

MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MARCH 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. Public Employee Performance Evaluation and Contract Negotiations for City Manager Pursuant to Government Code Section 54957.
- IV. **CLOSED SESSION REPORT**
Nothing to report. Evaluation process continued to the next meeting.
- V. **APPROVAL OF AGENDA**
*Motion (Miller/West) to approve the agenda as amended, pulling consent #2 for discussion. **Passed unanimously.***
- VI. **APPROVAL OF MINUTES – No minutes to approve.**
- VII. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS – No reports given.**
- VIII. **STAFF REPORTS - No staff reports given.**
- IX. **ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- Jim Cuthbertson** - Trinidad
Concerned with Staff posting meeting notices properly.
- Dorothy Cox** – Trinidad
The requirements and process for posting meeting notices is unclear.
- Charlie Netzow** – Trinidad Coastal Land Trust
Upset that the City couldn't tell him who was in charge of a recent ADA correction construction project that took place at the Park/Museum/Library, and that he didn't have the chance to replace the animal tracks that were embedded in the sidewalk section that was replaced.
- Written correspondence included:
Kathleen Lake – Trinidad
Letter 1, referencing an article related to STR regulations. Letter 2, commenting on, and not supporting the City Manager evaluation, Town Hall curfew extension agenda item, and Trinidad Head Cellular Facility issue.
- X. **CONSENT AGENDA**
1. Second Reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code Allowing Leashed Dogs on Trinidad Head.
*Motion (Miller/West) to approve Consent Agenda item 1. **Passed unanimously.***
2. View Restoration Request on Van Wycke Street – PULLED FOR DISCUSSION
City Manager Berman explained that this item was discussed on Feb 28th and the Council elected to hold it for thirty days to allow additional time for public comment, especially from Tribal entities. The THPOs of the Trinidad Rancheria and the Yurok Tribe as well as the Secretary of the Tsurai Ancestral Society were emailed the agenda packet on 2/27/18 and invited to comment. No comments have been received until late today when the Tsurai Ancestral Society submitted a letter. 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.

Public comment included:

Frankie Myers – Yurok Tribal Historic Preservation Officer

We support the Tsurai Ancestral Society, and would like the opportunity to meet with the City and discuss our concerns. We should be able to meet within 2 weeks as the issue has now been made a priority.

Shirley Laos – Trinidad Rancheria

The Rancheria reviewed this project thoroughly and our THPO Rachel Sundberg sent a letter to the City with comments. All tribal entities should be invited if the City is considering a meeting.

Steve Ruth – Trinidad

It's frustrating to have to hear this again. The Yurok Tribe has had numerous months and opportunities to comment on this. The homeowners proposing this project has completed every study possible to make sure this is done right. Very disappointing.

Stanton Wood – Arcata

Support the Tribe's requests.

Written correspondence included:

Tsurai Ancestral Society

Requested a meeting with the City to discuss the proposal.

Council comments included:

West: I'm in favor of tabling this for 2 weeks to give time for the City to meet with the Tribal representatives.

Miller: We have plenty of information on this to make a decision tonight. I recognize the value of consultation so I will support tabling this for 2 weeks.

*Motion (Ladwig/Miller) to direct the City Manager to meet with the Yurok Tribe and Trinidad Rancheria and discuss this project in a timely fashion to allow the Council to make a final determination at their regular meeting on April 11. **Passed unanimously.***

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision regarding McKinleyville High School request for Town Hall Curfew Extension

City Manager Berman explained that McKinleyville High School Prom Committee selected the Trinidad Town Hall as their preferred venue for the 2018 Formal Dance to be held on Saturday, May 19, 2018. The event profile meets all the criteria established in the City's policy with regard to the nature of the event, capacity, insurance requirements, and all the rules listed in the Town Hall Rental agreement.

Senior Class Advisor Taylor LeBlanc and a few students attended the Council meeting on March 14 to introduce themselves and to thank the City for hosting their event. She acknowledged that some of the town residents have concerns about traffic and noise issues, and explained the procedures implemented by parent volunteers to ensure the safety and well-being of the students.

LeBlanc noted that as a key measure to the student safety protocol, they prefer (and request) a midnight curfew. Staff does not have the authority to extend the curfew, but the Council may elect to extend it under certain circumstances like this.

The current rental policy for the City states that **“Amplified Music must end at 11:00pm”**, and **“all events must end at 11:30pm”**, and it also makes an exception for New Year’s Eve celebrations.

This public hearing will allow the McKinleyville High School representatives the opportunity to make their case to the Council. Staff does not feel this is a precedent setting matter because it’s unlikely that any typical event will be able to make public safety a reason for an extended curfew. This is a very unique and appropriate request.

Public comments included:

Taylor LeBlanc – McK High Senior Class Advisor

Gave a brief re-introduction of the purpose of the curfew extension request, and thanked the Council for allowing them the opportunity to do so.

Dorothy Cox – Trinidad

I want the existing curfew enforced. I find it odd that public safety is their excuse for wanting an extended curfew considering that the students can leave anytime at their own will. This is a residential neighborhood and the Council should stick with the current policy. No exceptions.

Council comments included:

Miller: I sympathize with the residents, and don’t support the request.

Baker: Why is there an exception for New Year’s Eve? This is an opportunity for the School to make a good impression and abide by the current policies. Perhaps in the future – if things change – the City could consider an exception if all goes well this time.

Ladwig: This is not in line with the Town Hall use policy and I can’t support the time extension.

West: I support listening to the community and can’t support the extension either.

Rotwein: I support the kids and I vote to allow the extension.

Motion (Ladwig/Rotwein) to extend the curfew to 11:30pm. Motion failed 3-NO, 2-Yes (Rotwein, Ladwig).

2. Verizon Presentation and Reconsideration of Terminating the Trinidad Head Cellular Communication Lease.

City Manager Berman explained that last May the Council considered what to do with the expiring lease for the cellular communications facility on Trinidad Head. At that time the lessee, Verizon, indicated that it no longer needed the site to provide adequate cellular coverage for the Trinidad Area. AT&T and Sprint, who sublease space at the site from Verizon, stated that their customers would be significantly affected. The Council decided to extend the lease for one year, and to terminate the lease as of September 2018.

Verizon has since contacted the City requesting that the City reconsider terminating the lease. They are now saying that they do not have adequate replacement coverage for the site, and their cellular coverage in the greater Trinidad area will be significantly affected by the site’s removal.

Staff have asked Verizon for coverage maps, test results, and other factual data to support their assertion that removal of the site would negatively affect Trinidad area residents. Verizon will be making a presentation at the meeting and have provided a draft of that presentation which is attached to this staff report.

Zoning/Permitting: A new cellular facility could not be permitted on Trinidad Head due to the Open Space zoning and the terms of the land transfer from the federal government. However the existing non-conforming use can be continued indefinitely, including repair, maintenance, and replacement, so long as the degree of non-conformity is not expanded. Staff believe the lease could be modified and extended without new permitting.

Coverage: Staff see loss of cell phone coverage as a significant concern for commerce, safety, and convenience of residents and visitors. Functional cellphone coverage is becoming more and more like a modern (private) utility that people rely on, including many who may no longer have ‘landlines’ at all. While it is

not the City's responsibility to ensure cellular coverage in the area, this lease issue is a discretionary decision by the City that could result in a significant coverage loss for City and area residents.

Public information about coverage is limited. Staff have requested detailed information prior to the May 2017 meeting and this meeting, and have received limited and largely qualitative information. The attached draft presentation is basically the extent of information provided to date. It seems to show that during a 'test run' last November, turning off the Trinidad Head site had a dramatic effect on coverage for Verizon customers.

Lease Value: The City currently receives a total of about \$26,000 annually for the lease. Staff expect that amount would increase significantly (by a factor of 2 to 4, i.e. \$50K to 100K) under a renegotiated lease, but have not pursued detailed real estate negotiations based on the prior decision to terminate.

City Council Options: The Council has a range of options:

1. Affirm the 2017 decision to terminate the lease in September 2018
2. Consider another short-term extension (1-3 years) to provide additional time for the cellular companies to develop alternative facilities
3. Consider a longer-term renewal of the lease.

If the Council opts to pursue either a short or long-term extension of the lease beyond this September, the next step would be real estate negotiations on the terms of the lease. A draft lease would then return to Council for consideration.

Public comments included:

Jerome Wade & Jacob Lynch – Verizon Representatives

Presented slides that illustrated the performance of the network during the period of time in November 2017 when the Head site was turned down and the alternative sites turned up. Dropped calls, coverage gaps, call attempts, and minutes of use all were affected by a loss of coverage. They also explained that prior to May, simulations were performed that suggested that if lost, the Head coverage could be replicated by adding 2 or more alternate sites. However, the Head site has proven to be superior over any of the alternatives. The hard data received has proven this. Wade further explained that the Humboldt County Sheriff's Department utilizes the Verizon network for cellular and mobile wireless internet.

HCSO Lt. Mike Friedly

Explained that every HCSO patrol vehicle has a mobile computer that runs off the Verizon network. If Verizon's network is weak, our communication between Deputies will also be compromised. We share information with each other over the cell network when we don't want criminals to know where we are, and cell phone GPS signals help locate people when they are lost. Today's cell network is directly related to Public Safety.

Misako Hill – AT&T Representative

The Head site is a superior site for ATT as well. We are co-located on Verizon's facility up there, so if they're in trouble, so are we. We have had no luck replicating this site yet.

John Owens – Sprint Representative.

We're in the same boat as ATT, but if we lose the site with Verizon, all our customers north of McKinleyville will lose coverage completely.

Elaine Weinreb – Trinidad Area

Be highly skeptical of what the corporate reps tell you. I was promised service at my house, but still have none.

Jim Cuthbertson – Trinidad

In early November my wife called 911 via cell phone for me. I was hospitalized for 3 months. I support extending the lease and working with Verizon.

Frankie Myers – Yurok Tribal HPO

I've heard this pitch before. CALFire and OES gave the same one for the Green Mountain site. There are so many tech advances and these people can figure it out. I'm part of negotiations for alternative sites. Tech consultants don't appreciate the Yurok heritage and the generations of people that were here before them. They are desecrating our sacred sites and continue to oppose us. Do not support Verizon's request. Remove the site. This is the position of the Yurok Tribe.

Steve Ruth – Trinidad

This Council should uphold previous Council's votes to expire the lease and tell Verizon to vacate the site.

Jonna Kitchen – Trinidad

I walk the Head regularly and honestly, I hardly notice the site. I'm a Verizon customer and feel blessed to have the excellent coverage we do while living in a very remote place. This site serves many people, and I encourage to continue the lease until equal coverage alternatives are developed.

Mareva Russo – Trinidad

Gave a brief history of the site and its relationship with the City. This is an opportunity to correct mistakes that were made in the past. Terminate the lease.

Stanton Wood – Arcata

We are on Yurok ancestral land. This is a perpetuation of colonialism. I am a Verizon customer, but want the Head site removed.

Brad Twoomey – Trinidad

Terminate the lease.

Scarlet Ibis – Trinidad

This is a big test of the Ordinance (resolution) that the Council is considering to work hand-in-hand with the local Tribes.

Cyndi Lindgren – Trinidad

This is sacred land. Visitors want to experience the natural beauty. We heard the same pitch from US Cellular in 2006. Terminate the lease.

Written correspondence included:

Gail Kenny – Trinidad

Supports continued use of the Trinidad Head cell site.

Tsurai Ancestral Society

Terminate the lease

Council comments included:

Miller: Thanked Kim Tays for her contributions to this issue. I'm not concerned with the well-being of the cell companies, but I am concerned with the many people have become dependent on their cell phones. I'm concerned for the people that live here and use the cell-network to receive internet and may have given up their land lines. Public safety is a serious concern and no one – not even Verizon engineers – can predict the future. I'm in favor of a 3-year extension at a re-negotiated lease price, and putting pressure on the cell companies to develop alternatives.

Baker: I'd like to hear more from Green Diamond whether they are discussing alternative sites with Verizon before making my decision.

Ladwig: I see no evidence that alternative sites have been explored. The entire community wants the site gone, and I want to see it gone in September 2018.

West: I would like to continue this discussion. I understand that people can use boosters to improve their signal strength, and that there are other alternatives that can be investigated. I don't support a 3-year extension, but possibly 1-year, but would like to hear more first.

Rotwein: This will be a market-driven process. I think the Council should move forward with the decision made last year to decommission the site.

Motion (Rotwein/Ladwig) to affirm the 2017 decision to terminate the lease in September 2018. **Motion failed by the following vote: 3-No, 2-Yes (Ladwig, Rotwein).**

Motion (Baker/West) to table this discussion for 2-weeks to allow the City Manager to contact Green Diamond and confirm whether Verizon has been investigating/negotiating possible alternative sites in the Trinidad area.
Motion passed by the following vote: 3-Yes, 2-No (Ladwig, Rotwein).

XII. FUTURE AGENDA ITEMS – 1) TOT Allocations, 2) Auditor recommendations, 3) CM evaluation process.

XIII. ADJOURNMENT: 8:15 pm

Submitted by:

Approved by:

Gabriel Adams
Trinidad City Clerk

Susan Rotwein
Mayor