

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, APRIL 12, 2017

I. CALL TO ORDER

- Mayor Miller 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, City Engineer Rebecca Crow.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

*Motion (Rotwein/West) to approve the agenda as amended, pulling 3 for discussion. **Passed unanimously.***

VI. APPROVAL OF MINUTES – March 08, 2017 cc, March 22, 2017cc2

*Motion (Rotwein/West) to approve the minutes as amended. **Passed unanimously.***

VII. COUNCIL MEMBER REPORTS

Rotwein: Showcased her city business cards, and thanked the City Manager for the written staff report
Attended Hazardous Materials Response Authority meeting, met with HCCVB Director Tony Smithers, and met with Coast Guard Commander.

West: HCAOG report; Discussed Last Chance Grade status and solutions.

Baker: Attended the RREDC meeting.

Miller: Hope to be attending HWMA meetings soon as a member representative for the City.

Ladwig: Attended HTA meeting.

VIII. STAFF REPORTS:

City Manager Berman summarized the staff report included in the Consent Agenda highlighting various accomplishments and project status for the month; *Attended Brown Act training for managers and supervisors, discussed Measure Z funding status, monthly financial status, and update on Van Wycke trail repair grant application.*

IX. ITEMS FROM THE FLOOR:

Kathleen Lake – Trinidad

Concerned that public information requests are not getting fulfilled. Also made an appeal that the City Manager determined was not valid. Asked Council to intervene and allow a hearing on the issue. Wants a VDU license revoked. Read a prepared statement that was emailed to staff and Council, and asked what public process was available to authorize appeals.

Dorothy Cox – Trinidad

Asked for a status report of the Ocean Avenue road-widening project. Also commented on noise associated with the Town Hall for the recent Trinidad School fundraiser. It wasn't that bad but the decibel app that Mayor Miller suggested didn't work very well. Also added a brief history of 407 Ocean Avenue, and agreed with resident Lake about issues at that home.

Jim Cuthbertson – Trinidad

Are we getting credit for Sheriff non-coverage while Deputy Mathieson is away? Tree trimming is expensive. The HSU Marine lab tree should be cut down.

Pat Morales – Trinidad

Complained about the City's audio recordings not being clear, and suggested the City get better equipment.

X. CONSENT AGENDA

1. Staff Activity Report for April 2017
2. Financial Status Reports for February 2017
3. Authorize City Manager to have the Ewing Street Cypress Tree Pruned

City Manager Berman explained that the Cypress tree in front of the Trinidad Marine Lab has been determined to be on the City's right of way, and not on the Trinidad Marine Lab's property. This information came out of a detailed professional survey of the Marine Lab property completed by HSU. HSU facilities maintenance staff have been clear to the City that they see this tree as the City's responsibility, and in fact they are very limited in their ability to expend their state funds on anything not on their property. Until this recent survey, everyone involved (the City, HSU, and neighbors) have assumed the tree was HSU's responsibility.

HSU is concerned about the tree's size and possible leaning, and one of the uphill neighbors has struggled for decades with HSU over pruning the tree because it significantly impacts their ocean views. The City Attorney's advice regarding responsibility is that it's not worth battling with HSU over a few thousand dollars, and if the survey is clear, then we are probably on the hook for the tree.

Staff requested that HSU provide original construction plans for the Marine Lab to investigate whether the tree was clearly placed by them, but those requests were not fulfilled by HSU.

Staff asked a local arborist to assess the tree and provide recommendations. That report addresses significant pruning, but concludes that the tree is healthy and there is no need to remove it. The arborist estimates the proposed work as shown could be completed for approximately \$2,500. Funding for this project fits within the existing Public Works budget line item for Streets maintenance. Given that it is in the road right of way, this seems reasonable.

Public comments included:

Pat Morales – Trinidad

I don't want the tree cut down. I want it to be thinned and maintained. Do the right thing and support the residents for a change.

Council comments included:

Baker: The tree is on State property. Public right-of-way is not the same as fee-title ownership. The tree was planted within a curb that was developed by HSU. It is not our tree and HSU should maintain it. The person I spoke with at HSU does not know what she's talking about.

*Motion (Rotwein/West) to table the item and continue it at a future meeting. **Passed unanimously.***

4. Firehouse Expansion Project Bid Package
5. Damage Claim Against the City from Christian Walters

*Motion (West/Baker) to approve the consent agenda as amended, pulling # 3 for discussion. **Passed 5-0.***

XI. DISCUSSION/ACTION AGENDA:

1. Discussion/Decision regarding response to Edwards St./Memorial Lighthouse Landslide

City Manager Berman explained that a large active landslide is occurring immediately adjacent to Edwards Street and the Trinidad Memorial Lighthouse. SHN Consulting Engineers and Geologists (SHN) have completed a Preliminary Assessment Report. The Report recommends the City move forward quickly on two fronts: removing materials on the top of the slide, and conducting further subsurface geologic investigation. Plans for the removal of the materials from the slide are included in the report. Estimates for that work are anticipated by the date of the meeting. A cost proposal for subsurface geologic investigations has been received and is attached totaling \$30,100.

Staff recommends the following:

- Authorize (after the fact) the expenditure of \$2,800 for the initial assessment report from the Public Works budget.
- Confirm that this situation constitutes an emergency in terms of the permit process and the need to move quickly to remove the materials from atop the slide as shown in the attached Plans.

- Approve funding the removal of materials on the slide (pending estimates).
- Consider the SHN proposal for additional geologic investigation. Approval would require a budget adjustment from reserves to the Public Works Contracting Budget.

City Engineers GHD have developed plans to remove materials from the active slide area as recommended in the Preliminary Assessment. The work includes removal of part of the concrete ramps on the site, part of the parking area, and some benches, fencing, and steps, with erosion control and re-vegetation where appropriate. The City has solicited estimates from local qualified contractors to implement that work as soon as possible. Staff expects to have those estimates available at the meeting. The City has \$20,000 in our Public Works budget available for this purpose, and is working to access ~ \$14,000 in PARSAC grant funds as well.

Berman introduced SHN Geologist Gary Simpson who has provided a proposal for the recommended subsurface geologic investigation, including the drilling work itself, related survey and mapping work, data analysis, and generation of conceptual designs based on the results. The cost is \$30,100. The nature of that work, and the information it can yield, are described in more detail in SHN's proposal. SHN will discuss both the Preliminary Assessment and the cost proposal for further investigation.

Staff agrees with the proposed boring recommended along Edwards St. If this landslide continues to progress northward, as anticipated in the Assessment Report, it poses a direct threat to Edwards St. itself, and the utilities under that street. The City should move ahead with planning for that eventuality, which may consist of a significant effort to stabilize the head of the slide to protect Edwards St. The proposed boring and monitoring will provide information that is needed to move ahead with considering design options, including the depth of the landslide, and the depth to 'bedrock', or at least to more solid and stable materials. The boring will be outfitted with a measuring device (inclinometer) that allow for tracking over time of the landslide at depth, which can provide an early warning system about further land movement.

Staff are less sure about proceeding with the proposed borings around the Trinidad Memorial Lighthouse (TML). There is a critical decision point at hand about whether to try and protect the TML in place, or to plan on moving it. If the goal is to design and implement significant engineering work to stabilize the TML in place, then these borings are absolutely needed to inform that design. The TML is clearly perched immediately on the edge of the active slide. Further progression of the slide may undermine it completely, and the feasibility and cost of trying to protect it in that obviously precarious location are worth considering carefully.

The Trinidad Civic Club own the TML and the land immediately around it. In discussions with City staff they have indicated they may choose to embrace the effort to find a new, safer location for the Memorial Lighthouse, Memorial Wall, and Bell rather than trying to protect it in place. Staff will ask SHN to be prepared to discuss this question of moving vs. protecting the TML in place, and how it would impact the cost proposal.

Financial Implications:

The City has applied for State and Federal Disaster relief funding for this project, associated with the Disaster Declaration for the intense storms in mid-January. If that application is successful, disaster funding could reimburse the City for up to ~88% of the costs associated with the disaster, which could include everything discussed here, and further engineering work as well. That series of storms did seem to trigger the dramatic movement of the landslide, but there is no guarantee that the application will be successful, and the City may have to absorb these costs.

Council questions included:

Baker: Questions to Simpson about bedrock stability and boring sample options.

Rotwein: What is the impact of the Stormwater Project on the Lighthouse bluff stability? **City Engineer Rebecca Crow** explained the bedrock study of Trinidad and how the Stormwater Phase I was designed to take water away from the bluff, using bedrock mapping to identify the best location to shed groundwater. City Manager Berman added that the fact that years of drought followed the wettest year on record certainly had an impact on the area bluffs.

Miller: What is the time-frame we're looking at? **Simpson** stated 1-2 months, based on the availability of the drilling rig. A few weeks of drilling will produce enough data to work with.

Baker: Is the Lighthouse in imminent danger? **Simpson** stated that we're approaching the end of the current rain year, but if next year is similar the risk will increase substantially. Everything depends on depth-to-rock.

Public comment included:

Craig Goucher – Trinidad Commercial Fisherman

The amount of water pouring out of the ground near the beach is impressive. It's possible that the Stormwater Project has something to do with it.

Peter Cohen – Trinidad Area Resident

Take a look at all the bluffs surrounding Trinidad. They're ALL saturated and seeping enormous amounts of water.

Patti Fleschner – Trinidad Civic Club

The Civic Club thanks the City and SHN for the presentation and removal of the walkway. We wouldn't expect the City to bear the entire expense of the drilling study and we lend our support to the City.

Donna Haddock – Trinidad Civic Club

We are fighting Mother Nature. I fear the devastation of an earthquake and support relocating the Lighthouse and focusing on stabilizing Edwards Street.

Janine Volkmar – Trinidad Civic Club

We should work together. This is a very important site for the City, not just the Civic Club.

Dorothy Cox – Trinidad

The stormwater drain system is flawed.

Kathleen Lake – Trinidad

Echoed comments about protecting Edwards Street.

Roland Johnson – Trinidad Area Geologist, Resident

I work part time for SHN. It's too early to abandon the borings. Get the data now. To be slanting the discussion towards cost is not appropriate. You're premature to start talking about cutting pieces out of the project.

Council comments included:

Baker: I support getting the data.

Rotwein: We should be monitoring our wells that were part of the Stormwater project.

West: Is moving the Lighthouse feasible? Is that something we really want to do?

Ladwig: I support drilling all 4 holes to get the data needed. I caution the Council that there is no evidence to suggest that the Stormwater Project influenced the sliding, and that this is the first year on record that 65 inches or more rain has fallen. There are slides occurring from SF to Oregon.

Miller: I agree that we should negotiate with the Civic Club to share a portion of the cost for drilling.

*Motion (Rotwein/Baker) to 1) authorize (after the fact) the expenditure of \$2,800 for the initial assessment report from the Public Works budget, 2) approve SHN proposal plus the additional bore-hole to help determine the stability of Edwards Street – not to exceed \$35,000 estimate, 3) begin negotiating with the Civic Club for contributions to the cost, and 4) return to a future meeting with an estimate to monitor existing wells. **Passed unanimously.***

2. Stormwater Project Overview Presentation

City Engineer Rebecca Crow explained that the City is in the middle of a significant effort to eliminate direct discharge of storm water runoff into Trinidad Bay. This work is mandated by the State Water Resources Control Board because they designated the Bay as an 'Area of Special Biological Significance' in the 1970's. Those ASBS designations effectively sat on a shelf in Sacramento until the 2000's, when the Water Board took them up and decided to begin enforcing the very strict pollution limits on the books for all ASBS areas in the State.

Thankfully the Water Board has coupled this mandate with opportunities for significant grant funding to accomplish this difficult and expensive task. The City has received millions of dollars in grant funding for monitoring water quality (required) developing detailed plans to eliminate our discharge, and implementing those plans. In general, the project approach is to infiltrate the runoff underground rather than pipe it to the Bay. The actual on the ground work has ended up being divided into three stages. The first was completed in 2015, a smaller piece is funded and designed for construction this summer, and we just received a \$4 Million dollar grant for the final components of the project to be constructed in the 2018-2020 timeframe.

Crow continued the presentation, touching on the following topics: The Integrated Coastal Watershed Management Plan (ICWMP), ASBS Project summary, Geotech & Groundwater Investigations, Sophisticated Groundwater Modeling, Review of Work, Project Design, Lessons Learned with Bioswales, and Next Steps.

Council questions included:

Baker: Who maintains the swales? Construction noise levels should be monitored. The maximum noise level was exceeded in project 1.

Public comment included:

Dorothy Cox – Trinidad

I was severely impacted by Stormwater Phase 1. They're too steep, they clog up, and they're unsafe. The construction impacts were substantial, and my water lines broke. The swales are ugly.

Kathleen Lake – Trinidad

Disappointed with the project.

Shirley Laos – Trinidad Rancheria

I provided the cultural monitoring for the project. I took lots of photos and will share them with the City.

Jonna Kitchen – Trinidad

Phase II calls for a 10% match of 4 million? Can the City afford this?

Rebecca Crow explained that the Ocean Protection Plan will not allow a project to exacerbate slope stability. Phase II will infiltrate water at the beach, not into the ground or along hillsides.

Council comments included:

Rotwein: Timing for construction? Can it wait till September? Are monitoring wells the best technology? Will you double-check assumptions made in the past?

Miller: \$400,000 match? **Berman** explained the City's history with long-term loan obligations.

Presentation item only. No decision was made.

3. Discussion/Decision Short-Term Rental (STR) License Extension

Councilmembers Ladwig and Rotwein recused themselves from this discussion.

City Manager Berman explained that the revised STR Ordinance (2016-03) is expected to go into effect sometime this summer. The exact timing, and the final rules are not certain, as they depend on the actions of the California Coastal Commission when they consider it in early June. This uncertainty about both the timing and the final details of the revised Ordinance makes it impractical to transition to new STR licenses before the current licenses expire on June 30, 2017. Staff recommends extending all current VDU licenses through September 30, 2017. This extension will relieve both the City and STR owners of the effort of renewing the licenses by July under the current rules, only to have to repeat the process under new rules a month or two later. This extension also provides STR operators with certainty regarding occupancy limits during the extension period. All other requirements of the new STR Ordinance (2016-03) will take effect immediately.

Staff recommends extending current STR (VDU) Licenses through September 2017, thereby delaying the effective date of any changes in allowable occupancy, but not delaying any other provisions of Ordinance 2016-03.

This action is proposed to avoid wasting City staff and STR operator's time in a renewal process when the resulting licenses will quickly become obsolete. It also provides certainty for STR operators attempting to book guests for the summer, when the allowable occupancy for many STRS will be changing at some unknown date, and the final details of the new STR rules remain uncertain due to the Coastal Commission approval process. This extension allows occupancy to continue as currently licensed through September, but it does not delay the effective date of other components of the revised Ordinance, including limitations on transferability of licenses, caps on the number of licenses allowed in certain zones, and new enforcement provisions.

The City will produce a new 2017-2018 STR License Application process as soon as possible once the new Ordinance goes into effect, with the intent of issuing new licenses to take effect October 1st. One of the changes in the new STR Ordinance is to change the date of the annual renewal process to February 1st. In this transition year, STR Licenses issued this fall will be valid from October 01, 2017 through January 31, 2019, and will be renewed every year thereafter by February 01.

It is the responsibility of the STR license holder to verify that all application materials stay current and on file with the City through the extension period. This includes the OWTS permit, proof of insurance, and changes in ownership/contact information.

Public comment included:

Jonna Kitchen – Trinidad

This a complicated process. Most of my houses are booked for half the summer already, and tenant agreements have been signed. I appreciate the staff effort on this. There are still many rules in place, but I agree with postponing the application process until the end of August.

Kathleen Lake – Trinidad

Represent the public's interest. We don't know what the Coastal Commission will do with this. We request that all exceptions be reviewed by the Planning Commission and Council. We need to start with what we have. It is not in the public interest to over-occupy the homes. How can you grant exceptions?

Richard Johnson – Trinidad

If the moratorium ends in June, under the current rules can new homeowners apply for permits?

Dorothy Cox – Trinidad

I sympathize with the businesses, but too many exceptions have been made with existing rentals. This does not benefit me at all.

Tom Davies – Trinidad

Renewing applications for another quarter will only extend non-compliant licenses. If new people apply for permits they will be subject to new regulations. Staff helping people with non-compliance is not acceptable.

Susan Rotwein – Trinidad

Thanked Staff for looking ahead to this because the first license period did not go well last year and we want to get it right this year.

Pat Morales – Trinidad

Complained that Rotwein should not be speaking publicly after recusal and trying to influence the decision.

Council comment included:

Baker: Councilmember West and I are a committee investigating exceptions granted, and I'm very concerned with non-compliant STR's. We need to clean this up and I would support giving staff more leeway to improve the process.

West: I expect this next application cycle to be much tighter.

Motion (Baker/West), in the interest of efficient use of staff time and City resources, to authorize the 3-month extension period for compliant VDU's, but not for the non-compliant VDU's or VDU's that are in violation status.

Passed 3-0. Rotwein & Ladwig recused.

XII. ADJOURNMENT

Meeting ended at 9:40pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor