

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, JANUARY 30, 2018

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION

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

IV. CLOSED SESSION REPORT – *Nothing to report*

V. APPROVAL OF AGENDA

*Motion (Baker/West) to approve the agenda. **Passed 3-0.** Ladwig and Rotwein recused themselves from the discussion.*

VI. ITEMS FROM THE FLOOR

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

Dorothy Cox – Trinidad

Requested that the 2 letters submitted by residents Kathleen Lake and Jacques BeauPre be entered into the public record, related to tonight's agenda item.

Alan Grau – Trinidad

Is the City requiring and enforcing the meet and greet policy for STR's?

VII. CONSENT AGENDA – *No consent items.*

VIII. DISCUSSION/ACTION AGENDA ITEMS

1. Reinman/RCVR Appeal of Planning Commission's decision on November 15, 2017, that a significant violation occurred pursuant to §17.56.190.R of the City's Short Term Rental (STR) Ordinance at the STR known as Paloma Creek Lodge. The complaint/violation, which occurred on July 22-23, 2017, was related to noise standards, visitor and occupancy restrictions, emergency contact response and the required guest registry. Located at 178 Parker Creek Road; APN: 042-063-38.

City Manager Berman explained that the initial complaint, investigation file, and staff determination were included in the meeting packet prepared for the Planning Commission when they heard the initial appeal of staff's determination. The minutes of that Planning Commission hearing were also included in the meeting packet for the Council.

City Planner Trever Parker explained that the Planning Commission held a hearing on the appeal at their regularly scheduled monthly meeting of November 15, 2017. All four Commissioners were present, along with City Manager Berman, and City Planner Parker. The Planning Commission received a staff report and then took public comment. After deliberation, the Planning Commission voted 3-1, (Commissioner Graves opposed) to modify the City Manager's determination by removing the \$200 fine, but denied the rest of the appeal and upheld the City Manager's significance determination. Staff's understanding is that the Planning Commission eliminated the fine due to the uncertainty arising from conflicting testimony about some of the events of that evening. Different parties presented somewhat different versions of what happened. The significance determination was upheld mainly based on §17.56.190.R.6 of the STR ordinance, which provides examples of significant violations. The Planning Commission found that at least two of those examples were met in this case (i and iii, and possibly ix), justifying the staff determination that a significant violation occurred.

At this point, the City Council has four basic options: (1) uphold the Planning Commission's determination that a significant violation occurred, but the fine amount of \$200 was not justified; (2) modify the decision, such as

by removing the “significant” determination and/or reinstating or altering the fine amount; (3) uphold the appeal by eliminating the “significant” determination; or (4) continuing the hearing in order to request additional information. In making your decision, the City Council should consider not just what their determination would be in this instance, but whether the Planning Commission’s decision was reasonable in light of the STR Ordinance and supported by the available evidence.

Public comment included:

Bert Kilborne – Trinidad

I’m the live-in caretaker at 178 Parker Creek Drive. I’m usually onsite before quiet hours begin at 10:00pm. I arrived at approximately 10:30pm that night, and my house is the same distance from the main house as Mr. BeauPre’s house is from it. I heard the dog barking as I walked from my car to my cabin. A half-hour later, I heard the dog barking for a few minutes, but it ended quickly for good. Since that incident I’ve reached out to the neighbors and encouraged direct communication. We’ve installed cameras and other innovative systems that monitor the number of individuals at the home. We also perform detailed meet and greets with all guests upon arrival. We realize the importance of doing it right and prioritize the process. This is a very quiet neighborhood. I’ve reached out to Jack BeauPre on numerous occasions. I got the impression he has felt offended and discredited, but I want to help him. Noise issues are minimal and inconsistent at this property. When Mr. BeauPre phones the property manager about an issue, it’s resolved immediately.

Dorothy Cox – Trinidad

Read a letter from 178 Parker Creek neighbor Jack BeauPre standing by his complaint that triggered this violation.

Alan Grau – Trinidad

I understand how Jacque BeauPre feels. Neighbors are changing constantly.

Mike Reinman – Owner, 178 Parker Creek

Thanked the Council for considering his appeal, and listed the following points challenging the violation;

1. We responded to the complaint within 2 minutes of receiving the call. The ordinance calls for a response within 30 minutes.
2. Regarding ex-parte communication, I spoke with Councilmember West about this.
3. I’m not happy with how the City Manager and Planner handled this. Their mind was made up from the beginning.
4. The City Manager’s letter cited parking, over-occupancy, response time, dogs barking, and lack of guest registry as violations addressed. This booking was secured prior to the new ordinance requiring a guest registry, and the City Manager acknowledged this. They are operating with a “how can we get him” mentality.
5. I suggest the Council consider a (3) member panel to evaluate these complaints so they can be handled fair and objectively. Going after the management company and taking 5 weeks to address the incident is not ok. We had to withhold the guests deposit while this was being addressed, and were threatened in waiting.
6. We have improved our signage, meet and greet process, hired an on-site caretaker, and employed technology to improve management and oversight of the property. We also hired a 24-hour answering service.
7. I strongly disagree that this was a significant violation.

Tom Davies – Trinidad

Glad to hear there are changes being implemented. We have had issues with RCVR before regarding contact numbers. This isn’t the first time they have had issues, and the story has a way of changing over time. Withholding the guest’s security deposit doesn’t help the City at all. Legitimate complaints get bully responses. Jack BeauPre has nothing to gain from having a commercial business in his neighborhood.

Dorothy Cox – Trinidad

Jacques did not attend because the City Manager assured him he did not need to. Complained about confusion regarding the contact numbers supplied by the City and RCVR for their 24-hour contact. Supports Jacques BeauPre and believes he is a man of integrity.

City Planner Parker stated that the Planning Commission heard similar comments from both parties. The PC also hoped to hear from the complainant – Jacques BeauPre – but he didn’t attend that meeting either. It

became a he-said-she-said issue. The PC evaluated the complaint based on the Ordinance language. The response time was met, but only because Beaupre had Reinman's personal cell phone number. There was no guest registry. There were parking and noise violations. The PC focused on the primary issue that the advertised contact number didn't reach the property manager within 30 minutes.

Richard Johnson – Planning Commission representative

Moving forward, the PC discussed the merits of having a (3) or more member panel to investigate violation complaints. Tonight's report accurately reflects the PC discussion.

City Manager Berman supported his violation determination with the following points:

1. RCVR failed to have the guest registry.
2. Disagreed with the characterization that he is hunting for issues to support the violation.
3. Grounds for significant violation determinations are clearly defined in the ordinance.
4. This is the second time the City dealt with a violation at this property.
5. This problem has triggered much needed changes – and that is a good thing.
6. Neighbors should be of concern, and it is entirely reasonable for the City to enforce its regulations.

Council comments included:

West: This is a sensitive issue. Reinman seems to be taking steps to improve management of the rental. We hope to step back and take a fresh look at this with a fresh perspective in the future, but for now I support upholding the City Manager and Planning Commission's recommendations. We appreciate the changes that have been made.

Baker: West and I met with Jack Beaupre. He felt genuinely offended. The violation process goals are to hold rentals accountable and improve the system. Whether Jack Beaupre was here tonight or not won't sway my decision. I agree that an investigation panel would be helpful, but I support the City Manager and PC's decisions.

Miller: The City's effort on improving vacation rental management and accountability has been significant. Having a rental next to me is disturbing, but the Coastal Commission says we need them. I tried to get the wording right in the ordinance, but enforcement will continue to be the challenge. Reinman's changes should be applauded, but I also support denying the appeal and upholding the City Manager and PC's decision.

*Motion (Baker/West) to deny the appeal based on the evidence in the file record, the requirements of the STR Ordinance and public testimony, and because the Planning Commission's decision was reasonable and correct. **Passed 3-0. Ladwig & Rotwein recused.***

XII. ADJOURNMENT

Meeting adjourned at 11:30am.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor Pro-Tem