the facts, rezonings must be consistent with the policies and land use designations set out in the General Plan. What's really at stake is deciding whether zoning laws are important and/or relevant. How could you pick and choose who to say yes or no to?

We have a housing crisis in Trinidad not a tourist accommodation crisis. We are all well aware of the exceptions that have already been granted to this property with the operation of two STRs in the 4 plex, despite the fact that one STR per property was intended and agreed to by the City Council. It appears that the rezoning of this property is for the sole intent of changing it, from a residential use, to allow for a quasi-hotel to be run for the profits of the property owner and to the detriment of the current and future residents of Trinidad. The potential clearly exists for this to fall under the illegal umbrella of spot zoning. This proposed change does not follow the General Plan, it does not protect housing stock, separate visitor services from residential zones, or retain the small fishing village atmosphere. The surrounding properties are located on narrow residential streets, with limited parking, and high density urban residential single family dwellings. Congestion in the neighborhood with car traffic, bicycles, and pedestrians and parking is already an issue. This change would create additional congestion in and around the historic church and neighborhoods.

Historically, the primary use of this property has been as a family homes. Most likely anyone who has lived in town for more than the past five years has known someone who has lived in this 4-plex. Fishermen, seniors, families and artists. Members of our community. These people were moved out to make way for Short Term Rentals. This has changed the character of the property to that of a quasi hotel with illegal signs that say "guest parking". Retaining the UR designation is the only factor in assuring that this doesn't become more of a hotel. This property in the past two years has already been changed from four moderately priced family dwelling units to two year round vacation rentals where residents are never present. Investors who operate STRs even with as few as one property, house or condo, that they don't live in, *in fact remove that property from the rental inventory*. Often these investors own at least several, or are part of a consortium owning many, in residential zones. This business model is only profitable because it skirts regulations. It is the obligation of the Planning Commission to uphold zoning and follow the General Plan. Continue to support and protect residential housing stock and assure the continued the use of this property as residential in the future.

In February 2015, a VDU Ordinance Amendment (see below) was submitted to the CCC without approval, and without direction from the Trinidad Planning Commission or the Trinidad City Council, but rather by the City Planner and City Manager, virtually making a deal with the property owner outside of public process. This action then came to the attention of the Planning Commission and the City Council in the summer of 2015, and the ordinance was never amended.

MEMORANDUM

March 9, 2015

Commissioners and Interested Persons

Charles Lester, Executive Director

Alison Dettmer, Deputy Director

Robert S. Merrill, North Coast District Manager

James R. Baskin AICP, Coastal Planner

Edmund G. Brown, Jr., Governor

Subject: Addendum to Commission Meeting for Wednesday, March 11, 2015

North Coast District Item W9a, LCP Amendment Application LCP-1-TRN14-0846-1

(Vacation Dwelling Units Ordinance)

"The correspondence raises concerns regarding the "one vacation rental unit per parcel" limitation that is proposed by the ordinance submitted for certification. As indicated in the attached email, Michael Reinman, one of the vacation rental unit proprietors, asserts that the City intended to allow for multiple vacation rental units per parcel in apartment buildings, notwithstanding the per-parcel limit stated elsewhere. The VDU proprietor is seeking that additional language be added to the ordinance to clarify that the one-VDU-per-parcel limitation is intended to be applied solely to single-family residential settings where the letting of both a

primary and secondary dwelling units would be problematic from a neighborhood character and compatibility perspective. "

<https://documents.coastal.ca.gov/reports/2015/3/w9b-3-2015.pdf>

Minutes from the 7/15/17 Planning Commission meeting:

"Planner Parker reminds the Commission that the amendment is not approved yet, but she was specifically directed by the City Council to put this language in the Ordinance. The points that Commissioner Lake made about density, a cap, the moratorium and needing further direction may be true, but the Council indicated that they did not consider the impacts of the one VDU per parcel limitation on the 4-plex when they voted on it. If the amendment is approved, it would take a little time to prepare the application for submitted to the Coastal Commission, and then their process takes time, which would not fix Mr. Reinman's VDU issues until after the summer season."

Motion (Johnson/Stockness) *move that based packet materials, information and findings included in the Staff Report, and based on public testimony, to recommend to the City Council that the proposed amendment to the VDU ordinance not be pursued at this time for the following reasons:*

- The language limiting VDUs to one per parcel was not a mistake. It was put in purposefully, and for a good reason, at a public meeting several months before the ordinance was adopted. It was also included in the recommended ordinance of the original VDU Committee that was derived based on consensus.*
- The amendment is important to protect the affordable housing stock in Trinidad, particularly in multi-family dwellings, which tend to be cheaper to rent.*
- It is also important for maintaining community structure with neighborhoods and residents that can serve on governing bodies, committees and other volunteer services such as the Trinidad Volunteer Fire Dept.*
- The amendment seems reactionary and designed to benefit one property and one property owner. It does not appear that it was fully vetted.*
- It also does not fit with the direction that the Council is currently moving toward in consideration of a moratorium and future cap on the number of VDUs. These larger issues will be considered in the next year, and this amendment should be discussed as part of the bigger picture.*
- The ordinance has not even been implemented yet, so it is premature to be considering amendments. The ordinance itself calls for a review within two years. The amendment is not likely to receive certification in time for this summer season anyway.*
- The amendment needs more public input and should go back to a Committee.*
- The future development potential of several large PD lots in town make the amendment problematic in relation to the possible ramifications. There are other unknown implications that need further study. This includes other possible existing multi-family dwelling units in town that City staff may not know about.*

• Finally, the 4-plex is within the Urban Residential Zone, which calls for single-family residences. Most other VDUs in town are also in this zone. It seems like bad precedent to allow such an intensive use in that zone. Passed unanimously (4-0).

January 2016, following the STR amendment attempt by City Staff without oversight or direction, and using her ministerial capacity, the City Planner was **on record** advising the owners to now tear down a wall between two of the upstairs units to make them one unit. This was unknown to the City Building Inspector or the Planning Commission at the time. Public records to this fact are available on the City website. Planner

Parker's email states:

Zimbra *Remove* trever@streamlineplanning.net

Re: Reinman's vdu licenses

Kitchen in Apts.

From : Trevor Parker <trever@streamlineplanning.net>

Tue, Jan 19, 2016 02:25 PM

Subject : Re: Reinman's vdu licenses

To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Cc : Sandra Cuthbertson <scuthbertson@trinidad.ca.gov>

Just confirming that Dan is correct - both the apartments are 2 bedroom, so the maximum occupancy would be 10 if both are rented and 6 if only one is rented.

Also, I did speak with him about installing a door between the two apartments to connect them when they are rented together. I told him that no planning approval would be required for that, and that it should still fit within the ordinance and the proposed use. He will work with John on the building permit. I also mentioned that if the City changes the definition of VDU, or other provisions of the ordinance, that could change the situation. For example, if the City defines a VDU as a "dwelling unit" then one of the kitchens would have to be removed in order to rent them as one VDU.

Kitchen would need to be removed

Trevor Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

We appealed the City Manager's decision in April 2016, to allow the 4 plex to be used as multiple STRs. It was apparent that the City Manager and City Planner were clearly working outside of public process to approve this property at the investors request. For additional information please refer to the Planning Commission document file under August 2016 PC Packet.

<http://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/PlanningCommission/2016/pc%20packet%200816%20appeal.pdf>

Please uphold your obligation to the residents of Trinidad by protecting residential housing stock for people who want to live and work in Trinidad. This multi-family dwelling unit are spaces for housing, for Trinidad residents. Changing the use would constitute illegal spot zoning for one

investor to increase profits, violate the general plans and decrease our housing limited and dwindling housing stock.

The Trinidad General Plan states the following:

Trinidad's role in the effort to provide adequate housing is focussed on three areas: (a) Attempting to keep the cost of existing moderate cost housing down so it can continue to be available to people with limited incomes who desire to live in Trinidad; [Replaced with Policies 3, 4, 10, 11]

(b) Protecting the unique character of the City as a single-family owner occupied fishing village; [Replaced with Policy 2] (c) Encouraging the County to allow a variety of housing types in the residential areas surrounding the City consistent with septic tank limitations. [Revised in Policy 5] 37 46.

The City should continue to maintain a rural lifestyle because it is preferred by residents and also because it allows for a low level of public services and thereby keeps property taxes and utility charges at a minimum. This helps to keep the cost of operating a residence as low as possible. [Replaced with Policies 1, 8, 11, 13, 14] 47.

The City should investigate and cooperate in implementing appropriate programs providing assistance which will enable low and moderate income persons to find and retain suitable housing. [Revised with Policies 7, 10, 11]

<http://trinidad.ca.gov/sites/trinidad.ca.gov/files/library/PlanningDocs/GenPlan1980/trinidadhousingmay97.pdf>

We request the Trinidad Planning Commission to uphold the General Plan and deny this change of zoning for the 4 Plex on Parker Street. This property should remain Urban Residential Non-Conforming to assure its use as residential housing. It should not be rezoned Planned Development. Residential housing is for residents, not tourists. Speculators cannot be allowed to take over residential housing in Trinidad.

Sincerely,
Kathleen Lake
Tom Davies
Trinidad Residents

RESOLUTION NO. 2019-02

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, AUTHORIZING SUBMITAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE LAND USE MAP OF THE TRINIDAD GENERAL PLAN / LAND USE PLAN PORTION OF THE LOCAL COASTAL PROGRAM AND AMEND THE ZONING MAP OF THE IMPLEMENTATION PLAN PORTION OF THE LOCAL COASTAL PROGRAM TO CHANGE APN 042-042-017 FROM URBAN RESIDENTIAL TO PLANNED DEVELOPMENT

WHEREAS, the City of Trinidad City Council has adopted Resolution 2019-01 amending the Land Use Map and Ordinance 2019-01 amending the Zoning Map of the City's Local Coastal Program to change APN 042-042-017 from Urban Residential to Planned Development; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the amendment is Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03 as certified), the Planning Commission recommended approval of the amendments to the Land Use Map and Zoning Map on August 29, 2018, and the Trinidad City Council adopted the general plan amendment by Resolution 2019-01 on January 9, 2019 and adopted the zoning amendment by Ordinance 2019-01 on February 13, 2019 as recommended and conditioned by the Planning Commission; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad as follows:

1. City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

Introduced, passed and adopted this 13th day of February, 2019 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:



DISCUSSION AGENDA 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

3. Discussion/Decision regarding Interim City Manager Service Agreement.

ACTION AGENDA ITEM

Date: January 9th, 2018

Item: CONSIDER APPROVAL OF CONSULTANT AGREEMENT WITH DANIEL BERMAN FOR INTERIM CITY MANAGER SERVICES, AND CORRESPONDING BUDGET ADJUSTMENT

Summary:

City Manager Dan Berman's employment contract ends January 12th. The hiring process for a new City Manager is underway, but it is unlikely anyone will be ready to start work until late February. Mr. Berman would like to continue assisting the City during this time period and is proposing to do so as an independent consultant rather than a City employee. Mr. Berman is starting other work and needs to reduce his hours for the City accordingly.

The attached Independent Consultant Agreement would hire Mr. Berman as an independent consultant to perform Interim City Manager services for the City during the ongoing transition. Mr. Berman would work an average of 15 hours per week for nine weeks, through the week of the regular March Council meeting. The hourly rate of \$65 is very close to the current 'loaded' payroll cost to the City of approximately \$63/hr for the City Manager (including all payroll and retirement costs).

Mr. Berman would meet weekly with the Mayor to review work performed and prioritize tasks and projects. The Agreement can be modified either to extend or to shorten it as desired by the City based on the start date of the new City Manager and Mr. Berman's performance under the agreement.

Financial Implications:

The total cost of the agreement through the anticipated nine weeks would be \$8,775 (135 hrs at \$65/hr). For comparison, continuing Mr. Berman's current employment contract through this time period would have a total payroll cost of approximately \$17,000. The hourly cost to the City is very similar, but the City will save approximately \$8,200 due to the reduced hours provided under this contract compared to the current 30 hrs/wk City Manager contract.

Alternatives:

The City could designate City Clerk Gabe Adams as the Interim City Manager, and either forgo this Agreement entirely, or significantly reduce the duration of the agreement. This would save additional money on payroll, but would impact staff workload and City productivity.

Staff Recommendation:

- Authorizing the Mayor to enter into the attached Independent Consultant Agreement for Interim City Manager Services for an amount not to exceed \$8,775.
- Authorize a Budget Adjustment to shift \$8,775 from payroll expense line items to the Contracted Service line item.

Attachments:

- Independent Consultant Agreement for Interim City Manager Services

**Independent Consultant Agreement between the City of Trinidad and Daniel Berman for
Interim City Manager Services**

This Independent Consultant Agreement (Agreement) is entered into this ____ day of _____, 2019, by and between the City of Trinidad, a California municipality ("City"); and Daniel Berman, an independent consultant (Consultant), collectively, the "Parties" and each individually as "Party")

WHEREAS, the Parties wish to memorialize in writing an understanding of the Parties' individual obligations and the terms by which the Parties agree to services provided by Daniel Berman for the City of Trinidad defined as below;

NOW THEREFORE, the Parties acknowledge and agree upon the following terms:

1. Term of Agreement

This Agreement will become effective on January 14th, and will continue through March 17th, for a total of nine weeks. The term can be amended by agreement of both Parties in writing.

2. Entire Agreement

The terms and conditions of this Agreement represent the entire agreement between the Parties and supersede any prior documents or understandings, whether written or oral.

3. Services to be Performed by Consultant

Consultant has been serving as City Manager for Trinidad, and is agreeing to perform Interim City Manager services during the ongoing transition in the City Manager position, including but not limited to assisting the City Council in the hiring process, advising and orienting the new City Manager as they begin their work, and helping to manage ongoing City projects in the interim period until the new City Manager begins work. The current City Manager Job Description is the Scope of Work for this Agreement. Priorities for the Consultant's work shall be managed by the Mayor with the input of the Council. Consultant shall work an average of 15 hours per week for the City during the term of this Agreement, with total hours not to exceed 135 (nine weeks times fifteen hours/wk) subject to weekly review and approval by the Mayor.

4. Independent Contractor Status

Consultant, in performance of this Agreement, is acting as an independent contractor and is not acting as an employee of City. Therefore in making payments under this Agreement, City shall not withhold federal or state income tax, Social Security contributions, state disability contributions, or any other federal, state, or local statutory deductions. City shall not provide any retirement or other 'fringe' benefit contributions to Consultant. It shall be the Consultant's sole responsibility to pay any and all applicable taxes, Social Security contributions, and other federal, state, and local contributions, as a self-employed individual.

5. Warranties

Contractor acknowledges and agrees that he is qualified to provide the Services outlined in this Agreement, and that they will be performed in a timely and proficient manner with care for the interests of the City.

6. Method of Performing Services:

Consultant will determine the method, details, and means of performing the above-described services, in consultation and coordination with the City. Consultant may use the City Manager's office, computer, and related materials during this period until a new City Manager begins work.

7. Compensation:

The compensation rate for work under this Agreement shall be \$65/hr. Consultant shall invoice the City monthly and shall meet weekly with the Mayor to review priorities, work performed and project status.

8. Insurance

Consultant shall maintain and provide proof of insurance coverage as described further below. A certificate of liability insurance, naming the City of Trinidad and its employees, officers, and elected officials as additionally insured, shall be provided to City prior to performing any work under this contract.

Consultant shall hold and maintain throughout this agreement:

A) General Liability Insurance Coverage not less than a single limit coverage of \$1,000,000

B) Professional Liability Insurance Coverage not less than a single limit coverage of \$1,000,000

9. Indemnification

Consultant shall indemnify and hold the City and its agents, officials, and contractors harmless from any loss or liability arising from performing services under this Agreement.

City shall indemnify and hold Consultant harmless from any loss or liability arising from performing services under this Agreement.

10. Non-Compete and Non-Exclusive

Parties agree that the Consultant is free to take on other work outside of and independent of this Agreement, provided that such work does not directly compete or conflict with City interests or mission or otherwise impair the ability of Consultant to fulfill this Agreement.

11. Obligations of Corporation

Corporation agrees to meet the terms of all reasonable requests of Consultant necessary to the performance of Consultant duties under this Agreement.

12. Assignment:

Neither this Agreement nor any duties or obligations under this Agreement may be assigned by Consultant or Contractor without the prior written consent of Contractor and Corporation.

13. Termination of Agreement:

Notwithstanding any other provisions of this Agreement, either party hereto may terminate this Agreement at any time by giving 10 days written notice to the other party.

14. Amendments:

This Agreement can be amended by mutual agreement of both parties in writing.

15. Notices:

Any notices to be given hereunder by either party to the other may be made either by personal delivery or by mail, registered or certified, postage prepaid with return receipt requested. Mailed notices shall be addressed to the parties at the following addresses:

City: City of Trinidad, Mayor Steve Ladwig, 409 Trinity St, Trinidad, CA 95570

Consultant: Daniel Berman, 845 Hidden Pond Ave, McKinleyville, CA 95519

Each party may change the above address by written notice in accordance with this paragraph. Notices delivered personally shall be deemed communicated as of the date of actual receipt; mailed notices shall be deemed communicated as of three (3) days after the date of mailing.

16. Severability

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

17. Governing Law:

This Agreement shall be governed by and construed in accordance with the laws of the State of California

Agreed, as attested to by signatures:

City of Trinidad, by _____
Mayor Steve Ladwig

Date _____

Consultant, by _____
Daniel Berman

Date _____



DISCUSSION AGENDA 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 5 PAGES

4. Discussion/Decision regarding Councilmember Commissionership Assignments

DISCUSSION AGENDA ITEM

Wednesday, January 09, 2019

Item: Discussion/Decision regarding Councilmember Commissionership Assignments.

Trinidad City Councilmembers serve as representatives to various boards, advisory committees, and agencies within the county. The attached chart identifies the Committees and Boards that the city participates in by designating representatives to. At any time the Council may choose to renegotiate the positions, but it is customary to assign them as soon as possible after each election or new member appointment.

Recommended Action: Appoint/Distribute committee assignments as needed.

Attachments: Committee Assignment Charts (2)

Committee Assignments: *As of December 11, 2018.*

COMMITTEE	REP	ALT
Humboldt Waste Management Authority HWMA	Miller	West
Humboldt County Association of Governments HCAOG	West	Rotwein
Tsurai Management Plan Implementation Committee	West, Baker	<i>No Alt.</i>
Redwood Regional Economic Development Corp. RREDC	Ladwig	Baker
HTA Humboldt Transit Authority HTA	Ladwig	West
Redwood Coast Energy Authority RCEA	Miller	West
CCNM Trinidad Gateway Committee	Ladwig	Rotwein
Humboldt County Convention & Visitors Bureau HCCVB.	Rotwein	Miller
Library, Museum, Park Committee	Baker	West
Office of Emergency Services OES	Rotwein	Ladwig
Hazardous Materials Response Authority HMRA	Rotwein	West
Indian Gaming Benefit Committee	Miller	West
Humboldt Mayors Committee	Rotwein	
Local Law Enforcement Committee	Baker	
Tribal Government Liaison – (Trinidad Rancheria/Yurok Tribe)	Rotwein	West
League of CA Cities	As Needed	
Trinidad Trails Committee	Rotwein	

Committee appointments for Trinidad City Council members – Updated December 11, 2018

* Meeting Dates, Times, and Locations have not been completely verified

Committee & Function	*Mtg. Time	*Mtg. Place	members	Current appointee	Comments
Humboldt Waste Mngmt. Authority: Oversees county waste collection & disposal (hazardous, solid & food waste)	6:30 2 nd Thursday	Eureka City Hall	Arcata, Blue Lake, Eureka, Ferndale, Rio Dell, County	Miller Alternate: West	Decisions have a big county-wide financial impact.
Humboldt County Association of Governments. (HCAOG): County-wide transportation planning and programming	3 rd Thurs. 4:00 pm	HCAOG Conference Room	Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad, County	West Alternate: Rotwein	Big packet, many important county-wide decisions. Reps are usually Mayor and Mayor Pro-Tem)
Tsurai Management Plan Implementation Committee: Implement Management Plan	As needed or requested by members.	Trinidad	City, Tsurai Ancestral Society, Yurok Tribe, Coastal Conservancy	West/Baker No Alternate	This committee was negotiating for property transfer & is currently inactive. May change focus to improvements on TSA site per Management Plan
Redwood Regional Economic Development Corp. (RREDC): Administers loans and grants to improve business & job opportunities in Humboldt county	6:30 4 th Monday	Eureka	Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad, Humboldt County, McKinleyville, Orick, Redway, Willow Creek, Hoopa, Orleans, Manila, Humboldt Bay Municipal Water District, Humboldt Harbor Commission, College of the Redwoods	Baker Alt: Ladwig	
Humboldt Transit Authority: Oversees county-wide transit services Trinidad to Garberville	9AM 3 rd Wed.	Eureka	Trinidad, Arcata, Eureka, Fortuna, Rio Dell, County	Ladwig Alt: West	
Redwood Coast Energy Authority Board (RCEA): Develop & implement sustainable energy projects in Humboldt county	3:00 3 rd Monday	633 3 rd Street, Eureka	Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad, County, Humboldt Bay Municipal Water District	Miller Alt: West	

Committee appointments for Trinidad City Council members – Updated December 11, 2018

* Meeting Dates, Times, and Locations have not been completely verified

CCNM Trinidad Gateway: protect the diversity of life on coastline and offshore rocks by education and community cooperation	Quarterly or as needed	Trinidad or Arcata	Trinidad, Native Plants, Trinidad Library, HSU Marine Lab, BLM, Trinidad Land Trust, Yurok Tribe, Tsurai Ancestral Society, State Parks and Fish and Game, Rancheria	Ladwig Alt: Rotwein	
Humboldt County Convention and Visitors Bureau (HCCVB): Promotes Tourism in Humboldt County	Bimonthly Lunch meeting	Varies	Governments and businesses throughout Humboldt County	Rotwein Alt: Miller	
Humboldt County Hazard Mitigation Committee: County-wide effort to reduce risk and plan for efficient recovery from natural disasters.	2X year or as needed	varies	26 planning partners include local governments, fire departments, hospitals, etc.	Rotwein Alt: West	
Joint Committee for Park/Museum/Library: Plan, implement and coordinate Park, Museum & Library projects.	Inactive	Trinidad	City, Museum, Library, Land Trust Contractor	Baker Alt: West	
Office of Emergency Services (OES): prepares for natural; disasters, coordinating efforts of first responders.	Bi-monthly, 1 PM	Eureka	County, cities, service districts, medical providers, Ham radio, HSU, weather service, Fish & Game, etc.	Rotwein Alt: Ladwig	1 hour meeting
Indian Gaming Funds: Distribute funds to local communities and projects to offset casino impacts	Inactive: no money			Miller Alt: West	This committee meets when the state sends Gaming money. This year, no money.
Humboldt Mayors Committee: Recommends candidates for appointments	As needed	Eureka City Hall	Arcata, Eureka, Blue Lake, Rio Dell, Fortuna, Ferndale, Trinidad	Miller	

Committee appointments for Trinidad City Council members – Updated December 11, 2018

* Meeting Dates, Times, and Locations have not been completely verified

Law Enforcement Committee	As Needed	Trinidad	Law enforcement discussions/Neighborhood Organizing Trinidad Rancheria/Yurok Tribe	Baker	
Tribal Government Liaison				Rotwein Alt: West	