

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, SEPTEMBER 13, 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.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURN TO CLOSED SESSION – No closed session.**

**IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT – No closed session.**

**V. APPROVAL OF AGENDA**

*Motion (Rotwein/Baker) to approve the agenda as written. Passed unanimously.*

**VI. APPROVAL OF MINUTES – 07-18-17 scc, 07-26-17 cc2, 08-09-17 cc.**

Baker stated that at the July 26 meeting resident Victoria Sackville-Rosen suggested that before the Council removes her hedge in the city right-of-way on Ocean Avenue, the City should let her plant a new one behind it. Baker although it was offered, he clarified that was not required as part of the Council's motion.

**VII. COUNCIL REPORTS**

**Ladwig:** HTA - City government representatives may use public transit for government business free of charge. RREDC – Digital 299 broadband project.

**Baker:** Nothing to report.

**West:** HCAOG Eureka to Arcata trail has a 23 million dollar shortage. Expect completion by 2020. Billboards are being removed in the process.

**Miller:** Nothing to report.

**Rotwein:** Firehouse extension project complete, mountain lion sightings, OES Wildfire updates, Great American Shakeout Campaign & Tsunami Preparedness October 18 & 19. Recommends spill response training between the City and Rancheria. Met with Rancheria regarding Tsunami Siren relocation – possible application for raising it at the November Planning Commission meeting. Trails committee working on trail bench policy. Edwards Street stabilization should be prioritized and a plan in place asap.

**City Manager Berman** highlighted various staff activities; Parker Creek Trail is open and culvert repair complete. Commercial water delivery truck permitted to purchase water from the City hydrant is now back to using the State Park hydrant as it has been repaired. STR License renewals underway. ADA improvement proposals at Town Hall are being reviewed.

**VII b. PROCLAMATIONS/RECOGNITIONS**

**1. Recognition of Tom & Anne Odom**

Mayor Miller read a proclamation recognizing the service and dedication to the City of Trinidad of long-time residents Tom & Anne Odom. The Odom's gave a heartfelt thanks to the community for the gesture, the proclamation, and everyone for attending.

*Motion (Rotwein/Baker) to approve the proclamation recognizing the Odom's. Passed unanimously.*

**VIII. ITEMS FROM THE FLOOR**

**Patti Fleschner – Trinidad**

The Civic Club will be meeting on September 20th with the Tsurai, Coastal Commission, and other stakeholders to discuss how stabilize the Memorial Lighthouse grounds. Thanked the City for their support.

**Jim Cuthbertson – Trinidad**

Councilmembers can't change the minutes because they don't like what they said. After last month's meeting and how I've been treated lately, I can't take it anymore. The City pays almost \$500,000 in salaries, and \$92,000 is what the City Manager costs. That has gone up since the first manager was hired in

2007. His contract is up in December. (**Pat Morales, Dan Cox, Dorothy Cox, and Tom Davies** all gave Jim their time. Mayor Miller approved the offering and allowed Cuthbertson to speak 12 additional minutes beyond his 3 minute time.) Cuthbertson read various sections of the City Manager's contract, criticized his performance, and disagreed with the benefits offered by contract stating it was a "sweetheart deal". Cuthbertson continued by making numerous lawsuit threats for not providing automatic entrances at the Town Hall and more comfortable chairs in the meeting room.

**Kathleen Lake** – Trinidad

Complained that her complaints about the complaint process weren't being addressed by the City Manager in a timely manner. She also complained that her appeal made to the Planning Commission last spring to revoke someone's STR license was dismissed and not concluded to her satisfaction. She also complained that complaints should be easier to file.

**Jim Stevensen** – Trinidad Area Resident

Submitted a document that detailed the summary provided regarding a proposal made by a local pickleball club to have new lines added to the Trinidad Tennis Court. He and a few other tennis players object to having lines painted in such a way that conflicts or confuses tennis players – who should have priority.

**Victoria Sackville-Rosen** – Trinidad

Began by singing the first line of Amazing Grace in soprano... then thanked the Council for help with her hedge issue on Ocean Avenue. She stated she was doing her part as agreed to, and wanted to take this opportunity to get on record the City Engineer's comments regarding how the stormwater project spared residents landscaping slightly within the public right-of-way.

**Allison Talbott** – PG&E Local Government & Community Outreach

Announced to the community that PGE would be performing reliability upgrades in Trinidad, and introduced Lynn Lindgren from Western CPI. Lindgren explained how preemptive tree maintenance is their objective. Anderson, Stagecoach, and Patrick's Point Drive will be the focus in the upcoming weeks.

## **IX. CONSENT AGENDA**

1. Financial Status Report for July 2017
2. Staff Activity Report for August 2017
3. Sheriff Deputy Activity Report for August 2017
4. Approve Ocean Ave Right-of-Way work
5. Reject Bids for OPC Stormwater Project
6. Consider Approval of GHD Support Contract for Groundwater Monitoring  
*Motion (Rotwein/Ladwig) to approve the Consent Agenda as submitted. **Passed unanimously.***

## **X. DISCUSSION/ACTION AGENDA:**

1. Humboldt County Sheriff's Office Update with Lieutenant Miller and Deputy Mathieson  
City Manager Berman explained that regular communication between the community, Council, and HCSO staff is an important part of making sure our contract with the Sheriff's Office is meeting Trinidad's Public Safety needs. Lieutenant Miller should also be able to provide an update on the status of the half time additional deputy envisioned for the Measure Z money.

Berman introduced Sheriff Sergeant McCall & Deputy Luke Mathieson.

Comments from the public included:

**Patti Fleschner** – Trinidad

Thanked the Sheriff Deputy for many hours of assistance and enforcement at the Museum and Library.

**Kathleen Lake** – Trinidad

Presented her resume of experience in the school system and credentials with contract law enforcement - laying the groundwork for various criticisms she had about deliverables that weren't being delivered and a general lack of coordination between law enforcement and the community.

**Dorothy Cox** – Trinidad

Shared problems that she encountered and highlighted successes quick responses from the Sheriff. Supports Deputy Luke Mathieson and asked that he be here 5 (8) hour days instead of 4 (10's).

**Jim Cuthbertson** – Trinidad

Is Trinidad's Deputy sent outside City limits to patrol and respond to emergencies? If so, why?

**Sargent McCall:** In-progress emergencies may pull the Trinidad Deputy out to calls elsewhere. We offer mutual aid to State Parks, CHP, etc. Deputy Mathieson may cover territory surrounding Trinidad if it prevents problems from occurring inside the City.

Council comments included:

**Baker:** Regarding verbal altercations between city residents and visitors, can a victim feel comfortable calling dispatch if they're feeling threatened? **Sargent McCall** noted that everyone's threshold for feeling threatened is the same, so calling the Sheriff to provide advice or assistance may be wise even though a crime may not have been committed.

**Ladwig:** What are the guidelines for camping in rv's, parking, and being disruptive? **Deputy Mathieson** stated that although it's hard to prove there are people camping overnight in RV's, there are ordinances that prohibit this and we always follow up on complaints and do everything we can to move nuisance vehicles out of town.

**Rotwein:** Loitering, camping, vagrants, open containers, parking, leash law. These are my biggest complaints. What can we do about the leash-law? **Deputy Mathieson** stated that the Council can provide direction to the Deputy as to various areas that need more attention, and attention will be given to it.

**West:** All ordinances should be enforced regularly and equally. Asked for feedback whether the City is signed appropriately or if it needs more.

**Baker:** Skateboarding, jaywalking, etc. Our Sheriff should use discretion to keep a lid on things. We need to have a discussion about where marijuana can be smoked. Perhaps we can discuss when we talk about the new marijuana ordinance.

*No decision was made. Discussion item only.*

2. Resolution 2017-11; Submitting LCP Amendment regarding CALFIRE Water Line Extension to Coastal Commission for Certification, & Resolution 2017-12; Granting Approval to Amend General Plan to Allow Extension of Water Services to CalFire

City Manager Berman explained that CALFIRE has requested an amendment to the City's Land Use Plan / General Plan, which is part of the City's Local Coastal Program (LCP). The amendment would provide a narrowly defined exception to allow the City to provide water service to the Trinidad Fire Station, even though it is outside the City's approved water service area. The extension is needed because the station's existing water source is contaminated; City water would only be used for domestic uses /potable needs.

The City Council already approved the connection in concept in 2012. It then took a couple of years for CAL FIRE to get the funding and internal approvals they needed to move forward. When they came back to the City for the necessary permitting, it was determined that amendments of both the City and County LCPs would be required. See the attached staff report for a more detailed history.

Section 17.68.030 requires that both the Planning Commission and City Council hold public hearings on proposed amendments to the LCP. The Planning Commission provides a recommendation and the City Council formally adopts an amendment by Resolution. At their meeting of August 16, 2017, the Planning Commission held a public hearing and discussed the proposed amendment. Following the hearing they unanimously approved a motion to recommend approval and adoption of the amendment by the City Council.

If the City Council approves the amendment, the amendment will then have to go to the Coastal Commission for certification. Once certified, CAL FIRE can then apply for a Coastal Development Permit, and any other

necessary permits, from the City and County in order to install the line. Both the recent Planning Commission approval and the 2012 City Council approval require that CALFIRE bear the financial responsibility for design, permitting and installation of the new water line.

Public comment included:

**Tom Davies** – Trinidad

I support CalFire only. I don't want this to become a case-by-case basis situation, and don't want trailer parks to get City water.

**Richard Johnson** – Trinidad Planning Commission

Clarified that there is a 1.5" maximum line connection to limit anyone else from connecting.

Council comments included:

**Rotwein:** As long as the potential to open up connections to others is impossible, then my concern is addressed.

*Motion (Ladwig/West) to approve resolutions 2017-11 and 2017-12. **Passed unanimously.***

3. Discussion and possible first reading of Draft Ordinance 2017-02; Prohibiting Commercial Cannabis Activities (Both Medical and Non-Medical) and Regulating Cannabis Cultivation for Personal Use.

City Manager Berman explained that the City of Trinidad Cannabis Ordinance is based on the direction provided by the City Council in August, and utilizing similar ordinances from other cities.

**The current draft would have the following effects:**

**1. Prohibit all commercial cannabis activities in the City for both medical and nonmedical uses.**

This is a natural extension of the existing prohibition on medical dispensaries that the City approved in 2009. In the absence of a local ordinance prohibiting commercial activity, individuals or businesses in the City could apply to the state for a wide variety of commercial cannabis license types as of January 1, 2018 and operate under them.

**2. Prohibit outdoor cultivation for personal use.**

Under the AUMA, persons over 21 can grow up to six plants for personal use (no sales) either a) within a single private residence, b) inside an accessory structure located upon the grounds of a private residence, or c) outdoors within a locked space that is not visible by normal, unaided vision from a public place. Local jurisdictions cannot outright ban personal cultivation, but can apply 'reasonable regulations' to it. As currently drafted based on guidance at the last meeting, the Ordinance would ban outdoor personal cultivation, but allow indoor cultivation.

**Policy issues and questions:**

This ordinance would make the City ineligible for some future grants that are proposed to be funded from state taxes on cannabis. Staff is not concerned about this.

- a) State law requires outdoor personal use cultivation to be 'within a locked space not visible by normal unaided vision from a public place'. Does that address the concerns over outdoor personal grows, or does the Council want them banned outright as currently drafted. Smell is an obvious problem for outdoor grows in tight quarters. Robbery is also a concern.
- b) Staff have included an exception to allow medical marijuana deliveries – see Section 5.28.06.A. This is seen in some other City's ordinances, with the intent to provide a mechanism for sick or housebound citizens using cannabis as a medicine to receive home deliveries. This has not been discussed by the Council and is entirely optional.
- c) The draft Ordinance has little guidance for personal indoor grows, except to point out that Building Permits would likely be required for electrical and other construction work involved.

Staff continues to research other ordinances – it may be possible to include a requirement that a filter ventilation system be utilized to reduce the nuisance odors involved. Staff is still researching the question of whether, under the AUMA, the City can require a specific permit for personal cultivation.

**Timing:** The goal is to have the Ordinance in effect before the end of the calendar year. That involves a first reading, a second reading, and then 30 days to take effect. That timeline would still be possible with a first reading in October

Public comment included:

**Richard Johnson** - Trinidad

5.28.05 Prohibited Use Activities, Section B states that property owners shall not rent, lease, or otherwise permit any person that engages in commercial cannabis activity. This keeps anyone involved in activities outside the city from living in town. Is this really what you want?

**Tom Davies** - Trinidad

Against everything and anything related to marijuana. Ban it from Trinidad. Just say no.

Shirley Laos – Trinidad

Tribal land is Federal Land. This will not be allowed on Tribal land, regardless of State Law.

Council comments included:

**Rotwein:** I'm ok with permitting personal indoor grows as long as there is odor mitigation, but agree that commercial grows and business related activity must be prohibited. Trinidad doesn't have the public safety budget to support this industry. I would also like the City to send a letter to the County stating it doesn't want any of this activity in our surrounding watersheds or community planning area from Little River to Big Lagoon.

**Ladwig:** I agree with Rotwein. The slippery slope must be eliminated. I'm in favor of only allowing the maximum personal grow of 6 plants only, permitted.

**West:** Agreed with Rotwein and Ladwig, and asked the City Manager to 1) review the section Richard Johnson pointed out, and 2) include that accessory grow structures be enclosed.

**City Manager Berman** explained that the draft he used was copied from the City of Beverly Hills.

*Rotwein offered to help draft the letter from the City to the County regarding a buffer zone that prohibits commercial activity and have it available for review and approval by the next meeting.*

*Council agreed by consensus to direct City Manager to give a closer review/evaluation of the ordinance, incorporate tonight's discussion and input, and return to the next meeting with a possible first reading and draft of the County letter.*

## **XI. FUTURE AGENDA ITEMS**

- Cannabis Ordinance – First Reading
- Memorial Lighthouse Update
- FEMA Funding Update
- ADA Projects
- Meeting Format
- Procedure to submit agenda items
- Alley Width

## **XII. ADJOURNMENT**

Meeting ended at 8:25 pm.

**Submitted by:**

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**Gabriel Adams**  
City Clerk

**Approved by:**

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**Dwight Miller**  
Mayor