

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
THURSDAY, JUNE 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, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENT ON CLOSED SESSION ITEMS

1. Jim Cuthbertson: Renegotiate the cell lease.
2. Dorothy Cox: STR complaints from last October still haven't been responded to.

IV. CLOSED SESSION

1. Public Employee Performance Evaluation and Contract Negotiations for City Manager Pursuant to Government Code Section 54957
2. Conference with legal counsel regarding real estate negotiations between the City of Trinidad and Verizon Wireless regarding the Trinidad Head cell site. Pursuant to California Government Code section 54956.8

V. CLOSED SESSION REPORT

The City is considering a 1-year, \$58,000 lease extension with Verizon.

VI. APPROVAL OF AGENDA

Motion (Miller/Baker) to approve the agenda as amended, moving discussion agenda item 5 up to number 2 in order. Passed unanimously.

VII. APPROVAL OF MINUTES – 04-30-18 scc

Motion (West/Baker) to approve minutes as written. Passed unanimously.

VIII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS

West: Nothing to report.
Baker: Nothing to report.
Miller: Nothing to report.
Ladwig: Nothing to report.
Rotwein: Working with the Trinidad Rancheria on an application to raise the tsunami siren. Waiting for a support letter from the OES. Trails Committee is discussing vegetation management.

IX. STAFF REPORTS

City Manager Berman's written staff report was included in the packet. Various highlights included 1) Solar feasibility study being done on the Town Hall by RCEA. 2) Administrative support staff Nicole Provolt resigned effective May 31. 3) TPW Director Bryan Buckman is expected to return soon from his leave of absence. 4) TPW working to get the City ready for the upcoming Fish Festival. 5) Stormwater Construction project start date has been delayed. 6) Law enforcement activity recap.

Mayor Rotwein noted that the STR Committee recruitment was stalled out due to staffing shortage.

X. ITEMS FROM THE FLOOR

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

Jim Cuthbertson – Trinidad

Status of the Van Wycke Trail? Complained about the status of the Wagner Street Trail. City Planner Trever provided a brief response/update on the Van Wycke Trail status.

Dorothy Cox – Trinidad

Ask for the law enforcement report on the consent agenda to be pulled for discussion. Read a letter from Arcata resident Kim Tays that 1) Asked the city to contact Google and request the Trinidad Head road be removed from their map program, 2) The City Planner shouldn't have to take minutes and run the meetings at the same time, and 3) Disagree with the Council catering to Mike Morgan's request to limit parking on the bluff.

WRITTEN COMMENTS SUBMITTED PRIOR TO THE MEETING

Kathleen Lake & Tom Davies – Trinidad

Submitted a 4 page letter that covered topics such as written comments, TOT allocation suggestions, the City Website, STR's, public access to documents, ADU Ordinance, General Plan, OWTS permits, Minutes pending,

Law Enforcement, parking impacts, detached living spaces, the budget, and City Manager performance evaluation.

XI. CONSENT AGENDA

1. Financial Status Reports for April 2018.
2. Staff Activity Report for May 2018
3. Law Enforcement Report – May 2018
Pulled for discussion at the request of resident Dorothy Cox, who argued that the reports weren't thorough enough and do not include numerous, significant events that occurred recently. Mayor Rotwein requested that City Manager follow up and ensure the reports are submitted on time and complete.
4. Approve Resolution 2018-06; Authorizing the City Manager to sign a USDA SEARCH Grant Agreement
5. Amendment to Consultant Agreements for Services for Ocean Protection Council Citywide LID Grant Project
6. Resolution 2018-07; Implementing the Civic Club request to Consolidate the Coastal Development Permit Process for the Follow-up Permits from the Memorial Lighthouse Relocation.

Motion (Ladwig/Miller) to approve the consent agenda. Passed unanimously.

XI. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision regarding Time-Limited Parking Restriction on Edwards Street Bluff between Trinity Street and Ocean Ave.
City Berman explained that this Ordinance would amend the City Code to establish time limits on parking at the Upper Edwards St. View area (the south side of Edwards St. between Ocean Ave. and Trinity St.) This is a very popular view area for residents and visitors. There is currently nothing preventing people from parking there all day. Staff agrees with the Council's direction that this area is appropriate for time limited parking so that more people can stop, enjoy the view, and move on for the next person.

In order for this restriction to be enforceable, it needs to happen through an Ordinance and become part of the Municipal Code. The current draft Ordinance proposes 20-minute parking. This has the advantage of being easy to indicate with a green painted curb that is familiar to people, with '20 min parking, View Area'

The Council could instead set a 1-hour or 2-hour limit. Staff see 20-minute parking as consistent with the idea that this is a place to stop and enjoy the view, but not an appropriate place to park for any extended periods. That can be done away from the bluff edge view locations. As with most City ordinances, voluntary compliance will be the primary approach, but enforcement will be possible through the Humboldt County Sheriff's Office. City staff cannot issue parking tickets, but we can help document the time someone has been parked, and create formal warning 'tickets' to facilitate compliance.

Berman also added that a representative from the Coastal Commission informed him that the change may require a Coastal Development Permit before it can be implemented and enforced. **City Planner Trever Parker** stated it was unclear whether a CDP is required. It is not addressed in the City's LCP, and the City has the authority to regulate parking and traffic concerns. She reminded the Council that policies and infrastructure is slowly being eliminated throughout town, and suggested developing parking in other places at some point.

Public comment included:

Mike Morgan – Owner, Trinidad Bay Bed & Breakfast

We don't like having to be the parking police. We brought this to the Council. Enforcement will be more efficient and affective if the Deputy only has to wait 20 minutes to determine whether they need to remove a nuisance vehicle from the area. Our main problem is people parking there all day camping and using drugs. I'm not concerned with comments made by the Coastal Commission, or the B-S comments submitted by Kim Tays.

Jim Cuthbertson – Trinidad

Handicapped individuals can stay there all day if they want to.

Dorothy Cox – Trinidad

I am offended by Mr. Morgan's inappropriate comments. RV's are the issue, and I'm concerned these restrictions may cause more parking problems on Ocean Avenue.

Council comments included:

Miller: I support decorum in meetings, as well as the 20-minute parking limit.

Baker: 20-minutes seems short. 1-hour is appropriate, but I support whatever makes sense from an enforcement perspective.

Ladwig, West, and Rotwein agree support 20-minutes.

*Motion #1 (Rotwein/Miller) to support the 20-minute restriction. **Passed unanimously.***

*Motion #2 (Miller/Ladwig) to waive the full reading of Ordinance 2018-01 and conduct the first reading by title only. **Passed unanimously.***

2. Discussion/Decision regarding Planning Commission Recommendations; Definition of a Kitchen, Detached Living Spaces, and Administrative Fines

City Planner Trevor Parker explained that in March 2017, the Council directed the Planning Commission to discuss the issue of regulating detached living spaces. At their regularly scheduled meeting on April 18, 2018, the Commission adopted two different policies to help staff determine appropriate use of and improvements allowed in detached living spaces. These include definitions for a kitchen and wet bar that would apply to all spaces, not just detached living spaces, and the standard conditions for future approvals of detached spaces.

The Planning Commission also considered the possibility of recommending administrative rules for STR's for adoption by the City Manager per the STR ordinance. However, the Planning Commission felt that the City needs to step up enforcement of existing regulations, but did consider enforcement and fines as part of the detached living spaces discussion. The discussions resulted in two unanimously approved recommendations to the Council;

1. *The Planning Commission finds that real-time enforcement and complaint follow-up is critical to public safety and the well-being of the Trinidad community and recommends that the city Manager and City Council pursue Measure Z funding for a code enforcement officer and additional law-enforcement coverage, and immediately engage the Sheriff's Office to negotiate increased patrols that include enforcement of City codes as well as other applicable laws.*
2. *The Planning Commission recommends that the City Council adopt and implement a comprehensive administrative fine ordinance.*

Public comment included:

Mike Morgan – Trinidad

Asked how the City will approach enforcing detached living spaces. **City Planner Parker** explained it would be done on a case-by-case basis, on new construction, or by complaint.

Council comment included:

Baker: The policies for detached living spaces and definitions for kitchens are not ordinances. They are intended to be guidance for staff.

Rotwein: I am in favor of moving forward on fines and fees. Enforcement is critical. City Manager Berman stated he would ask the City Attorney to help draft the ordinance for fines and fees.

*Motion (Miller/West) to support definitions and authorize Staff to develop an ordinance that establishes administrative fines and fees. **Passed unanimously.***

3. Discussion/Decision regarding Trails Committee Bench Policy

Mayor Rotwein explained that the Trails Committee has developed the attached Bench Policy and is recommending the Council review and approve it. Staff supports the recommendation. As a policy and procedures guide, it can be reviewed and revised over time as appropriate. The Policy sets a \$1000 fee to establish and mark existing benches in memorial for 10 years, and addresses the details of how to handle existing memorials, notify 'owners', and provide opportunities for new individuals or families to designate benches in memory of loved ones. The Public Works Staff are working with local high school wood and metal shops on an improved standard design for the benches.

Public comment included:

Dorothy Cox – Trinidad

My bench needs repairs, so please clarify the repair process. The price seems high.

Shirley Laos – Trinidad Rancheria

I'm on the trails committee and participated in the process to develop the policy. The committee felt that making payments would be too laborious to track, so the full fee would be required up front.

Mike Morgan – Trinidad

Offered to pay ½ of Kay Cameron's bench renewal fee. There should be a page on the website that is dedicated to the bench dedication process.

*Motion (Ladwig/Baker) to approve the updated Bench Policy as submitted. **Passed unanimously.***

4. Discussion/Direction regarding FY2018-19 Budget and Workplan

City Manager Berman presented information prepared in response to questions brought up at the May budget workshop.

Public comments included:

Jim Cuthbertson – Trinidad

I'm not satisfied with the job being done by Public Works.

Dorothy Cox – Trinidad

Spending \$8,000 on a salary comparison study is ridiculous. We can do this internally. The Town Hall does not need \$15,000 of work at this time, and although I appreciate the Museum and Chamber, they shouldn't be getting subsidies from the City. Please do a thorough review of the City fees for services.

Council comments included:

Rotwein: Does the City have a capital improvement plan for Town Hall? We need to prioritize hiring full-time administrative support. We still have not been provided a staffing plan. Administrative support is a core position and can be funded with the contributions the General Fund is making to the Grant Administrator position if necessary.

Miller: I'm concerned about hiring a full-time position and leaving gaps in future years, but we need it. I also support a salary increase and taking a serious look at the impacts that losing the Trinidad Head cell site revenue will have on the budget. We owe it to the City and Staff to perform a salary study. I support contributing to the Chamber, Library, and Museum, but we must keep our revenue sources in mind. I also support the Grant Admin position being partially funded by the General Fund.

Baker: Prioritizing workloads for limited Staff is the reason why things aren't getting done. Training is expensive. I support the salary study.

Ladwig: I'd rather hire ¾ time and upgrade when we know the budget forecast, and I definitely support including merit increases for Staff. Sources of grants seem variable, as many have match components. The water fund seems self sufficient, but a City fee study is warranted. We have a responsibility to make the full-time position happen.

West: I agree with Ladwig, and would like the City Manager to inform the Council of why the Grant Administrator position is so important to the City at the next meeting. The City needs full-time Administrative Support, and I think we'll attract better candidates if we hire for that now.

*Motion (Ladwig/Baker) to begin the recruitment process to hire a full-time Administrative Support position immediately, and commit to reviewing possible revenue streams for future funding as needed. **Passed unanimously.***

By consensus, the Council supports the discretionary expenditures proposed and authorized the City Manager to include them in the upcoming final budget preparation.

The next meeting will be held on June 27, but the first regular meeting in July was canceled due to Council scheduling issues.

5. Discussion/Decision regarding Parker Street Right-of-Way Encroachments.

City Manager Berman explained that Parker St. is quite narrow as it passes between the four-plex apartments on the south side of the Street and 640 Parker St. on the north side of the street. This narrow spot results in part from significant encroachments on the street right of way that are occupied by rocks, soil, and vegetation in front of 640 Parker St. and (to a lesser extent) in front of the 'Picker's Paradise'. There are also encroachments on the opposite side of the street, where the cherry tree and the parking for the apartments are partially in the right of way. When people park on the north side of the street in front of these encroachments, it becomes a one lane street trying to handle two-way traffic. The angled intersection of Underwood and Parker further limits visibility.

These encroachments have been in place for many decades, predating the current owners of these homes. Encroachments in the street right of way require an approved encroachment permit from the City; however many such encroachments exist throughout town without any permit, including these. Many residences farther along Underwood also have unpermitted encroachments, including fencing, vegetation, and other landscaping within the right of way, some of which prevent safe street-side parking.

Staff's general approach with the issue of encroachments is to:

- a) Prevent new encroachments from occurring without a permit;
- b) Inform residents of the location of the right of way line, the need for encroachment permits within the right of way, and the potential that the City may reclaim this area for the public benefit; and
- c) Consider reclaiming the right of way on a case by case basis

The City has received concerns from residents who find this situation hazardous due to the narrow street, people parking within this narrow spot, and the vegetation on the north side of the street obstructing the view of oncoming traffic. Staff has discussed the situation with the residents of 640 Parker St. They were surprised to find so much of their front yard was actually in the street right of way, and would prefer not to see it removed. They agreed as an initial measure to have the vegetation trimmed back further for visibility, and supported the idea of restricting parking in front of the encroachment. Staff thinks the current situation is not safe, and sees two primary options for consideration by the Council: limited restoration and a restriction on parking in this location, or full restoration of the right of way.

Limited Restoration: This would involve trimming existing vegetation in the encroachment to improve visibility for drivers, and marking this narrow spot as 'no parking' with red paint and signage. The City would retain the right to reclaim the right of way in the future. This would remain a narrow point in the road, but with better visibility and no parked cars to obstruct the street. The paved width would not change.

Full restoration: This would involve heavy equipment work to remove rocks, soil, and vegetation in the right of way, effectively widening the street. The reclaimed area would be leveled and graveled, creating two or three (safe) parking places along the north side of the street where the encroachments currently exist. Visibility would be improved. The City would bear the cost of the work, roughly estimated at \$5,000. Some savings would likely result if the work was done during the Hector St. Rain Garden improvements, as the equipment and manpower would already be present.

Pros and Cons:

Each of these situations is unique. In this case, the location represents a 'break' between the commercial businesses on Trinity and Parker St., and the dead end residential street of Underwood. There is an aesthetic and engineering argument that narrower streets can be beneficial in helping slow traffic and creating a buffer between the commercial and residential areas. Full restoration would have the benefit of creating (or at least moving farther out of the road) two to three safe parking places, which are in demand in this area of town. The limited restoration option would eliminate two very unsafe parking places.

Staff recommends that the City first try the limited restoration option with parking restrictions. The vegetation work is largely complete. The City would 'red stripe' this zone and place a no parking sign. We would see how it goes, and reassess based on the results and feedback from the neighborhood. If it seems safe, and the neighborhood concerns are resolved, this would be a cheaper and easier solution with less disruption to the residents. If it does not resolve concerns, full reclamation of the Right of way could be pursued.

Council questions included:

Baker: Who determined the location of the property lines? It's important to follow the law and understand where the property lines are. People have been allowed to landscape public right-of-way's all over town. I'd like to see a standard Engineering practice take place to ensure property lines are accurately located.

Ladwig: I think we should table this discussion until we know what we're talking about.

West: I'm concerned with eliminating up to 3 more parking spaces.

Miller: I support the City Manager's recommendation to restrict parking in the area and re-assess this in the near future.

Public comment included:

Jim Cuthbertson – Trinidad

I bought that property in the mid 1990's. There are stakes on the property corners.

Anne Pinske – Trinidad

I drive by that spot everyday. The person that built that home extended the landscaping into the roadway. I support adding the red stripe to prohibit parking there until the encroachment is addressed.

Mike Morgan – Trinidad

I apologize for my choice of words earlier. Has this concept gone through the Planning Commission yet?

Dorothy Cox – Trinidad

A new hedge was planted on in the Underwood right-of-way and the City Manager ok'd it. Ocean Avenue is much safer now with the encroachments removed. Why should anyone ask for permission when this other people just do it?

Mike Pinske – Trinidad

This is a dangerous and congested area. Cars should not be parking there. Paint it red asap.

City Planner Parker suggested the Council consider the huge right-of-way on Hector street and continue developing it into public parking.

Council comments included:

Ladwig: Add the red stripe now to make the situation safer right away.

Miller: We need to develop a policy that is legal and reasonable for the City to analyze future encroachment issues. I support the red strip and prohibiting parking in that area immediately.

Rotwein: I'm in favor of removing the encroachment immediately, while heavy equipment is already on site. I'm ok with the red strip for now, but think we should ask the Planning Commission to weigh in on this soon.

Baker: These are Planning issues that need to be dealt with.

*Motion (Miller/West) to direct Public Works to red stripe the encroachment area on Parker Street, and for the City Manager to determine – by survey – the road right-of-way and bring this issue back to the Council at a future meeting. **Passed unanimously.***

XII. FUTURE AGENDA ITEMS – None

XIII. ADJOURNMENT: 9:15 pm

Submitted by:

Approved by:

Gabriel Adams
Trinidad City Clerk

Susan Rotwein
Mayor