

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, SEPTEMBER 12, 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 was absent.** City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION**

1. 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
2. Real estate negotiations between the City of Trinidad and Charles Garth regarding 1 North Westhaven Drive. 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**

- 1) Continued research into feasibility of acquiring property at 1 North Westhaven.
- 2) Draft lease sent to Verizon for review but no response has been received.

**V. APPROVAL OF AGENDA**

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

**VI. APPROVAL OF MINUTES – 07-25-18 cc2, 08-08-18 cc, 08-09-18 scc, 08-14-18 scc**

*Motion (Miller/West) to approve 7/25, 08/08, 08/14 as written. **Passed 4-0.***  
*Motion (Miller/West) to approve 08/09 as corrected. **Passed 4-0.***

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

**West:** HCOAG; Continued discussion regarding Last Chance grade on HWY 101.  
**Baker:** Nothing to report.  
**Miller:** Nothing to report.  
**Rotwein:** Community forum will be held on October 01 with Sheriff Billy Honsal regarding Trinidad Law Enforcement. OES update, Letter from residents on Langford Road regarding PG&E Tree Trimming, Tsunami Hazard workshop, Government-to-Government with Yurok Tribe, Trails Committee meeting recap.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) A flow monitor has been installed in Luffenholtz Creek at the Water Treatment Plant as a required part of the City's Water Rights permit. He compared the amount of water being diverted to the water right amount. Showed various slides with recent data collected. Expressed concern that the City is nearing its diversion threshold and discussed possible conservation measures the Council would have to implement in the November if the stats are accurate. 2) The STR Committee volunteer notice has been published.

**Mayor Rotwein** requested City Manager follow-up on 1) fees for service, 2) meet with County Planning Department regarding cannabis permits, 3) longevity pay benefit, and applauded the Civic Club, Rancheria, and Yurok Tribe for cooperation and successful permitting of the Memorial Lighthouse project.

**IX. ITEMS FROM THE FLOOR**

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

**Dorothy Cox – Trinidad**

Referenced the Grand Jury response and various locations in the packet where attachments were mentioned but no attachment included.

**Barbara Kadlecik – Trinidad Area**

Provided information about grant resources for fire safety.

**Leslie Farrar** – Trinidad

Concerned about water use, wants the city volunteers to have wildland fire training, and concerned about the rainwater garden plan for Hector Street.

**Alan Grau** – Trinidad

Requested follow up regarding a recent noise complaint submitted regarding an STR. Does not support City offices located on the other side of the freeway.

#### **X. CONSENT AGENDA**

1. Staff Activity Report August 2018
2. Financial Statements July 2018
3. Law Enforcement Report August 2018
4. Agreement for Services with SHN for Stormwater Project CEQA & Permitting.

**Mayor Rotwein** pulled this item due to lack of information in the agreement that addresses working with the Rancheria – coordinating, collaborating, etc. City Manager Berman explained that a CDP will be required, and the Council may choose to add to the motion that “the City will work closely with the Rancheria...” at that time.

Public comment included:

**Shirley Laos** – Trinidad Rancheria

The Rancheria is willing to work with the City to ensure the time frame is met.

*Motion (Miller/Baker) to approve agenda item 4. **Passed 4-0.***

5. Approve Change Order #1 To Agreement with Wahlund, Inc. for East Street Water Line Replacement.  
*Motion (Rotwein/Miller) to approve 1, 2, 3, and 5, and pull 4 for discussion. **Passed 4-0.***

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

1. Discussion/Decision regarding the Draft Response to the Grand Jury Report.

City Manager Berman explained that the Humboldt County Civil Grand Jury issued a report regarding short term rentals in Trinidad, dated June 25<sup>th</sup>, 2018. The City Council and City Manager are required to provide a formal response to the findings and recommendations of the report within 90 days, or approximately September 25<sup>th</sup>.

After an initial draft was presented at the August Council meeting, an ad-hoc Council Committee of Councilmembers Ladwig and Miller worked with staff to produce the response. The local group ‘Saving Trinidad’s Neighborhoods’ (STN) was involved in the Grand Jury process and invited by the Grand Jury to also submit a response. They requested that their response be included as public comment on this item.

The City response is due soon. Ideally the Council will agree on any final edits to the response and approve it at this meeting. If group-editing the response at the meeting is not practical due to the volume of desired changes, staff recommend that the Council authorize staff and the ad-hoc Committee to finalize the response and submit it based on Council input at this meeting.

Council questions included:

**Baker:** Regarding F4 - I would like the City to clarify, in writing, advise to Council and Staff for conflict of interest issues. The City Attorney should draft this document and the City should post it on the website for all to see.

Public comment included:

**Dorothy Cox** – Trinidad

The Council may feel put-out by this. I spoke to the Grand Jury representative who said the Jury receives hundreds of issues and only investigates a few. Regarding F1 – residents should be polled. Regarding complaints, the process has improved since the City Manager evaluation process has been more frequent. I’m concerned that the meet and greets are not happening.

**Kathleen Lake** – Trinidad

Thanked the residents and congratulated Saving Trinidad Neighborhoods (STN) for helping bring this issue into the light. We were happy to see the Grand Jury took this issue up. The STR industry representatives have harassed and targeted us. Several City Council members continue to criticize us. We are offended to hear you regard us as “vocal minority”, or “small group of citizens”. Please focus on conflicts of interest, as the City

minutes do not record recusals. Please address the City Clerk's conflicts. All City minutes should be posted online in a timely manner. All public comments should be posted online before noon on Friday before the meeting.

**Alan Grau – Trinidad**

A property manager stated that meet and greets are not happening. A form should be signed. The Mayor should be recusing herself from any discussions related to STR Ordinances.

**Leslie Farrar – Trinidad**

Violations must be submitted. We never know when something is going to happen. We did not intend for business activity to occur on a regular basis next to our forever home when we moved here.

Council comments included:

Miller: Regarding the Ordinance, it's not perfect but it took a lot of work. Certain members of the community have kept us focused on it for many years.

Baker: My complaint is with the Grand Jury's methodology in interviewing City officials. I believe we have been accused of corruption, and I reject and resent it. Why were the Grand Jury methods selected and certain information omitted? I believe this ordinance is well done, and I'm going to run on it this November. I would like to know if we were being investigated for corruption. I stand behind our public officials (and staff) tonight. I suggest we include the following sentence in the response: "The decision to interview only the "City Manager" and "City Clerk" is of concern to the City Council.

**West:** I would like a response to Baker's question/concerns as well.

**Miller:** Supported adding Baker's question to the preamble, as well as correcting the following statements:

P.1: "...did not interview a cross-section of Trinidad..."

P.2, Preamble: Include Baker's suggested sentence.

P.3: Ask why other staff or Council was not interviewed.

*Motion (West/Miller) to accept the draft Grand Jury response with 3 additions as listed. **Passed 4-0.***

2. Discussion/Decision regarding development of an Administrative Fines Ordinance.

City Manager Berman explained that the Planning Commission has recommended the City adopt an Administrative Fines Ordinance. This meeting is intended to generate Council, staff, and public discussion and input, with a goal of coming back to Council at a subsequent meeting with a draft Ordinance ready for a First Reading. This would provide City staff with an alternative, and much easier, enforcement mechanism to address violations of City Code. Currently the enforcement process is a criminal process involving our City Attorney, and only our Sheriff Deputies can issue citations of any kind. An administrative fines ordinance allows designated City staff to issue fines for ordinance violations, without involving our attorney or our deputies.

Key issues that vary between the attached examples include: 1) Fine amounts, 2) Who can issue fines?, and 3) Appeal Process.

Public comment included:

**Jim Cuthbertson – Trinidad**

You people can create ordinances, but you never enforce them. Don't write ordinances you can't back up. I'm not following the rules anymore 😊

**Dorothy Cox – Trinidad**

How much revenue do fines/fees generate for the City?

Council comments included:

**Baker:** We have to change the culture in this City.

*By consensus, the Council directed Staff to develop an ordinance based on research from other cities and examples and return with a draft for further discussion.*

3. Discussion/Decision regarding Appointment of a Council Liaison to the Planning Commission  
City Manager Berman explained that the Council expressed an interest in having a member attend Planning Commission meetings.

Public comment included:

**Leslie Farrar** – Trinidad  
Should check to see if this is legal.

**Kathleen Lake** – Trinidad

This was practiced in the past, but for some reason (possible legal reasons) the role ended.

Council comments included:

**Baker:** Let's get a legal opinion first.

**Miller:** Council can rotate. Not one person should have to attend all the meetings.

**Rotwein:** We have been dragging our feet on the General Plan and Council should be aware of the Planning Commission's activities.

**West:** I agree with Rotwein, but would like to hear what our City Attorney says first.

*No decision was made. Continued to a future meeting.*

4. Discussion/Decision regarding Trinidad Head Cell Tower Lease Agreement.  
City Manager Berman explained that the Council, in closed session, agreed to send Verizon a "cease and desist order to vacate" due to the expired lease and since no response was provided to the City's final negotiation efforts.

*No public or Council comments were made.*

#### **XI. FUTURE AGENDA ITEMS**

- ADU Update
- Longevity Pay
- Review of Fines/Fees
- Merge Cemetery Fund into the General Fund
- Include City Manager Evaluation tool on the agenda.
- Discuss commercial water rate option.
- Update on 1 Westhaven Drive Church property.
- STR Committee Appointment
- Update on Tsurai Lawsuit
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#### **XIII. ADJOURNMENT: 8:10 pm**

**Submitted by:**

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**Gabriel Adams**  
Trinidad City Clerk

**Approved by:**

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**Susan Rotwein**  
Mayor