

MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, FEBRUARY 28, 2018

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION

1. Conference with legal counsel regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)

IV. CLOSED SESSION REPORT

City Manager Berman stated that Staff will pursue legal assistance on this matter.

V. APPROVAL OF AGENDA

*Motion (Miller/Ladwig) to approve the agenda as amended, pulling 1&2 for discussion. **Passed unanimously.***

VI. APPROVAL OF MINUTES – 01-17-18 scc, 01-24-18 cc2, 01-30-18 scc

*Motion (Ladwig/West) to approve the 01-17-18 minutes as corrected. **Passed unanimously.***

*Motion (Miller/Ladwig) to approve the 01-24-18 minutes as corrected. **Passed unanimously.***

*Motion (Ladwig/Miller) to approve the 01-30-18 minutes as written. **Passed unanimously.***

VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS

West: STR Committee report will be ready by March 14.

Baker: Nothing to report.

Miller: RCEA – Community Choice Energy program is working better than expected. RCEA looking to team up with a partner to apply for State and Fed Dept. of Energy funds to develop an offshore wind power feasibility study.

Rotwein: Met with Trinidad Rancheria regarding the Galindo Trail. Also met with sport and commercial fishermen regarding wind power project. Trails meeting on 2/27/18 to discuss memorial bench policy.

Ladwig: HTA – Modest increase expected this year. First increase in 4 years.

VIII. STAFF REPORTS

City Manager Berman's written staff report was included in the packet. Various highlights included 1) ADA door and new website.

IX. ITEMS FROM THE FLOOR

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

Kathleen Lake - Trinidad

Requested an appeal hearing for the STR permit at 381 Ocean Avenue. Disagreed with the decision made by the Planning Commission last year. I've been trying to get this on an agenda. The Planning Commission's conclusions were never followed up on. The City Manager and Attorney's opinions are inconsistent. I would like our appeal to be on a future Council agenda.

Bert Kilborne – Trinidad

178 Parker Creek resident. Participated in the Reinman STR violation appeal hearing on January 30, and am here tonight on my own accord. We have taken many positive steps toward improving our processes, and continue to work to improve communication with neighbors.

Shirley Laos – Trinidad Rancheria

Regarding offshore wind energy, RCEA has reached out to Tribal governments. No Tribe has surrendered its inherent rights to the ocean, but the Rancheria has not formally responded to the proposal yet.

X. CONSENT AGENDA

1. Short-Term Rental Status Report - *Pulled from consent. Discussion item 1.*

City Manager Berman explained that the Council requested at the February 15th meeting that staff develop a summary STR status report. An initial version of that report was included in the packet. The report identified the number of licenses issued this year, types of licenses, licenses by zone, effects of ordinance implementation, complaints, septic permits and water use, and contact information updates. A City Council ad-hoc STR committee is planning to provide a more detailed STR report and recommendations as a discussion agenda item at the March 14th City Council meeting.

Public comment included:

Kathleen Lake – Trinidad

Saving Trinidad Neighborhoods believes the report is misleading and requests that the Council reject it. There are at least 12 complaints with no follow up. We want water data, exception lists, over-occupancy issues, and meet-and-greet issues identified. Complaints are handled differently in each city office. We want a more comprehensive report.

Kim Tays – Arcata

Concerned with STR water use and disagree with the data and statistics presented.

City Manager Berman explained that a future agenda item will be presented that will include water usage data.

There were no Council comments.

*Motion (Miller/Baker) to accept the summary status report as written. **Passed unanimously.***

2. View Restoration Request on Van Wycke Street

City Manager Berman explained that two clumps of alder trees growing in the Van Wycke St. right of way are impacting the view of the upslope neighbors. This area is within the City's Views and Vegetation Ordinance. The neighbors have asked the City to address the view impacts, and offered to pay for the work. The City has requested and received 1) a survey map verifying the location of the trees on the street right of way, 2) a letter from an engineering geologist stating that removal will have no significant impact on bluff stability, and 3) a biological assessment addressing environmentally sensitive habitat. Only trees that are less than 12 inches in diameter are being authorized for removal. The trees are likely to be removed eventually as part of the Van Wycke Trail project.

City staff, in consultation with Coastal Commission staff, have determined that as conditioned, this vegetation work does not constitute 'major vegetation removal' and therefore does not require a Coastal Development Permit. Staff have drafted a letter to the neighboring property owners that would authorize them to go ahead with tree removal and trimming, with specific conditions to minimize impacts. This is within staff's discretionary authority, but given the sensitivity of vegetation management and viewshed protection issues, staff chose to place it on consent to provide the public a chance to comment, and to provide the Council the option to consider the matter further.

Council questions included:

West: Have the Tribal entities been notified and consulted? **City Manager Berman** stated that he notified them in writing.

Public comment included:

Kathleen Lake – Trinidad

Concerned with trespassing issues. Lots of cypress debris will impact slope stability. Has staff worked with the Coastal Commission? How many trees? What size? Is there a map of the trees to be removed? When will the cutting occur?

Richard Kieselhorst – Trinidad

I was a landscaper for 20 years. Alders on bluff edges should be cut. If they get too big the fall and rip out the soil which causes further erosion and damage to the bluff.

Steve Ruth – Trinidad

After watching the view disappear over 20 years, I'm happy to see this project and support it.

Kim Tays – Arcata

I do not support this project. Habitat values are being ignored. I disagree with the botanist’s evaluation of the habitat, and I’m opposed to removing alder trees. Some of us like the trees in the viewshed. Falling trees on the ESHA will harm the area. Cutting trees encourages blackberries and pampas grass to take over. This needs to go through the full permit process, even though the city’s policies don’t require it to.

Marc Gottschalk – Trinidad

807 Edwards homeowner. Bought the property 18 months ago. The trees are within the view ordinance, and they’re being ignored. We hired a surveyor, a botanist, and a geologist to make sure this was done right. We’re paying for everything, and the neighboring property owners have agreed to it. We would like to get this done soon.

Jacque Hostler – Trinidad Rancheria

I don’t believe we had a chance to review this proposal yet. CM Berman explained that he sent the information to Rachel Sundberg.

Sungnome Madrone – Trinidad Area Resident

I recognize the importance of views. I used to trim trees on the Van Wycke slope. The View Ordinance was never intended to target native vegetation. I don’t recommend complete removal. Trimming ok. Concerned with the precedent being set.

Council comments included:

Miller: Appreciate the homeowner’s work and contributions on this project. Also appreciate Kieselhorst and Madrone’s comments.

West: Would like responses from the Tribes and more details on exact trees in question. I don’t want the project approved and the cutting to increase beyond what was proposed.

*Motion (Miller) to authorize staff to send the attached letter allowing vegetation management for viewshed protection in the Van Wycke Street Right of Way. **Motion failed due to lack of second.***

*Motion (Ladwig/West) to table this item for 1-month to give the Yurok Tribe and Trinidad Rancheria an opportunity to provide input on the proposal. **Motion amended.***

*Motion amended (Miller/Ladwig) to require input to be received within 3 weeks, on or before the second regular meeting in March to be held on Wednesday, March 28. **Passed 4-1. No-Rotwein.***

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Presentation/Discussion regarding the Trinidad Rancheria Hwy 101 Interchange Project
 City Manager Berman explained that the Cher-ae Heights Indian Community of the Trinidad Rancheria is working to advance a transportation project that proposes a new freeway interchange onto Hwy 101 from the Trinidad Rancheria properties. The project is still in the planning stages. The Rancheria will make a presentation for the Council and community about the reasons for the project, it’s current status, and next steps.

Jacque Hostler, Executive Director of the Trinidad Rancheria thanked the Council for the opportunity and introduced Tribal Council Vice-Chairman Zach Brown. Hostler presented a slideshow that included the Rancheria’s mission statement, their history, improving access, their 6-year focus, and alternative access improvement options considered.

Public comment included:

Sam Mantakala – Baker Ranch Road

How would any of your options help the Baker Ranch Road residents?

Richard Kieselhorst – Trinidad Area Resident

45-year resident of Westhaven Drive. The last time I attended a Rancheria interchange meeting, the land being considered was near my house and there were threats of eminent domain being used to obtain the land needed. Has that changed?

Sungnome Madrone – Trinidad Area Resident

45-year resident of the Trinidad area. I understand the Rancheria's needs. In order to build a hotel, many improvements to water, sewer, and transportation infrastructure are needed. A hotel might not be feasible. I appreciate the Rancheria, but this feels like the cart is being put before the horse. This project does nothing for Stagecoach Road or Scenic Drive. In the 1960's the 101 freeway split the community in half. Cars were required to get to the beach. HCAOG should be using tax dollars for area-wide circulation issues, not just for the Casino.

Margie Eckart-Kieselhorst – Trinidad Area Resident

Westhaven Drive is already unsafe. The road needs help. When do we take a step back and evaluate the impact this project could have?

Steve Ruth – Trinidad

I don't see any benefit to the City.

Written correspondence was received from resident **Bryce Kenny** opposing the project.

Jacque Hostler – Trinidad Rancheria

Welcomed anyone from the public to meet with her and discuss their concerns and alternatives that will all be addressed during the environmental phase of the project that will hopefully be funded through HCAOG.

Shirley Laos – Trinidad Rancheria

I'm a 60 year resident of Trinidad. Failures on both ends of Scenic Drive would be catastrophic. Comments made should be answered in the proper context. We welcome anyone interested in discussing their concerns. Building a hotel is not the objective for requesting the interchange.

Presentation item only. No decision made.

2. Discussion/Decision regarding Resolution 2018-01; A Resolution Promoting Unity and Cooperation Between the City of Trinidad, the Yurok People, and the Tribal Governments within the Greater Trinidad Planning Area. City Manager Berman explained that the City, through this resolution, seeks to document and formalize the cooperative effort that led to the resolution of the conflict over the emergency move of the Trinidad Memorial Lighthouse, and to affirm the City's commitment to working together with the Yurok People and the tribal governments of the area. This resolution has been revised from the draft discussed at the January 24th meeting to reflect input from the Yurok Tribe.

Public comment included:

Zack Brown – Trinidad Rancheria Vice Chairman.

The City did not meet with the Rancheria to discuss the changes made to the Resolution. Why were they made, and why was the Rancheria not consulted? We supported the Resolution as originally proposed, but request that the City discuss this with us prior to approval. Rancheria Executive Director **Jacque Hostler** agreed.

There were no Council comments.

*Motion (Rotwein/Miller) to table the Resolution until a government-to-government meeting is held with the Rancheria. **Passed unanimously.***

3. Discussion/Decision regarding Resolution 2018-03; In support of the Healthy California Act, CA SB 562, Establishing Universal Single-Payer Health Care Coverage program and Cost Control System. Councilmember Miller read the Resolution aloud, and explained that the proposed resolution is a statement of support for legislation being advanced in Sacramento that would establish a single payer health care system for all California residents. The City does not have data on the insurance status of Trinidad residents, but it is reasonable to assume that there are Trinidad residents who are uninsured and underinsured who would benefit from improved access to health care in a universal single payer system. Medical insurance premiums make up a significant portion of the City's total personnel costs, totaling approximately \$95,000 in the current year's budget. A universal single payer system would likely save the City much of this funding which could then be available for other City services.

SB 562 would likely go through many revisions and iterations on a path to becoming law.

Public comment included:

Dick Bruce – Trinidad

I would like to see the City support a more concise Resolution. Move the program forward, but the Resolution is too far reaching for me.

Katherine Donahue – Program supporter

The Resolution is perfect. This is an important issue. People need access. The bill is on hold and the Resolution encourages lawmakers to move it forward. Money fills insurers pockets, not the citizens.

Gail Kenny – Trinidad

I support this program. My daughter is paying a lot for Covered California. There are too many coverage limits and this program will eliminate all the issues.

Program supporter

This is a well articulated Resolution. I worked for UIHS for 23 years, and am at HSU now. I like seeing the potential savings for the City if this program was implemented. It's a win-win situation for everyone except big insurance and big pharmacy.

Pat – Program supporter.

Supports the Resolution and hopes it pressures lawmakers to get the bill off the shelf and act on it. I'm a career nurse taking care of insurers, not patients. Thanked the Council.

Kathleen Lake – Trinidad

Supports the bill.

Richard Kieselhorst – Trinidad VFD

Supports the bill.

Council comments included:

Rotwein: I'm a career health care provider. I agree with Dick Bruce. Too many specifics in this Resolution.

*Motion (Miller/Ladwig) to approve Resolution 2018-01 in support of SB 562. **Passed 4-1. No-Rotwein.***

4. Discussion/Decision regarding First Reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.

City Manager Berman explained that current City Code prohibits dogs on Trinidad Head. This rule has not been enforced. In fact, signage on the trail indicates dogs are allowed on leash. Staff is not sure if this was ever enforced. It certainly has not been for many years.

The Trinidad Head Trails Committee has reviewed this situation and recommends that the City modify the existing ordinance to allow dogs on leash on the Trinidad Head trail. This would be consistent with the current regular use of the Trinidad Head Trails, and is therefore not anticipated to result in any change in impact or use of the Head.

At the regular meeting on January 24, 2018, the City Council directed staff to develop an Ordinance that would allow dogs on leash on the Trinidad Head roads and trails.

A Draft Ordinance is recommended for a first reading tonight.

Public comment included:

Kathleen Lake – Trinidad

Dogs are off-leash on all the trails. I've been bitten before. How will it be enforced?

Council comments included:

Rotwein: I asked the Sheriff to enforce and cite off-leash dog owners. Citations have been issued.

*Motion (Rotwein/West) to 1) accept Public Comment on this issue, 2) waive the Reading of the Full Text of the Ordinance, and 3) Conduct the First Reading of Ordinance 2018-01: An Ordinance of the City Council of the City of Trinidad Amending Section 12.12.030 and 12.12.040 of the Trinidad Municipal Code Regarding Dogs on Trinidad Head. **Passed unanimously.***

5. Discussion/Decision regarding Appointing an Ad-hoc Council Committee to Develop a Trinidad City Council Policies and Procedures Manual

City Manager Berman explained that the Council has expressed interest in defining and codifying 'Best Practices' for the City Council. Staff recommends that the Council consider addressing this through development of a City Council Policy and Procedures Manual. This manual would collect and organize existing City Resolutions and Ordinances governing the work of the Council, as well as applicable State law including the Ralph M Brown Act and various conflict of interest laws. Developing this Manual would provide an opportunity for Council to consider modifying existing policies or developing new policies as necessary for the efficient and effective functioning of the Council. It would also serve as a valuable orientation handbook for new members of the Council.

Specific issues that have arisen in recent years that such a Manual could help clarify include questions about the Brown Act, process and authority for setting agendas, legal guidance regarding conflict of interest concerns, parliamentary procedures for conducting meetings, and public process and notice requirements for Ordinances and Resolutions.

This project would require significant staff effort as well as effort of the appointed Council members. In order to spread that work out, staff expects it would likely take a minimum of three months for the Committee to come back to Council with a draft for consideration.

Public comment included:

Shirley Laos – Trinidad Rancheria

Suggested that the manual address types of consultation with Tribal governments.

Council comments included:

Miller: It should also address procedures for setting agendas, changing agendas, and may take a year or so to complete. Volunteered to serve with another Councilmember to develop these procedures.

Ladwig: Volunteered to work with Miller.

*Motion (Rotwein/West) to authorize Councilmembers Miller and Ladwig to develop the policies and procedures manual and bring the draft back to the Council when complete. **Passed unanimously.***

XII. FUTURE AGENDA ITEMS – None listed.

XIII. ADJOURNMENT: 8:30 pm

Submitted by:

Gabriel Adams
Trinidad City Clerk

Approved by:

Susan Rotwein
Mayor