

MINUTES OF THE SECOND MONTHLY MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JANUARY 25, 2017

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 6:00pm. Council members in attendance: West, Miller, Baker, Rotwein. **Ladwig was absent.**
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- Move consent #3 and combine with Agenda #6.
 - Consider discussion time limits on agenda items at a future meeting.
- Motion (West/Baker) to approve the agenda as amended. **Passed 4-0.**

VI. APPROVAL OF MINUTES – December 14, 2016 cc, December 14, 2016 scc.
Motion (West/Baker) to approve the minutes as written. **Passed 4-0.**

VII. COUNCIL MEMBER REPORTS

Miller: CCNM – Obama recently designated 13 acres on Trinidad Head a National Monument. RCEA – Continued discussion regarding Community Choice Aggregate program that allows people to select their energy sources. Formally launching the program in May 2017. Local control.

Baker: Deferred to agenda item 2 wishing Deputy Pam Wilcox goodbye and welcoming new Deputy Mathieson. Ongoing discussion with City Manager regarding Measure Z funding options.

Rotwein: Happy New Year. New Councilmember doing homework and getting bearings. Read aloud the Code of Ethics for Public Officials.

West: Nothing to report.

VIII. STAFF REPORTS – City Manager Berman highlighted various accomplishments and project status for the month, including; Installation of replacement water filters underway, revised proposal for Van Wycke Trail was submitted to CalTrans, VDU Ordinance amendment is under review by the Coastal Commission, Tsurai Settlement is being reviewed by the Coastal Conservancy. Met with HSU Marine Lab to discuss a large tree in front of their property that they would like removed. Waiting for arborist recommendations and will report back to the Council. Councilmember **Baker** objected to the removal unless survey issues at his property at 311 Trinity and elsewhere in town are also dealt with. Suggested that the City should determine who planted the tree.

IX. ITEMS FROM THE FLOOR:

Alan Grau – Trinidad

Read a letter aloud that was submitted prior to the meeting regarding the Van Wycke Trail repair project. He alleged that the information was misleading, understating the trail width. Also read a second letter accusing the Council of making an unfair and biased decision regarding the most recent Council appointment and requested a policy be drafted to guide future appointment processes.

Kathleen Lake – Trinidad

Echoed Grau's comments. Also accused the Council of violating the Government Code regarding appointment of Councilmember with conflict of interest.

Leslie Farrar – Trinidad

I made a public comment at the last meeting that was not in the minutes. Councilmembers should have .gov addresses. Quoted Martin Luther King Jr.

John Hedrick – Trinidad

Asked Council what has been done in last 30 days about dangerous safety concerns he mentioned at the last meeting about Scenic Drive? Claimed he would hold the City personally accountable for any incidents that occur.

Shirley Laos – Trinidad Rancheria

The Trinidad Rancheria discussed Mr. Hedrick's comments, but nothing official has been done yet. Shared chocolates as a welcome to the new Councilmembers and as a token of friendship and gratitude to everyone participating in the public process.

Jim Cuthbertson – Trinidad

The City and County share responsibility of Scenic Drive.

Mareva Russo – Trinidad

Asked Council for a future agenda item regarding cellular facility on Trinidad Head. Reminded Council that the lease agreement will expire in April 2017, and supports removal of the site. The head is a national Treasure.

X. CONSENT AGENDA

1. Financial Status Reports for November 2016.
2. English Ivy Petition
3. General Plan Status Update Memo from City Planner

Motion (West/Rotwein) to moved item 3 to include with Discussion #6, and approve consent as amended.
Passed 4-0.

XI. DISCUSSION/ACTION AGENDA

1. Discussion/Decision regarding selection of Mayor and Mayor Pro-Tem.
Mayor Miller explained he was appointed mid-term as a result of Councilmember Fulkerson passing the gavel before her second term as Mayor concluded.

Motion (West/Baker) to appoint Miller as Mayor. Passed 4-0.

Motion (Baker/West) to appoint Rotwein as Mayor Pro-Tem. Passed 4-0.

There was no public comment.

2. Recognition of Service for HSCO Trinidad Deputy Pam Wilcox and Introduction of new Trinidad Deputy Luke Mathieson.

Mayor Miller read the Resolution aloud and added a few personal notes to thank Wilcox for her years of excellent service to the community. Introduced and welcomed incoming Deputy Luke Mathieson.

Motion Rotwein/Baker to approve Resolution 2017-01; Recognition of Service of Deputy Wilcox. Passed 4-0.

3. Discussion and Possible First Reading of Draft Noise Ordinance.
City Manager Berman explained that the Council directed staff to develop a Noise Ordinance for consideration. An initial discussion was held in November, and a draft ordinance has been developed based on that discussion. The first reading of the Ordinance could be conducted at this meeting. If further changes are desired, the Council can provide direction and staff will revise accordingly for a future meeting.

Berman explained that Excessive noise can disturb the peace, enjoyment, and rest of residents as well as visitors to Trinidad, and at extreme levels can be painful and even damaging to one's hearing. Noise can be a problem at any time of day, but is especially significant at night, as anyone who has been either kept from sleep or awoken by noise can attest.

The Draft Noise Ordinance sets quiet hours of 10 pm to 8 am. It relies on a largely qualitative approach to assessing noise disturbances. In general, noise should not be audible to neighboring properties during quiet hours. As currently drafted, this Ordinance would require a change to our Town Hall use policies, which currently allow amplified music past 10 pm.

Exemptions are provided for emergency response and emergency repair work, and construction, remodel, or grading work during daytime hours that has been permitted by the City. Commercial fishing activity is not exempted completely, but is called out as a traditional use that requires special consideration when evaluating noise complaints.

Council questions included:

Baker: It ultimately comes down to enforcement, and this is completely subjective. Will complaints be dragged on? If it's a hot night and my window is open to get some air but my neighbor can hear my TV then technically I could be held responsible for a noise violation, right? **Berman** agreed, stating the other option would be to set a clear decibel level, purchase an expensive measurement tool, and let law enforcement to the work.

Rotwein: Would Town Hall events apply? Recreational fishing should also be excluded.

Public comments included:

John Hedrick – Trinidad

What about a dinner party on New Year's Eve? Can we make permissible situations?

Jim Cuthbertson – Trinidad

Recreational fishing should be excluded.

Council comments included:

West: What about animal noises? Yelling, screaming, barking? Should they all be included in the ordinance, or should the nuisance ordinance be referenced? Exemptions D & F are relatively the same.

Miller: We should have a subcommittee of the Council work with the City Manager to refine, wordsmith, and include policy additions made tonight, develop a new draft, and return to the next meeting for review. I'll volunteer. West also volunteered.

Baker: Make it as simple as possible since law enforcement will likely have to use their discretion.

Deputy Mathieson: There's a CA penal code for disturbing the peace. Many people don't want to go to court over a single noise complaint. They just want the nuisance to go away. Noise abatement is the other alternative. If a repeat offender reaches the nuisance level, the County notifies them and starts billing for service calls.

Rotwein: Town Hall should be exempt, along with recreational fishing. There should be other special exceptions, and penalties/fines should be defined for violations.

By consensus, the Council agreed to appoint West and Miller to a subcommittee to revise the ordinance with input from tonight and return to the next meeting with a second draft.

4. Discussion regarding ADA Improvement Priorities

City Manager Berman explained that the City had ADA Access Surveys conducted in 2013 for Town Hall, the Memorial Lighthouse, and curb ramps and sidewalks throughout the City. All three Surveys identified many items that are not compliant with the ADA. Summary findings from the Town Hall survey were drafted into a report by Scott Baker.

Since those assessments, the City has focused ADA efforts on improvements to Town Hall. New railings have been added to the front steps and the side entrance. New signage has been installed at multiple locations. New wider double doors have been added at the exterior side entrance, and the interior entrance to the Main Hall.

However a number of ADA compliance issues remain, and many are quite challenging due to the underlying age and design of Town Hall. The ADA parking space in front of the Hall, while improved, is still not fully compliant. The two front doors – to the Clerk’s Office and the Civic Club Room, are not compliant, although access is possible to both through the side entrance.

We received a request in December that we install ‘push-button’ operation for a number of the exterior and interior Town Hall doors. The new doors are compatible with these mechanisms. Staff confirmed that this push-button feature is not required by ADA, as long as the doors open easily by the lever handles. Our City Attorney, who has been involved in defending against ADA lawsuits, advises that while not absolutely required, he recommends the City go ahead, both to assist the public, and because there is some risk of litigation without them.

Staff requested estimates for what it would cost to add that feature, and hope to have the answer by our meeting date. Staff is also aware that in addition to this particular item, there are a number of compliance issues identified in the Surveys that have not yet been addressed. Having these ADA Surveys and being able to show steady progress towards addressing the issues identified is a key step in defending ourselves against ADA lawsuits.

Public comment included:

Jim Cuthbertson – Trinidad

My biggest concern is being disabled and not being able to go places. I should be able to access the Clerk’s Office by scooter.

Council comments included:

Rotwein: This is an excellent topic for the upcoming budget year discussion. It’s a good idea to start at City Hall and work outward to the City for improvement efforts.

By Consensus, Council received the report and will solicit bids for new push-button entry at the Town Hall foyer entry, and consider improvements during the upcoming fiscal year budget discussion.

5. Discussion/Decision regarding Council 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. The Council agreed to the following assignments:

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	Baker	Ladwig
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	Miller	
Local Law Enforcement Committee	Baker	
Tribal Government Liaison – (Trinidad Rancheria/Yurok Tribe)	Rotwein	West
League of CA Cities	As Needed	
<i>Future Agenda Discussion: Trinidad Trails Committee</i>		

6. Mid Year Budget and Workplan Update

City Manager Berman explained that the new year represents an opportunity to review where we stand on our budget and work plan at the mid-way point through the year, and to consider whether adjustments are needed. This discussion will focus primarily on the General Fund and the Water Fund, but we can discuss the smaller pieces of the budget as well. The presentation is based in part of the financial statements as of the end of November.

General Fund Revenues are budgeted at \$600,000 for the year. As of November we are at \$200,000, but this is typical as some of our large revenue sources are not received in steady monthly installments – property tax comes as largely a lump sum late in the year, while TOT tax is seasonal and we’ve already received much of what we expect this year.

General Fund Expenses as of November are presented in summary fashion in the table below. The details are in the November Financials as part of the Consent Agenda.

General Fund Expenses as of Nov 2016:

	Year To Date	Annual Budget	% Remaining
Admin	<u>131,551.12</u>	<u>341,194.00</u>	<u>61%</u>
Public Works	<u>51,649.87</u>	<u>165,337.44</u>	<u>69%</u>
Police	<u>15,232.00</u>	<u>72,540.00</u>	<u>79%</u>
(GF portion only - COPS Grant and Measure Z not included)			
Fire	<u>4,029.05</u>	<u>17,100.00</u>	<u>76%</u>
Firehouse construction project coming soon			
TOTAL	202,462.04	596,171.44	66%

The Police line is misleading, as we have spent substantially more than \$15,000, but have paid it with our annual COPS grant rather than General Fund.

Our Water Fund Revenues are right on track, and Water Fund Expenses are below budget (at 38%) although this should catch up by year's end.

Major Tasks and Projects for FY16-17

STR Ordinance

The City has completed, and submitted to Coastal Commission. We have responded to additional requests for information and hope to hear shortly that our submission is 'complete'.

Install Streamflow Monitoring on Luffenholtz Creek (Water Fund)

This is under contract and will be installed this summer when flows drop.

Tsurai Study Area projects (\$20,000) (General Fund – Public Works)

This is on hold pending the land transfer. Regardless, some may be used for geologic investigations of the active slide, and for removal of the failing ramp. .

Asset Management System (75% Water Fund) This is being installed at the Water Plant this month, and is already populated with data about many key components of the Water Plant. It will help manage our maintenance and infrastructure

Capital Improvement Program-(75% Water Fund) this will follow from the Asset Management Software, and will help us see and prioritize our long term maintenance and replacement efforts.

Water Filter Replacements – (Water Fund) – This emergency action should be complete by the end of January.

Van Wycke Trail – (Grant Funded) – Request for Scope Change submitted to Caltrans – holding until we hear back.

General Plan/LCP Update - see attached memo from our City Planner

OWTS Replacement Grant – Underway –

Phase II Stormwater work– Grant application successful – contracts to follow.

Ocean Protection Council Stormwater and LID work –
Aiming for Construction this summer.

Council comments included:

Rotwein: We should be developing a capital improvement plan for both the water department and infrastructure by the end of the fiscal year. I'd also like to see the following information: 1) Audit on the next meeting agenda, 2) STR Ordinance revenues vs. expenses, 3) OWTS Revenues vs. Expenses, 4) Monthly "cost of doing business", 5) Planning Department budget.

Baker: We should also be considering hiring an STR Ordinance enforcement person.

Public comment included:

Shirley Laos – Trinidad Rancheria

There's a protocol for native consultation, and I have discussed with your planning staff this in relationship to the General Plan Cultural Element. I understand the timeline and will be encouraging formal and informal discussions with my Tribal Council to provide input to the City.

Report/Presentation item only. No decision was made, but notes taken by Staff to include future agenda items and work lists for the upcoming budget.

XII. ADJOURNMENT

Meeting ended 9:00pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor