

**MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JULY 25, 2018**

**I. CALL TO ORDER**

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

**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)*
2. 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
3. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957

**IV. CLOSED SESSION REPORT – Nothing to report.**

**V. APPROVAL OF AGENDA**

Motion (West/Miller) to approve the agenda as written. **Passed 4-0.**

**VI. APPROVAL OF MINUTES – No minutes submitted for approval.**

**VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS**

**West:** Nothing to report

**Baker:** Nothing to report

**Miller:** RCEA meeting report.

**Rotwein:** Government meeting with the Trinidad Rancheria held in July. Discussed Harbor to Trust status, tree trimming on Scenic Drive, 101 off-ramp status, and Tsunami Siren project. Attended HCAOG meeting, filling in for West.

**VIII. STAFF REPORTS**

**City Manager Berman** noted various accomplishments and project updates that took place this month. Highlights included: The City is currently hiring for Public Works and Administrative support positions. Update on ATT and Stormwater projects, Grand Jury Report, Complaints, Law Enforcement Staffing Assignments, Civic Club and Reinman Apartment applications being considered at the August Planning Commission meeting.

**Mayor Rotwein:** 1) Concerned about Van Wycke Trail Safety. 2) The Rancheria is pursuing a contract with the County to hire a full-time deputy. 3) The City needs to conduct exit interviews with employees that resign or are dismissed. 4) The City also needs to address health benefits before hiring new employees. 5) Asked the City Manager to italicize or bold new additions and updates to the staff report.

**West:** Is it true that there was no Law Enforcement coverage over the July 04 holiday?

**IX. ITEMS FROM THE FLOOR**

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

**Mayor Rotwein** read a statement to set a tone and encourage respectful public comments and discourage bullying and intimidation from anyone participating in public meetings.

**Mike Morgan – Trinidad**

Filed a written complaint against City Manager Berman for an offensive comment made during a recent interaction with him, and the City's response to a second-hand complaint received about Morgan's conduct at a recent Planning Commission meeting.

**Dorothy Cox – Trinidad**

Explained, in detail, an incident she experienced with Mike Morgan at a recent Planning Commission meeting where he displayed a self-defense device that was referenced in a second-hand complaint submitted to the City without her knowledge. She stated that she knows what she saw, and she isn't a liar. Urged the Council to meet with Planning Commission Chairman John Graves and sort this out.

**Brett Gregory** – Vice-Chair, Trinidad Planning Commission

I too witnessed the Mike Morgan incident and stand by the account I shared with the City Manager at his request. I do not appreciate his report. I witnessed it. It bothered me. My credibility has been called into question. I can't make decisions in the same room as Mr. Morgan and hereby resign from the Planning Commission, effective immediately.

**X. CONSENT AGENDA**

- 1. Staff Activity Report May-June 2018
- 2. Financial Statements May 2018
- 3. Law Enforcement Report June 2018

*Motion (West/Miller) to approve consent items 1-3. Passed 4-0.*

- 4. Discussion/Decision regarding Procedure for Reviewing County Cannabis Referrals.

Rotwein recommended adding "ASBS" to the last sentence of procedure no.2, and "...staff will meet with County Planning Staff twice each year..." at the end of the sentence in procedure no.5.

*Motion (Baker/West) to approve the Review Procedure with additions as recommended. Passed 4-0.*

**XI. DISCUSSION/ACTION AGENDA ITEMS**

- 1. Discussion/Decision regarding Resolution 2018-08; Adopting the FY 2018-2019 Budget.

City Manager Berman explained that the proposed FY 2019 City of Trinidad budget is submitted to the Council for review tonight. He summarized the changes made from the last meeting.

A brief summary of City Program Areas is included below.

**General Fund Administration (2.1 FTE)**

This budget unit funds pro-rated employee salaries, liability, property and casualty insurance, contracted planner, building official, attorney, financial contractor, bookkeeper, auditor, lease of city annex and library, utility costs, distribution of transient occupancy taxes (TOT), and office supplies. This budget includes a new full time administrative assistant position that is currently being advertised.

Planner activities are budgeted as follows\*

• General Plan/LCP	\$ 22,000
• STR Ordinance	3,000
• Planning Commission	8,000
• Permits (offset by revenue)	net zero
• City Projects	4,000
• Miscellaneous, general planning	14,000
• OWTS Permits ( <u>offset by OWTS fees</u> )	\$51,000

Attorney costs are estimated at \$20,000, which includes \$10,000 toward defense of litigation.

Building Official \$7,000 plus reimbursable permit process fees.

Distribution of a portion of TOT receipts (~\$15,000)

**General Fund Law Enforcement (.1 FTE - counting City staff time only)**

\$75,000 in Measure Z funds will be used to maintain 1.5 full time Deputy Sheriffs. This provides an assigned deputy working a 10 hour shift six days a week. \$105,000 is anticipated to be funded by Community Oriented Policing Services (COPS) revenue.

**General Fund Fire**

The Fire budget includes \$5,000 to start replacing outdated SCBA (Breathing Apparatus) equipment.

**General Fund Public Works (1.9 FTE)**

Budget includes pro-rated staffing costs, town hall, annex and library supplies, street paint, signs, trail and park maintenance. Specific Projects include:

Town Hall Maintenance work	\$15,000
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OWTS Permitting	(costs are in staff time)
Trail Maintenance	\$3,500
Contracting for Grounds Maintenance	\$20,000

Completing Implementation of the OWTS Permit system across the City is a priority project this year. Staff are utilizing CalFire crews for trail maintenance and working to develop a contract with HCAR (Humboldt Community Access and Resource Center) for some grounds-keeping work.

**Integrated Waste Management (.28 FTE)**

This Budget includes pro-rated staffing costs, franchise revenue and AB939 pass through from Humboldt Waste Management Authority.

Revenue:	\$ 16,700
Expenditures:	\$ 22,944
Difference (from fund balance)	\$ (6,244)

The expected deficit of \$6,244 can be absorbed from the remaining IWM fund balance of ~\$9,000. The auditor recommends incorporating this program into the General Fund once the fund balance is depleted.

**Cemetery (.35FTE)**

Budget includes pro-rated staffing costs and plot sales.

Revenues:	\$ 6,200
Expenditures:	\$ 24,343
Difference (from reserve)	\$ 18,143

Cash assets in this fund are approximately \$90,000, and will cover this deficit. The cemetery fund is steadily declining. The auditor recommends that the City plan for the General Fund to absorb cemetery maintenance costs in the long run.

**Water Fund (2.1 FTE)**

The City's Water Enterprise Fund is doing well. We have completed major improvements to the Water Treatment Plant in recent years. This budget includes setting \$20,000 aside for reserves and budgeting for water line repairs. Water line replacement work is planned for East St., to be done concurrently with storm water grant work in summer 2018.

Public comment included:

**Dorothy Cox** – Trinidad

What about merit increases and longevity pay? This was promised but not delivered last year. **City Manager Berman** stated that upon approval of this budget, merit and longevity pay increases will be implemented.

**Mike Morgan** – Trinidad

Where can the budget be cut? City Manager Berman explained that there will be salary savings by hiring employees at the lower level, the City will be reviewing its fees for service, TOT distribution will be reviewed, and RCEA is assisting the City on an energy/solar review that may result in future utility expense savings.

Council comments included:

**Baker:** I'm concerned with how much time is being consumed by Staff for public records requests and STR complaints. I also want to retain a good Grant Administrator and see the results of a compensation study.

**Rotwein:** I would like the City to consider, 1) purchasing property instead of paying rent for City facilities, 2) negotiating with Rancheria for revenues lost if Harbor goes into Trust status, 3) Move all Staff to one central facility, 4) Spending within our means, and 5) Grant Administrator fully funded by grant projects. I don't support wasting money on a compensation study.

**Miller:** I support the General Fund contributing to the Grant Administrator position, and want to see a comprehensive salary study to see how Trinidad salaries measure up.

**West:** I was hoping the City Manager would explain why the Grant Administrator position is so important to the City, and present the information in a cost vs. benefit analysis format.

**City Manager Berman** explained that often times grants – such as the State grant to repair the Van Wycke Trail – require the Administrator role to be provided by the City without reimbursement. He also recommended funding the compensation study. It should have been done years ago and is an important piece of long-term fiscal planning. Staff deserves this information.

*Motion (Miller/West) to adopt the budget as presented, and approve Resolution 2018-08. Passed 4-0.*

2. Discussion/Decision regarding Second Reading of Ordinance 2018-02; Time-Limited Parking Restriction on Edwards Street Bluff between Trinity Street and Ocean Avenue.

City Manager 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 enjoy the view and move on for the next person.

The proposed Ordinance provides for 20-minute parking. This has the advantage of being easy to indicate with a green painted curb that is familiar to people. 20-minute parking is consistent with the idea that this is a place to stop and enjoy the view, but not an appropriate place to park for an extended period. That can be done away from the bluff edge view locations.

As with most City Code, 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.

California Coastal Commission staff have advised City staff that a Coastal Development Permit should be issued by the City in conjunction with this change as they consider this a 'project' under the Coastal Act. This City's Local Coastal Plan is silent on parking restrictions. Staff recommend moving forward with the Ordinance adoption – if a CDP is necessary it can be pursued subsequently.

Public comment included:

**Mike Morgan** – Owner, Trinidad Bay Bed & Breakfast

Explained why 20-minute parking is more efficiently enforceable, and the types of experiences he hopes to avoid by having the time limit in place.

**Dorothy Cox** – Trinidad

20-minutes is reasonable, but this is mainly a summer issue. I'd like to leave it the way it is.

**Erin Rowe** – Trinidad

I live on lower Edwards Street. I would like to see the entire south side of the street be painted red all the time, with exceptions for resident parking.

Council comment included:

**West:** Would it be possible to make half the space 20 minute, and the other half 2-hour? This would preserve many of the parking spaces we're losing throughout town.

**Rotwein:** 20-minute parking seems very reasonable, and parking should be developed elsewhere in the future.

*Motion (Miller/Baker) to waive the full reading of Ordinance 2018-01 and approve the second reading.*

**Passed 4-0.**

3. Discussion/Decision regarding Right-of-Way Issues surrounding the Hector/Parker Stormwater Construction.

City Manager Berman explained that the construction work currently underway on Hector and Parker St. may provide a cost effective opportunity to consider right of way issues in this area. The project as bid is largely not changing paved street widths, with the exception of narrowing the street as Parker St. curves onto Hector in front of the Holy Trinity Church. This is due to the fact that the previous pavement edge was partially on the Church Property, and the City is correcting that problem, and making sure all the infrastructure is clearly in the public right of way.

The Council has discussed some of these issues recently in regard to the narrow spot on Parker St. that has significant encroachment across from the four-plex apartments. The council direction was to paint a red stripe along that stretch to address people parking in this narrow location. That has been done.

Council comment included:

**Rotwein:** My proposal is to utilize the construction equipment that is already on site to remove the encroachment on Parker Street.

Public comment included:

**Dorothy Cox** – Trinidad

Questions about other encroachments that have been allowed on Underwood.

**City Engineer Dagan Short** explained that Wahlund submitted a change order for approximately \$33,000 to widen the street along the Hector and Underwood intersection and remove and pave over the encroachment at Parker Street. This project will contradict the stormwater management objectives to increase impervious surfaces to absorb polluted run-off before it enters Trinidad Bay. Signage and removing visual obstructions would be best at this point. Grassy areas should be left alone for parking, or at minimum have gravel or impervious pavers installed. It may cost \$7500 to remove the encroachment on Parker and graveling Hector Street parking spaces.

Council comments included:

**Miller:** There is merit to having traffic calming landscaping and I'd like to first see how well the red stripe works to improve the safety issue. I'm comfortable with narrow streets.

**West:** Will we save money by having Wahlund do the work? **City Engineer Dagan Short** explained that competitive bids usually get the best dollar value, and having the contractor onsite do the work may backfire since the work gets sole-sourced without reviewing alternative bids.

**Baker:** There should be a public process where homeowners are notified and have the option to deal with removing the encroachment that they've been maintaining. From a planning perspective, I don't like spur of the moment decisions. I think Public Works staff should be reviewing encroachments on a regular basis.

**Rotwein:** We should at least work with the property owner to remove the hedge. Safety is the top priority. Leave the red stripe, and request a signage plan from GHD for Hector/Underwood/Parker intersection. *The Council agreed, by consensus.*

4. Discussion/Decision regarding Trinidad Head Cellular Facility Lease.  
*Continued to a future meeting.*

**XI. FUTURE AGENDA ITEMS**

- **Miller:** Noise Ordinance
- STR Enforcement Issue Follow-Up
- Grand Jury Response

**XIII. ADJOURNMENT: 8:50pm**

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
Trinidad City Clerk

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**Susan Rotwein**  
Mayor