

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, JANUARY 14, 2020

I. CALL TO ORDER

Mayor Ladwig called the open meeting to order at 6:00pm. Council members in attendance: Miller, West, Ladwig, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Planner Trever Parker, City Engineer Steve Allen, City Attorney Andy Stunich.

II. CLOSED SESSION REPORT – *The Council adjourned to closed session at the end of the meeting.*

1. *Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957.*

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE AGENDA

Motion (West/Miller) to move approve the agenda as amended. Passed unanimously.

V. APPROVAL OF MINUTES

11-12-19 cc, 11-19-19 scc, 11-26-19 cc2, 12-10-19 cc

Motion (West/Grover) to approve the minutes as submitted. Passed unanimously.

VI. COUNCILMEMBER REPORTS/COMMITTEE ASSIGNMENTS

Davies: Trails Committee met with Grant Administrator Becky Price-Hall to discuss grant opportunities.

Miller: RCEA discussed reducing their carbon footprint, power purchase agreement, Humboldt BOS denial of Terra Gen wind energy project, King Salmon power plant requirements. Complimented the City Manager and Grant Administrator for pursuing a PG&E grant to install a backup battery system in conjunction with the solar panel install at the Town Hall.

West: Nothing to report.

Grover: Attended the RCEA meeting with Miller.

VII. STAFF REPORTS

City Manager Naffah highlighted items listed in the written staff activity report. Considering a mid-year budget review in February, provided an update on the cell facility on Trinidad Head, and wrote letters of support for projects that the Trinidad Coastal Land Trust and the Trinidad Rancheria at their request.

VIII. ITEMS FROM THE FLOOR

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

Harpani Burns – Arcata resident

Honor your agreements with Tsurai. Close the Galindo and Van Wycke Trails and give the land back to Tsurai.

Axel Lindgren III – Tsurai Ancestral Society

Provided a brief background and history of the Tsurai people and their ancestral land. The Tsurai Ancestral Society is willing to work with the City and help share and preserve the culture and history of the Native people.

Joe Morrison – Arcata resident

Honor your agreements with Tsurai. It's shameful how they are being treated.

Margaret Stofsky – NAACP Member

I'm here to support the tribes, and ask that you examine your relationship with the Civic Club. Read a quote from the recent LA Times article. Honor your agreements with Tsurai.

Kathleen Lauder – NAACP Member

Quoted a City resolution from 2018 condemning bullying and racism in all its forms. Return the village to the Ancestral Society.

Steve Madrone – Trinidad Area Resident

I stand with the Tsurai and am willing to volunteer my time to facilitate a meeting and discuss the issues. The Galindo trail should be abandoned.

Sarah Lindgren-Akana – Tsurai Ancestral Society

Ask your City Attorney why the City is in a lawsuit with the Tsurai? If the Council supports us, why are you fighting the land transfer?

Sheri Provolt – Yurok Tribal Representative

I was born and raised in Trinidad, and am currently the Yurok Tribal District Representative for the area between Cranell and Klamath. I encourage the City to work with the Yurok Tribe. We look forward re-opening the Tsurai Management Team and welcome the land transfer discussions. Please honor the places of the people that came before us.

Mayor Steve Ladwig: We appreciate the invitation to re-open the discussions, but it is important to note that the City reached out to the tribal representatives on several occasions and did not receive a response. I believe that a commitment is a commitment and we look forward working with the Tribal representatives on these important issues.

IX. CONSENT AGENDA

1. Staff Activity Report – December 2019
2. Financial Statements November 2019
3. Law Enforcement Report December 2019

*Motion (West/Miller) to approve the consent agenda as written. **Passed unanimously.***

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Presentation of Resolution 2020-01; Acknowledging the Public Service of HCSO Deputy Luke Mathieson.
Mayor Ladwig read the Resolution aloud. The Council thanked Deputy Mathieson for his hard work and dedication to the safety of Trinidad.

Deputy Mathieson thanked Trinidad for the opportunity and noted his appreciation for the City's support.

There was no public comment.

*Motion (Grover/West) to approve Resolution 2020-01. **Passed unanimously.***

2. Discussion/Presentation from the North Coast Preparatory Academy Climate Action Club on Projects to Make a More Environmentally Friendly Area and Community.

Local students and exchange students from Austria and Spain explained that they have been peacefully demonstrating regularly in downtown Arcata to support efforts that address the climate crisis. Each student shared information with the Council on the purpose of their activism. Some of the topics included; Sea level rise, Ocean Contamination Rates, Microplastics, Toxic Trash, Power Outages, Effects of Temperature Changes, Solutions, Education, Action, Zero Waste. They expressed that action needs to be taken immediately to reverse the affects that humans are having on the planet, and incorporate sustainable practices into their everyday lives.

Council comments included:

Miller: Recommended the students think of simple ways we can make a difference on a daily basis.

West: Thanked the students for their passionate presentation, and encouraged them to continue on their mission to inspire others and raise awareness about this very important issue.

The audience applauded their efforts. *Presentation item only.*

3. Discussion/Decision Regarding Van Wycke Bicycle, Pedestrian, and Connectivity Project
City Engineer Steve Allen explained that the he Van Wycke Bicycle and Pedestrian Connectivity Project was approved by the California Transportation Commission (CTC) and programmed in the Active Transportation Program (ATP) for \$714,000. He presented an overview of the project dating back to requests from the City to

find a solution that would both preserve the subsiding trail and the subsurface utilities that are at risk in the area beneath it. Some of the background information included a need assessment, required studies and findings, and technical recommendations. The project was dramatically reduced from its first concept based on public input. Caltrans accepted the modifications. The construction of a retaining wall ended up being the preferred solution to meet the City's needs, and a few critical steps must now be complete before the final design can be put out for a formal bid. However, the project is in a culturally sensitive area and the Tsurai Ancestral Society and Yurok Tribe have raised objection to the retaining wall component. Before the final design is complete, the City needs to determine whether or not to proceed with the current design.

The deadline for project design (plans and specifications) and right of way clearance is April 15, 2020. Possible project options include:

1. Construct project as planned - Re-build pedestrian trail using retaining wall within City right of way and bicycle route on Edwards. This project concept is shown in Figure 2.
2. Secure new right of way easement from uphill landowners and construct planned project with retaining wall uphill of the current City right of way. Similar to Figure 2 concept, but with trail and utility alignment shifted slightly uphill to the north.
3. Construct alternate bicycle and pedestrian connectivity "trail" project: Construct bicycle and pedestrian routes on Edwards Street. The 6" water main and phone/cable utilities could be re-routed to Edwards as well. To prevent bluff inundation and erosion from stormwater runoff, a separate public works project would be needed at the failing section of Van Wycke right of way to support the existing gravity flow stormwater pipe that is being impacted by bluff instability. An alternative project would likely require Caltrans approval which may not fit within the current grant timeline.
4. No project option – abandon the pedestrian trail on Van Wycke. The Active Transportation Program grant would be terminated, and a separate public works project would be needed to provide physical support for water, stormwater and phone/cable utilities currently being impacted by bluff instability. The City would also need to address abandonment of the trail with the Coastal Commission.

Council questions:

Miller: What do we need to provide to meet the grant deadline? **Steve Allen** explained that in order to complete the design, a Geotechnical investigation must be performed.

West: How much has the City spent to-date on this project. **Allen** estimated approximately \$25,000.

City Planner Trevor Parker explained that the project was reviewed on a conceptual basis in 2019 and the CEQA process was fulfilled. However, the Planning Commission understood that the final project design would have to come back for a Coastal Development Permit to address all the Coastal Commission's concerns. Those concerns were outlined in a meeting with the Commission in December; 1) geologic issues, public access, permitting, and alternate access should the trail be closed.

Public comment included:

Axel Lindgren III – Tsurai Ancestral Society

No matter how much work done to retain that slide, there's no guarantee it will last.

Unknown Speaker 1

Drop the project. Listen to the people tonight.

Unknown Speaker 2

Honor your agreements with the Tsurai.

Meg Stofsky – NAACP Member

The Tribes have not agreed to this project. Don't try to bully them into saying yes.

Sarah Lindgren-Akana – Tsurai Ancestral Society

This project has been a moving target. In 2000 the Coastal Conservancy, Coastal Commission, City of Trinidad, and the local Tribes agreed to close the Galindo Trail as part of the Walkway Project. Connectivity through town already exists. There should be no discussion until an acknowledgement has been made that the agreement has been violated. This grant was obtained in bad faith. The City Attorney told you that the Management Plan is meaningless. The Management Team has not met because the City refuses to meet.

City Attorney Stunich noted for the record that he never – not once – said that the Management Plan or the Management Team is meaningless.

City Planner Trevor Parker explained that she was City staff in 2001-2002 when the Walkway Project was being designed, and has not found an agreement or acknowledgement of any kind suggesting the City desired to close the Galindo Trail. **Stunich** further explained that Government Law precludes anyone but the full Council to create binding agreements without a formal vote.

Steve Madrone – Trinidad Area Resident, County Supervisor 5th District

I'm in support of honoring the Tsurai by returning the 12.5 acres to the Yurok Tribe and abandoning the Galindo Trail. I will volunteer my time and service to coordinate the meetings. We need to be more sensitive. A soldier pile retaining wall will not stop the erosion at the toe of the slope.

Unknown Speaker 3

You do not have the Tsurai's consent. No means no. End of discussion.

Tanna Lindgren – Tsurai Ancestral Society

Caltrans should appreciate your willingness to honor Native American cultures by not continuing the project out of respect to the wishes of the Tribes.

Written Correspondence Included:

Yurok Tribe – opposed the project.

Karen Glinden – Trinidad area resident

Opposed the project.

Janice Gloe – Eureka resident

Opposed the project.

Council comments included:

Grover: Cultural sensitivities are very important, but I do not recall this Council ever having a steamroller-effect on any issues of great importance like this.

Davies: Voices are not being heard. We received a packet of comments a day before the meeting. The voices being heard are from the people that are being awarded by the grants. Everyone else's voices aren't being heard as loudly as others. My recollection of the connectivity meetings were that more people had issues or concerns than supported the project. The cumulative impacts of all projects need to be considered. I respect the power of law, but the law isn't always correct. People shouldn't be punished for not voting along the party lines or popular opinion. I would like to make a motion.

Miller: I came to town in 2005. This is a very different Council than the one that served in the early 2000's. In 2005 the Management Plan was the main topic of conversation. I support the Tsurai and their historical rights, and take issue with being accused of not supporting them. In 2007 I was a Councilmember and voted to adopt the Management Plan. I recall a break in the Management Team land transfer discussion due to a rift between the Tsurai and Yurok Tribe – NOT by fault of the City. I support tabling this discussion to ensure that there is safe pedestrian connectivity to the harbor before abandoning it altogether. I support the Tsurai's position, but will have to vote no if the Council entertains a motion to abandon the trail.

West: I do not feel we should table the discussion. It's time to stop this project and start up the Management Team discussions right away. It's time to talk options. I hate to throw away money, but I support the No Project option number 4.

City Manager Naffah: I appreciate that Axel and Sarah are here tonight. Trinidad does have a connectivity problem that must be addressed. Trails are a very important resource to the community and we need to be considerate of public safety.

Motion (Davies) to approve staff report "No Project Option #4" and let nature take its course and abandon the Van Wycke Trail, but direct staff to continue investigating solutions to protect the stormwater drain. Motion failed due to lack of second.

Ladwig: There is no popular or “party line” vote here. The discourse is what matters. I propose this alternate motion:

Motion (Ladwig/West) to abandon the Van Wycke Trail, direct staff to explore solutions to protect the stormwater infrastructure & adjacent utilities, and engage in stakeholder meetings to discuss connectivity as it relates to moving people through town and exploring options that the grant will support. Motion passed 4-1.

Miller - No.

4. Discussion/Presentation Regarding Watershed, Water Supply, and Storage System.

City Engineer Steve Allen explained that this presentation is the culmination of the series of analysis/reports that GHD has performed this past year that will help the City understand its water system and provide some tools needed to address questions about capacity and demand for water from in and outside the City.

Allen pointed out these main points:

1. **Water Rights:** Are there sufficient water rights? YES. There are enough water rights to meet current and future demands of the City.
2. **Capacity:** Is there sufficient capacity? YES, but supplying water beyond the current capacity would require modification to the Treatment Plant.
3. **Storage:** Is there sufficient storage? YES. Current storage has a limited reserve capacity, and the existing reserve is dependent upon fire-fighting reserve volume policy.
4. **Sufficient Source Water:** YES. Luffenholtz Creek historically has provided enough raw water to provide both water to the customers, as well as to meet the needs of downstream rights and bypass flows as required for fish, wildlife, etc. as per the City’s existing water rights.

Storage and Conveyance Capacity Tools: As part of this process, GHD has developed a model of the City’s water system using CAD modeling software that will enable the City to evaluate current and future connection requests and their potential effects on the system. A fire-flow strategy should be addressed with the current policy. Storage is currently sufficient, but there is minimal reserve in the event of a significant drought emergency.

Watershed Analysis: This analysis included water rights, bypass flows and monitoring equipment. There is limited historical creek-flow data to rely on, and variables such as climate change could have a serious impact in the future. There have been 4-known instances when the watershed yield has curtailed flow conditions.

Next Steps

1. Develop a fire-flow policy
2. Develop reserve storage capacity
3. Develop a capital improvement plan for upgrading/replacing aging distribution lines and plant equipment.
4. Develop a drought contingency plan
5. Develop a rate structure that continues to encourage conservation
6. Develop a policy for analysis and fees for new service for both in-city and outside-city requests.
7. Develop alternative supply sources
8. Address limitations in Luffenholtz Creek gravels, infiltration gallery, and wet-well.

Public comment included:

Patti Fleschner – Trinidad

Would replacing old water lines address the system water loss?

Richard Johnson – Trinidad area resident

Our biggest challenge is creating priorities. Have we considered any seismic upgrades?

City Planner Trevor Parker: SHN completed a water demand assessment recently. We kept the current excess capacity in mind when analyzing build-out, and also looked at possible annexation areas. The Planning Commission should develop a draft policy that sets criteria for expansion and provide it to the Council for consideration.

Steve Madrone – Trinidad area resident, County Supervisor 5th District

Explained unknown drought variables, individual storage concept, and encouraged the City to search for grants that will help pay for feasibility studies to explore his proposal to tap springs in the upper watershed to supplement the current water supply. Provided a written draft water policy to the Council.

Council comments included:

Ladwig: We've been told to be super conservative with our water. It seems like it would be better to focus on preserving what we have instead of planning to allocate our excess.

Davies: We need to include the worst-case scenarios in our planning processes.

Presentation and discussion item only. No decision was made. City Manager and staff will include this information in the future planning and budgeting processes.

5. Discussion/Decision regarding Recommendations from STR Advisory Committee.

City Manager Naffah explained that at the STR Advisory Committee meeting on 01/09/2020, the following two recommendations were made to the City Council:

1. *Use the following STR Permit Application Fee Structure language, and to include the Permit Application Cost Recovery Timesheet and STR Permit Cost Tracking Timesheet in every STR Permit Application.*
2. *Set up Best Practice Workshop for Property Managers and Independent STR Owners, along with a representative from the City. Discussion on enforcement and possible revisions of the ordinance not to take place at such a meeting, only an exchange of ideas on best management practices.*

There was no public comment.

*Motion (Miller/West) to accept recommendation #1. **Passed unanimously.***

Davies: I completely disagree with recommendation #2. It is not a legitimate use of City time.

Miller: The full Council does not need to weigh in on the details of how the recommendations are implemented.

No further decisions were made.

6. Discussion/Decision to Accept Letter of Resignation from Planning Commissioner Kathleen Lake, and Authorize Staff to Begin the Recruitment Process to Fill the Vacancy.

The City of Trinidad received a letter of resignation from Planning Commissioner Kathleen Lake, effective 12/18/19. Ms. Lake completed only 1-year of a 4-year term expiring December 2022.

The current commissioners are:

VACANT	<i>must be a city resident</i>	<i>Term expires December 2022</i>
Cheryl Kelly	City Resident	Term expires December 2022
Richard Johnson	Trinidad Area Resident	Term expires December 2022
John Graves	Trinidad Area Resident	Term expires December 2020
Diane Stockness	City Resident	Term expires December 2020

Trinidad Municipal Code allow the Planning Commission to include up to (2) Commissioners that live outside the city limits. Both of these positions are currently filled, so a qualified candidate must live within the city limits to be eligible.

*Motion (Miller/West) to accept Ms. Lake's resignation and authorize staff to begin the recruitment process to fill the vacancy. **Passed unanimously.***

7. Discussion/Decision to Accept Letter of Resignation from STR Committee Member Dorothy Cox, and Authorize Staff to Begin the Recruitment Process to Fill the Vacancy.

The City of Trinidad received a letter of resignation from STR Committee Member Dorothy Cox, effective 12/16/19 Ms. Cox represented the resident/or public position on the committee, therefore the vacancy to be filled must be from someone that lives inside the city limits and has no direct tie to the STR industry.

The current committee members are:

VACANT	<i>Planning Commission Liaison</i>
VACANT	<i>City/General Public Representative</i>
Dick Bruce	City/General Public Representative
Jan Nash-Hunt	STR Owner
Joe Moran	STR Manager

The City Manager, or his/her designee, serves as primary staff liaison to the STR Committee.

The primary role of the STR Committee is to advise and provide recommendations to the City Council, staff, and Planning Commission on matters relating to Short Term Rentals in the City of Trinidad.

There was no public or Council comments.

*Motion (Miller/Grover) to accept Ms. Cox's resignation and authorize staff to begin the recruitment process to fill the vacancy. **Passed unanimously.***

X. FUTURE AGENDA ITEMS

ADJOURNMENT: 10:45pm.

Submitted by:

Approved by:

Gabriel Adams
Trinidad City Clerk

Steve Ladwig
Mayor