

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, MARCH 14, 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 – *No closed session.***

**IV. CLOSED SESSION REPORT – *No closed session to report on.***

**V. APPROVAL OF AGENDA**

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

**VI. APPROVAL OF MINUTES – 02-13-18 scc, 02-15-18 cc2, 02-28-18 scc**

*Motion (Baker/West) to approve the 02-13-18 minutes as corrected. Passed unanimously.*

*Motion (Ladwig/Miller) to approve the 02-15-18 minutes as written. Passed unanimously.*

*Motion (West/Ladwig) to approve the 02-28-18 minutes as written. Passed unanimously.*

**VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**West:** Nothing to report.

**Baker:** Nothing to report.

**Miller:** RCEA – Wind energy update. CCNM Gateway update.

**Rotwein:** Report on Government-to-Government meetings with the Trinidad Rancheria, discussing the Galindo Trail and Tsunami siren. Trails Committee looking to replace resident Jonna Kitchen who had to resign due to scheduling conflicts.

**Ladwig:** Nothing to report.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) Second meeting in March will include a proposal from Verizon asking the City to consider an extension of the cell facility lease on Trinidad Head. 2) Met with representatives from AT&T looking for feasible sites in town for cellular sites. 3) Management Team meeting schedule update. 4) HSU is requesting Planning Commission consideration to remove the cypress tree in front of their facility on Ewing Street. 5) Thanked TPW DeSmet and Rosenblatt for filling in for Director Buckman who has been out on medical leave. 6) OWTS update.

**Mayor Rotwein** requested City Manager follow-up on 1) Auditor recommendations, 2) HCSO full-time addition with Measure Z funds, 3) HCSO schedule, 4) Resolving title issues at the water treatment plant, 5) facilities maintenance budget, 6) ADA push button door status at Town Hall, 7) MS4 Permit update.

**IX. ITEMS FROM THE FLOOR**

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

**Taylor LeBlanc** – McKinleyville High School Prom Parent Volunteer

Thanked the Council and City Staff for considering McKinleyville High Schools request to rent the Town Hall to host the 2018 Prom in May. Introduced students that came with her tonight, explained their connection to Trinidad and why they selected this venue. Also explained safety procedures and protocols in place to conduct the event in a positive way. Requested that the Council consider extending the curfew till midnight at a future meeting to allow the Prom Committee to explain the reasons why its' preferred.

**Bert Kilborne** – Trinidad

178 Parker Creek resident. Live-in caretaker at 178 Parker Creek Drive. Explained the procedures implemented to reduce impacts to the neighborhood and continue to improve communication with neighbors.

**Jim Cuthbertson** – Trinidad

Does the Council still take regular ethics training? Thanked Council for the new push-button access.

**Mareva Russo** – Trinidad

Hold firm and ask Verizon to vacate the Trinidad Head cellular site when their lease is up.

**Patti Fleschner** – Trinidad

Pleased to announce that the Civic Club voted to make the Trinidad Rancheria site at the Harbor the permanent home of the Memorial Lighthouse. Thanked the public for attending their brainstorming meeting, and also thanked the Council, the Rancheria, and fellow Club member Jan West for putting in countless hours of time and effort to coordinate this effort.

**Dorothy Cox** – Trinidad

I have not seen the minutes for the 10/30/17, 11/15/17, and 11/29/17 closed session meetings yet. Also, the STR contact list is also missing online. The new website looks nice, but it needs a lot of work.

**Richard Johnson** – Trinidad Area Resident

The Caltrans website showed downtown Trinidad listed with potential projects that qualified for STIP construction projects. Did I miss something? Was there any public discussion about this? **City Manager Berman** explained that the project proposed various ADA improvements along Main & Trinity Streets. Johnson also noted that the streetlights at the Park/Library have been out and makes the area dark and dangerous at night.

**Leslie Farrar** – Trinidad

I appreciate the Q&A format. I think the public needs a format like this to dialog with the Council. We feel we are never heard and would like to be able to ask questions and get answers about a variety of things going on in the city. I do not support Verizon extending lease on Trinidad Head.

**Adora King** – Trinidad

I would like to see the activity report for the Police Department, but also the log sheets. I'm concerned with all the agency assists that occur outside the City limits. I've been back since September and haven't seen any cops on my street.

## **X. CONSENT AGENDA**

1. Staff Activity Report February 2018
2. Law Enforcement Report February 2018
3. Financial Statements January 2018
4. Encroachment Permit Application for Right-of-Way improvements at 674 Underwood Dr.

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

## **XI. DISCUSSION/ACTION AGENDA ITEMS**

1. Consider Report and Recommendations from the Ad-Hoc STR Committee

City Manager Berman explained that Councilmembers West and Baker have been serving as an ad-hoc STR Committee over the past year to work with interested community members and staff to review STR Ordinance implementation and make suggestions. They have produced a pair of reports summarizing their conclusions and recommendations that are included in this meetings packet for review. Most of their recommendations can be implemented by Staff without any Council action. However some recommendations could require future Council direction and lead to future amendments to the current STR Ordinance.

Berman outlined and highlighted some facts gathered since the new ordinance was implemented in June:

- Three homes have lost their licenses due to property sales this year.
- The new ordinance decreases total occupants and vehicles allowed in town.
- The new ordinance strengthened the consequences associated with violating it.
- Only 3 homes were issued parking exceptions.
- The quality of applications submitted was better than previous years.
- The meet & greet component has proven to be challenging to implement and enforce.

Council report included:

**West** explained that he and Baker volunteered to work on this project last year. We met with community members, and set out to improve how the ordinance is implemented. Our outreach uncovered a few priority

problem areas based on feedback gained from certain residents. We focused on 1) Parking exceptions, 2) Septic status, 3) Signage, 4) Application materials submitted, 5) Meet & Greet, 6) Complaint response, and 7) Enforcement.

The following conclusions were reached:

- The City should create an STR Quarterly Review Committee to gather feedback related to the vacation rental (STR) industry operating in the City.
- The Committee should include (1) Council member, (2) Residents, (2) STR industry reps (owner or manager).
- The Committee should hold a public meeting annually (following the busy season) to discuss STR related topics/issues/successes.

**Baker** explained that he was able to review both the 2016-2017 applications and the 2017-2018 renewals. He focused on certain issues and recommendations:

- Complaint procedures must be streamlined and improved.
- Violation notices should be made right away and public hearings held as soon as possible.
- We support the need and purpose of the Meet & Greet policy.
- We encourage mediation be considered when possible.

Public comment included:

**Alan Grau** – Trinidad

Asked why Rotwein and Ladwig aren't recusing themselves from this hearing? There is a perceived bias. Requested the Council honor and enforce the ordinance as written. He read emails from the City Planner and Manager regarding water use, parking exceptions, and suspected accessory dwelling kitchens. He accused City Staff of diluting the Meet & Greet policy, and not including many complaints in his report.

**Ladwig** explained that he understood this item to be a report to receive feedback, and as Councilmember it was his duty to listen. **Rotwein** stated that she discussed this with City Attorney Stunich who explained the difference between STR hearings designed to listen to and gather information, as compared to discussions that result in policy changing decisions. Stunich advised that tonight's discussion was essentially a listening session and very limited in scope.

**Jonna Kitchen** – Trinidad resident, Trinidad Retreats owner

I'm disappointed that the committee didn't contact any vacation rental managers as they conducted their research. They only heard from the most vocal STR critics. Out of 1109 nights booked last year, there were NO complaints. Statistically this is very insignificant. Complaints continue to be over-emphasized. Regarding the Meet & Greet policy, the ordinance states that we should meet the occupant. It doesn't say when this needs to occur, and we need the latitude to make this happen. Property managers are doing a good job. Guests agree to the City's rules 5 times prior to arrival. This is excessive and redundant. We feel that making the City Manager the judge and jury is problematic, and we like the idea of improving this issue somehow.

**Patti Fleschner** – Trinidad

The Meet & Greet seems onerous. Anyone who's waited for visiting family or friends can attest to how many variables can delay a scheduled arrival time. Regarding accessory living units, they add variety and interest to the community.

**Jim Cuthbertson** – Trinidad

If all properties were ran like the ones I have next door, there would be no problems.

**Leslie Farrar** – Trinidad

1) Second units aren't used for college students, 2) Meet & Greet was intended to be helpful, 3) Thanked Baker and West for their research and work on this, 4) If the ordinance was enforced there wouldn't be issues, 5) residents are disenfranchised, and 6) it's unfortunate that vacation rentals exist in our town.

**Adora King** – Trinidad

Thanked the committee for their work. Second units were discussed by the Planning Commission but were dropped at the Council level. As soon as the Meet & Greet is over, anything can change. One of the property managers said the City Manager told her she didn't have to do them. Why can't the Sheriff enforce the STR laws? I don't believe that detached bedroom residents use kitchens in the main houses. Could someone give me an answer regarding the Oct/November complaint I submitted against 375 Wagner Street?

**Dorothy Cox** – Trinidad

Thanked Baker and West for their work and response. I have reviewed the ordinance and have many questions and suggestions on areas that need improvement. Ocean Avenue has improved with parking and home ownership changes, but there’s still work to be done. Concerned with application materials submitted for an STR with a detached living space, and another with designated parking spaces identified in leach field areas.

**Richard Johnson** – Trinidad Area Resident

I support the STR review committee concept. Thanked Baker and West for their work. The Planning Commission intended the Meet & Greet to happen face-to-face. My personal experience with STR’s shows that these types of meetings help with public relations and policy expectations. The customer is the community, not the visitor. Happy neighbors with create a much better situation for everyone.

Written communication was received by resident **Kathleen Lake** on behalf of “The Trinidad Community” consisting of 8 Trinidad residents and 1 Arcata resident, criticizing the Council for allowing violations and exceptions to occur, the Staff and Council reports submitted for discussion, and the committee’s information gathering process. Also complained about enforcement, dismissed the effectiveness of Council and Staff, and insisted that members of the Council with ties to STR’s recuse themselves.

Council comments included:

**Baker:** We felt our mission was data driven. We did not confer with the STR managers intentionally. We were comparing complaints with what we believed were the issues. This is going in the right direction, but we have to give the ordinance time. I’m looking for administrative support on a future discussion/decision on making the cleared and traveled pathways on Ocean and View Street Alley’s 16’ wide, giving 2’ on each side to the residents for parking. This will help identify whether alley parking spaces identified in STR applications are legitimate or not. Furthermore, I have full faith and confidence in Building Inspector John Roberts. It’s our fault if he doesn’t have a clear definition of what a kitchen is. He can’t make these determinations for us. Given proper direction, he’s very capable of making an unbiased decision. **Councilmember Miller** agreed. Finally, regarding legal non-conforming STR’s, the Council allowed exceptions for existing STR’s that were legally operating prior to the new ordinance taking effect. “Grandfathering” certain places under these circumstances are not favoring or biased, but rather a cautious method of not taking away a right – and potentially avoiding unnecessary legal battles.

**Ladwig:** Thanked the Council and public for their contributions to this discussion, and suggested that if the Council decides to pursue a future agenda item related to creating an STR committee, it should; 1) modify the STR committee membership to include and Planning Commissioner, not a Councilmember), 2) consider asking them to take a closer look at all the issues/suggestions presented tonight, 3) have their role clearly defined, and 4) determine whether it will be a standing committee, or will meet on an as-needed basis.

*By consensus, the Council requested that the City Manager to return to a future meeting with details outlined for the creation of an STR Advisory Committee.*

**XI. FUTURE AGENDA ITEMS**

- T.O.T. gift of public funds?
- AT&T & Verizon Cell Facilities
- Auditor findings
- City Manager Review
- Dog Ordinance, 2<sup>nd</sup> Reading
- Management Team update
- Lighthouse Resolution
- Alder Trees

**XIII. ADJOURNMENT: 8:30 pm**

**Submitted by:**

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**Gabriel Adams**  
Trinidad City Clerk

**Approved by:**

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**Susan Rotwein**  
Mayor