



Posted: Friday, September 08, 2017

NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, SEPTEMBER 13, 2017 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

NO CLOSED SESSION

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **APPROVAL OF AGENDA**
- IV. **APPROVAL OF MINUTES – 07-18-17 scc, 07-26-17 cc2, 08-09-17 cc**
- V. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VI. **STAFF REPORTS**
- VII. **PROCLAMATIONS/RECOGNITIONS**
 - a. Tom and Anne Odom Recognition

- VIII. **ITEMS FROM THE FLOOR**

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

- IX. **CONSENT AGENDA**

All matters on the Consent Agenda are considered routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is requested by any Council member, that item is removed from the Consent Calendar and considered separately. A single opportunity for public comment on the Consent Agenda is available to the public.

 1. Staff Activity Report for August 2017
 2. Sheriff Deputy Activity Report for August 2017
 3. Financial Status Reports for July 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

- XI. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Humboldt County Sheriff's Office Update with Lieutenant Miller and Deputy Mathieson
 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
 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.

- XII. **FUTURE AGENDA ITEMS**

- XIII. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

JULY 18, 2017, SCC
JULY 26, 2017, CC2
AUGUST 09, 2017 CC

Supporting Documentation follows with: 13 PAGES

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, JULY 18, 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. APPROVAL OF AGENDA

*Motion (Rotwein/Baker) to approve the agenda as amended, adding "Request for Future Agenda Items" at the end of the agenda. **Passed unanimously.***

IV. ITEMS FROM THE FLOOR – No items from the floor.

V. CONSENT AGENDA

1. Financial Status Reports for May 2017.
2. Staff Activities Report for July 2017.

Rotwein did not receive a copy of the staff activities report, and asked that approval be postponed to the next meeting when it should be resubmitted for consideration.

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

VI. DISCUSSION/ACTION AGENDA:

1. Discussion/Decision regarding Resolution 2017-10: Establishing a Fiscal Reserve Policy for the City of Trinidad

City Manager Berman explained that reserves are a critical part of how cities plan for and respond to fiscal challenges, infrastructure replacement, and cash flow management. The proposed Reserve Policy will help formalize the City's approach towards establishing and utilizing Reserve funds. The policy sets a target of maintaining combined General Fund Reserves of 50% of the annual GF operating budget for emergencies and budget stabilization. It also creates a framework for Capital Asset and Special Project Reserves. The details of those Capital Asset Reserves will be developed in conjunction with the completion of a Capital Improvement Plan this year. This proposed Policy will be adopted by Resolution, and as such can be revised at the Council's discretion going forward.

The City currently has significant 'undesignated' General Fund and Water Fund balances. The City has some established Reserve Funds, but has not formally designated most of our available fund balances to those Funds. The proposed Reserves Policy will help formalize the City's approach towards establishing, funding, and utilizing reserves.

Appropriate Reserve Fund Targets: An important part of the Reserves Policy involves setting the appropriate Fund target levels. General guidance for California Cities, and surveys of City Reserve Policies suggest that an overall General Fund Reserve of 20% of annual operating budget is considered a healthy reserve. Cities vary widely, and some CA cities have designated General Fund Reserve targets of up to 100% of annual GF operating budgets.

The attached Resolution reflects staff's recommendation for a primary General Fund Reserves target of 50% of the annual General Fund operating budget (45% for Emergency Reserves and 15% for Budget Stabilization Reserves). This target is based on the following reasoning:

Risks relative to our size: A 20% reserve target results in a large absolute number for most Cities – many millions or tens of millions of dollars. But Trinidad is so small that 20% of our annual GF budget is only \$120,000. A single landslide, lawsuit, or unexpected infrastructure expense could easily exceed that value. The City has approached insolvency over legal costs in the past, and currently faces a landslide threatening Edwards St. and the Memorial Lighthouse with potential costs of many hundreds of thousands of dollars.

Dependence on variable revenue linked to larger economy: Our two largest General Fund revenue sources are Sales tax and TOT. Together they have comprised two thirds of General Fund revenue in recent years. Both sources are closely linked to larger current economic conditions, and could decline significantly in a serious economic downturn. The non-renewal of the Cell Tower lease and the potential loss of property tax, TOT, and sales tax from the Trinidad Harbor Area are current examples of upcoming impacts to City revenues.

Capital Assets and Special Projects: In addition to reserves intended to weather financial crises, this Policy establishes a framework for designating General Fund Capital Asset and Special Project Reserves to plan and save for the replacement and repair of City infrastructure. A Capital Improvement Plan will be developed this year and will play a significant role in developing more detailed Capital Reserve plans for both our Water Fund and General Fund.

Flexibility: The proposed Reserve Policy includes regular review by the Council, and can be revised or amended by Resolution at the Council's discretion.

Fiscal Impact: There is no direct expense related to this Policy. The impact on the City's financial statements would be as follows:

| | |
|--|---------------|
| Undesignated GF balance as of the last audit report: | \$1,276,000 |
| Emergency Reserve Fund Target: | \$214,000 |
| Budget Stabilization Reserve Target: | \$92,000 |
| Capital Asset and Special Project Reserves (minimum) | \$312,000 |
| Remaining Undesignated balance: | \$658,000 |

The proposed Policy proposes dividing remaining undesignated general fund reserve balance equally between the Capital Reserve and the Budget Stabilization reserve. This would result in final Reserve Fund balances as follows:

| | |
|--|--------------------------------------|
| Emergency Reserve Fund: | \$214,000 (at target) |
| Budget Stabilization Reserve Target: | \$421,000 (92K target+329K surplus) |
| Capital Asset and Special Project Reserves | \$641,000 (312K target+329K surplus) |

Staff will return to Council with a more detailed breakdown of the Capital Asset and Special Project Reserves as the Capital Improvement Plan is completed. Staff expects this will result in proposals to shift surplus funds from the Budget Stabilization Reserve towards specific assets and projects in the Capital Reserve.

Public comment included:

Victoria Sackville – Trinidad
Priority needs to be made for the Water Treatment facility.

Council comments included:

Baker: Requested clarification on committed, assigned, and unassigned categories.

Miller: Clarified that the policy has been adopted by other cities.

Ladwig: I'd like to see a policy to handle excesses. If we reach our goals and are sitting on money, we should either spend the money or reduce taxes. Could we set aside 1.5 years reserve? Let's save for a really rainy day.

Rotwein: Very happy to have this on the agenda. Suggested that the amounts be increased to 75% of the General Fund operating budget.

City Manager Berman explained that we could increase the amounts as proposed to 75%, as follows;

- **Emergency reserve fund** established with a funding target set at 75% of the current year GF operating expenditures.
- **Budget Stabilization reserve fund** established with a funding target set at 75% of the current year GF operating expenditures.
- **Capital and Special Project Reserves** target set at a minimum of 50% of the current year GF operating expenditures, with specific targets for individual projects or assets to be adjusted in accordance with the current Council approved Capital Improvement Plan.
- **Water Fund Reserve** target set at a minimum of 50% of the current Water Fund operating expenditures, managed in coordination with the City's current Capital Improvement Plan.

*Motion (Ladwig/Rotwein) to amend the proposed Resolution to include the increased amounts and bring it back to the July 26 meeting for final approval. **Passed unanimously.***

2. Continued Discussion/Decision regarding Resolution 2017-09; Adopting the 2017-2018 Fiscal Year Budget. City Manager Berman explained that the proposed FY 2017-18 City of Trinidad budget is hereby submitted to the Council for adoption. The budget has been discussed at three prior Council meetings this spring. A brief summary of City Program Areas is included below.

General Fund Administration (1.6 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 new library, utility costs, distribution of transient occupancy taxes (TOT), and office supplies

- Planner activities budgeted as follows:

| | |
|---------------------------------|-----------------|
| General Plan/LCP | \$ 15,000 |
| STR Ordinance | 4,000 |
| Planning Commission | 7,000 |
| Permits (offset by revenue) | net zero |
| Enforcement | 4,000 |
| Stormwater permit issues | 1,000 |
| Miscellaneous, general planning | 12,000 |
| OWTS Permits | 5,000 |
| | \$48,000 |

*excludes separately funded OWTS Grant and LCP Grant

- Attorney costs are estimated at \$20,000, which includes \$10,000 toward defense of litigation.
- Building Official \$6,000 plus reimbursable permit process fees.
- Distribution of 12% of prior year TOT receipts (~\$16,800)

General Fund Law Enforcement (13 FTE - counting City staff time only)

- Contract costs with the Sheriff are up 8%, or \$12,000 for one deputy.
- \$75,000 in Measure Z funds will be used to go from one (1) to 1.5 full time Deputy Sheriffs. This will move us from having an assigned deputy 4 days a week to six days a week, and this second Deputy will be specifically assigned to Trinidad for two days a week, as opposed to coverage from different people each week. *This is a tentative plan with the Sheriff's Office, depending on their staffing level.*
- This additional deputy will replace the extra eight-hour shift per week that we have been funding. If the second deputy is not available, we will fund 2-3 extra shifts per week with the Measure Z funds.
- \$100,000 is anticipated to be funded by Community Oriented Policing Services (COPS) revenue, as has been the case over the last several years.

General Fund Fire

- The City is proceeding with the Fire House Expansion project utilizing General Fund Reserves as approved in June 2017.

General Fund Public Works (1.03 FTE)

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

| | |
|---|----------|
| Water level monitoring Equipment* | \$ 8,000 |
| Town Hall Maintenance work | \$ 5,000 |
| Capital Improvement Plan** | \$ 1,000 |
| OWTS Permitting (costs are in staff time) | |
| Trail Maintenance | \$3,500 |

* to track groundwater levels associated with the Stormwater Projects. Staff plan to rent this equipment back against the various stormwater grants underway, which should pay for it over the next 3-5 years

**primarily funded out of, and focused on, the Water Fund this year.

Implementation of the OWTS Permit system across the City is a priority project this year. The costs are in Planning and City staff, as Trever, Becky and Sandra will be making a team effort to get permits out throughout the City.

Integrated Waste Management (.28 FTE)

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

| | |
|--------------------------------|------------|
| Revenue: | \$ 16,500 |
| Expenditures: | \$ 21,571 |
| Difference (from fund balance) | \$ (5,071) |

The difference of \$5,071 can be absorbed from the remaining IWM fund balance of \$11,000. The auditor recommends incorporating this into the General Fund once the fund balance is depleted.

Cemetery (.35FTE)

Budget includes pro-rated staffing costs and plot sales.

| | |
|---------------------------|-----------|
| Revenues: | \$ 9,500 |
| Expenditures: | \$ 26,000 |
| Difference (from reserve) | \$ 16,500 |

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 (2.05 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
- Budgeting for Water Line repairs.
- Completion of the flow monitoring system (underway currently)
- Development of a Capital Improvement Plan to help identify and prioritize capital investment needs.

Public comment included:

Dorothy Cox – Trinidad

Everyone deserves a raise, but the City can't afford it. Why isn't the Ocean Avenue project not budgeted? I'm willing to volunteer to do some of the work to save the City some money.

Council comments included:

West: How hard would it be to find replacement staff at the current salary rates?

Rotwein: Staff is a valuable asset. We need a salary study and revised job descriptions within 60 days. Staff deserves this. Longevity is important. After the last meeting I reviewed the Employee Handbook. Salary increases are spelled out in the handbook – based on merit at the hiring anniversary date. I’m willing to allocate \$3400 to salary increases at the manager’s discretion, based on evaluations. I’m also willing to take on the assignment of completing a salary study by October 01.

City Manager Berman explained his proposal for discretionary expenditures:

- No changes to the allocation of occupancy tax funds to local groups. Evaluate going forward, perhaps next year make revisions.
- Increase wages 2% COLA (tabled for further discussion/analysis).
- Water Plant employees get \$1000 bonus for increased certifications.

West: Unfair to put off employee raise discussion. **Berman** explained that Staff welcomes the wage analysis.

Motion (Rotwein/West) to approve Resolution 2017-09 approving the 2018 Budget, with the exception of \$6800 designated for salary increases. A revised salary schedule and wage study will be prioritized and any increases will be distributed through the merit process consistent with the current employee handbook. Passed unanimously.

FUTURE AGENDA ITEMS:

- Ocean Avenue Traffic Flow & Striping Evaluation
- Van Wycke Trail Update
- STR Ordinance Update
- Closed Session for City Manager Review
- GHD Construction Update
- Ocean Avenue Right-of-Way project
- Reserve Policy (Consent item)

XII. ADJOURNMENT

Meeting ended at 9:10 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Dwight Miller
Mayor

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JULY 26, 2017

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION

1. Personnel review for City Manager Pursuant to Government Code Section 54957

IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT – Nothing to report.

V. APPROVAL OF AGENDA

Motion (Rotwein/Ladwig) to approve the agenda as amended, adding Council Reports after Minute Approval. Passed 4-0.

VI. APPROVAL OF MINUTES – May 10, 2017 cc, June 07, 2017 scc, & June 28, 2017 cc2

Motion (Rotwein/Ladwig) to approve the minutes as amended. Passed 4-0.

VII. COUNCIL REPORTS

Ladwig: Nothing to report.

Baker: Adhoc STR review committee with Councilmember West will complete the work and report to Council at a future meeting.

Rotwein: HazMat contribution due. OES preparing for fire season, conducting spill training in Humboldt Bay, evaluating Tsunami Siren issues in Trinidad, new Coast Guard Commander Greg Miller. Trails Committee report: All trails are in need of repair, signage, and poison oak removal. At the last meeting, I volunteered to lead a personnel salary schedule review, include job descriptions, and benefits.

Miller: Update on Community Choice Energy program.

VIII. ITEMS FROM THE FLOOR

Mike Pinske – Trinidad

I was informed by email of an incident at a vacation rental on Parker Creek Drive. While on the Planning Commission, we developed a complaint flow-chart that gave direction and outlined how to handle incidents like this. Enforcement is a key part of any ordinance. The City should hire someone to deal with only STR issues. Use Occupancy Tax funds to pay for this position.

Shirley Laos – Trinidad Rancheria

Regarding the Tsunami Siren, the height was a point of contention between the City and a handful of residents that objected to it being located there. The Rancheria supported it much higher, and asked that it be evaluated in the future. That never happened.

Dorothy Cox – Trinidad

I volunteered to be on the noise committee.

IX. CONSENT AGENDA

1. Staff Activity Reports for July 2017.
2. Law Enforcement Report for June 2017
3. Resolution 2017-10; Establishing a Fiscal Reserve Policy for the City of Trinidad
4. Liability Claims for Damages from Mike Reinman
5. Planning Commission Vacancy Notice to replace position left vacant by resignation of Commissioner Laura Scott
6. Scope of Services with Streamline Planning for Van Wycke Trail Project CEQA and Permitting.

Motion (Rotwein/Ladwig) to approve the Consent Agenda as submitted. Passed 4-0.

X. DISCUSSION/ACTION AGENDA:

1. Presentation/Discussion Regarding Memorial Lighthouse Stabilization.

City Manager Berman explained that SHN Consulting Engineers and Geologists have completed an assessment of the landslide and the risks it poses to both Edwards Street and the Memorial Lighthouse. Staff is not proposing any Council action now. The next steps planned by Staff are to share this report with FEMA and Cal OES to see if they concur with the report and will provide financial assistance to implement the recommendations. Berman introduced **Gary Simpson** from SHN.

Simpson presented a brief description of the slide area and a geologic profile of the bluff, and explained 2 conclusions; 1) short-term potential of cracked foundation and compromised lighthouse if we experience another rainy season like 2016-2017, and 2) Edwards Street may be compromised as well.

Option 1: Relocate the Lighthouse to another site.

Option 2: Moving it slightly to the Northeast (20-30 feet) would be favorable from a geotechnical perspective.

Protecting the street will require a soldier pile retaining wall.

City Manager Berman explained that the City submitted claims to FEMA for storm damage that has been accepted for reimbursement. An engineer has been assigned by FEMA to review the Lighthouse area. The big question is whether or not protecting Edwards Street would qualify for funding. We should be hearing back from FEMA soon.

Public comment included:

Susan Ateyah – Trinidad

Who has the most to lose if Edwards Street fails? Maybe we should look to the fishing industry to help preserve the street.

Paul Mann – Times-Standard

Asked about slope percent. **Simpson** responded that it was approximately 50%. Also asked if Berman had an estimate on how long it would take to get a response from FEMA. Berman had no idea.

Peter Cohen – Trinidad Area Resident

Before the rainy season begins, maybe the most valuable items should be removed from the site. Urged the Council to not put this off.

Dana Hope – Trinidad Civic Club

If the Trail is on secure ground but the lighthouse needs to be moved, we should do it. The Civic Club pledged all their funds to make this happen.

Richard Johnson – Trinidad Area Resident

Is the weight of the improvements driving the slippage? **Simpson** explained that was highly unlikely, relative to the weight of the material on the cut bank that was removed to create that space.

Council comments included:

Rotwein: I'm in favor of keeping the Lighthouse in its current area, so moving back seems like the way to go.

Simpson agreed, suggesting moving the Lighthouse back and constructing a wall to protect Edwards Street. The 2 projects combined will be a significant improvement to the area.

Brainstorming Session:

Peter Cohen: Cut the Lighthouse and move it upslope. **City Manager Berman** agreed.

Rotwein: Does the Civic Club have the funds to move the Lighthouse? I support the City facilitating the permit process, but the Civic Club should bear the cost of moving the Lighthouse.

Dana Hope explained that the Civic Club gave her authority to pledge the entire fund to the cause, and begin a fundraising campaign.

*Motion (Rotwein/Ladwig) to support the Civic Club efforts to move the Lighthouse and assist and support the permitting process should moving it be pursued. **Passed 4-0.***

2. Presentation/Discussion regarding upcoming OPC Stormwater Project Construction.

City Manager Berman explained that the City is preparing to construct three components of the Phase 1 Stormwater Project that were not built during the initial construction phase, and have not been funded through the Ocean Protection Council. City Engineer Steve Allan of GHD will provide a presentation of upcoming construction work and its context in the larger effort to meet the state mandate to eliminate stormwater runoff into Trinidad Bay.

Steve Allen presented an outline/overview of the project, including:

- ASBS Project Summary
- Geophysical & Groundwater Investigation
- Groundwater Modeling
- Groundwater Evaluation Conclusions
- Review of Past and Upcoming Project
 - Hector Rain Garden
 - East Street & View Street
 - West Street
- Lessons Learned – Bioswales or Grassy Swales
- Revised Design
 - New Turf Block Product
 - Less Deep
 - Permeable Pavers
 - Less Ponding
- Next Steps (construction in September/October)

Public comment included:

Susan Ateyah – Trinidad

Parking on Hector Street is out of control. Taking this area away will make it worse.

Shirley Laos – Trinidad Rancheria

Are their calculations for the amount of water captured in this phase that will reduce the amount needed to capture in phase 2?

Jim Cuthbertson – Trinidad

Will Van Wycke be affected?

Dorothy Cox – Trinidad

The swale in front of my house does not drain. I don't believe it was designed properly. Why are drains needed on East and West? Complained about encroachments on Parker and Underwood. Concerned about broken water pipes that occurred at her house during phase 1 construction.

Victoria Sackville – Trinidad

GHD worked around the Cherry Trees, shrubs, and cityscape. My hedge helps drink stormwater as it infiltrates on Ocean Avenue.

Presentation item only. No decision was made.

3. Discussion/Decision regarding Ocean Avenue Encroachments and Right of Way Recovery Project.

City Manager Berman explained that the scope of work to recover the City of right of way and create parking consistent with the other properties on the street at both locations has been developed and offered for bid. The low bid for both projects was \$8400. The project purpose is to provide parking in front of the both properties without encroaching on the road width needed for safe two-way traffic. The project also provides consistency between these properties and their neighbors up and down the street.

Berman also explained that the City needs to move to a more general approach to developing rights of way. We don't want these projects held up while policies are generated because the City has a right to use and clear the public way.

Public comment included:

Michelle McHenry - Trinidad (407 Ocean Avenue owner)

I agreed to allow the City to remove the curb in front of my home, and hope this can be done without disturbing my rhodie plants.

Dorothy Cox – Trinidad

A clear recommendation to remove the obstructing development and hedges has been presented by the City Manager. I hope the Council will support it.

Tom Davies – Trinidad

Support the City Manager's recommendation. The cracked sidewalk in front of my house should also be removed. Ocean Avenue is the de-facto main street out of town.

Victoria Sackville – Trinidad

- 1) Safety issue: Everyone on Ocean Avenue has a different perspective and opinion. I don't believe Dorothy Cox's point of view is shared by all. Other residents do not agree that the street is a highway and all cars speed. There have been no accidents on Ocean that I'm aware of. Please find out how other residents feel about this.
- 2) The street is very pleasant – even in the summer. People believe what they say is true, but it's not even in the realm of reality.
- 3) Showed various photo examples of encroachments throughout town.
- 4) Propose that she's given 2 years for new plants to grow behind the hedge on her property and keep the existing hedge cut back to where she had it cut this week. We want to help the City but not be held at a double standard, inconsistently. This is a very reasonable request.

Council comments included:

Baker: I'm a surveyor. I've never seen a municipality handle issues like this. We need to follow the law, equitably. During the Stormwater construction, the City gave away 2 feet to property owners to spare their landscaping. I propose that if we have 40' of right-of-way, take 2 feet out and paint fog lines 9.5' on each side of the center of roadway to delineate the traveled roadway and make sure the remainder is for parking. This may take into account allowing 2 feet for all residents. I've asked for engineering and planning consulting on this for at least a year.

Ladwig: Approve the Manager's recommendations as long as they follow Baker's guidelines for Ocean Ave., and apply the same guidelines in the other areas of town so long as it's clear.

Miller: This meets the objectives of the resident, leaving the escalonia bush within 2 feet of the right-of-way.

*Motion (Rotwell/Ladwig) to proceed with plan to remove the curb at 407 Ocean Avenue and work with property owner at 364 Ocean to bring hedge into compliance with 6' setback at owner's expense, and direct the City Engineer to pursue adding fog lines to other roads in town when applicable projects allow, subject to regulatory review and concurrence. **Passed 4-0.***

XII. ADJOURNMENT

Meeting ended at 9:20 pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 09, 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

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

IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT – Nothing to report.

V. APPROVAL OF AGENDA

City Manager requested to remove Discussion #4 and bring back to a future meeting.

*Motion (West/Rotwein) to approve the agenda as amended, removing Consent #4. **Passed unanimously.***

VI. APPROVAL OF MINUTES – No minutes to approve.

VII. COUNCIL REPORTS

Ladwig: Nothing to report.

Baker: Nothing to report.

West: Nothing to report.

Miller: Nothing to report.

Rotwein: OES Wildfire updates, Great American Shakeout Campaign & Tsunami Preparedness. Fortuna is preparing a drone policy. Tribal Council Liasion; Tsunami Siren relocation, stormwater project tie-in; active shooter training on the 21st of August. Halibut Fishing is good. Asked Berman for a capital improvement plan timeline.

City Manager Berman highlighted various staff activities; Tennis/Pickleball, Girl Scout Ruby Jordan volunteered to paint the parking curbs in front of tennis court, staff is processing STR complaint, and asked Lt. Miller to attend September Council meeting to discuss law enforcement issues. OWTS program timeline will be ready by September meeting.

VIII. ITEMS FROM THE FLOOR

Jim Cuthbertson – Trinidad

ADA Complaint can be heard during agenda item 2. I also haven't heard back from the City Manager regarding my request for arm chairs at the City meetings.

Steve Ruth – Trinidad

There should be fines for people that do not comply with septic inspections. There should be signs in rentals that educate visitors on what should not go into a septic system. Picking on one person and not others seems unfair (Hedge issue on Ocean Ave). Perhaps the City can deputize Staff so they can write tickets.

Dorothy Cox – Trinidad

Has Jack Beaupre received a response from his complaints? I believe this was a significant violation. I can't get a simple response from anyone from the City – staff or Councilmembers.

Dan Cox – Trinidad

The City Manager gets paid too much and does not respond to complaints. He doesn't respond to anyone and there are only 3 streets in this town. Get a new manager. He should be let go. This is not fair.

Kathleen Lake – Trinidad

Complaints are not being addressed. I agree with Dan Cox that the City Manager is not doing his job.

Tom Davies – Trinidad

The Mayor seemed like he didn't want Dorothy Cox to criticize you so you tried to shut her down. Answer respectfully or don't at all.

IX. CONSENT AGENDA

1. Financial Status Reports for June 2017.
2. Law Enforcement Report for July 2017
3. Staff Activity Report for July
4. Letter Authorizing removal of Alder Tree in Van Wycke St. Right-of-way.

Motion (Rotwein/Ladwig) to approve the Consent Agenda as submitted. Passed unanimously.

X. DISCUSSION/ACTION AGENDA:

1. Discussion/Decision regarding Removal of John Hedrick from the Trinidad Planning Commission.

The City Council appoints Planning Commissioners, and has the power to remove them from office. The City has received a complaint regarding the behavior of Commissioner Hedrick where as part of a minor dispute unrelated to City business, Commissioner Hedrick used his role and authority as a Planning Commissioner as an explicit threat, suggesting that the other party would have difficulty getting fair treatment from the Planning Commission because of their dispute.

Staff sees this as an egregious violation of the City's Code of Conduct for appointed and elected officials. Council members have encouraged staff to place this item on the agenda for discussion and possible removal of Commissioner Hedrick from the Planning Commission.

Public comment included:

John Hedrick – Planning Commissioner

The complainer was hostile and drinking. She acted like she owned the place. I told her I was a City planning commissioner. She apologized later. This is a waste of your time, and you should be addressing the death trap that is Scenic Drive. If this doesn't go right, you'll be hearing from me again in the press about your lack of response to the dangers of Scenic Drive.

Michael Neidhart – Trinidad Area Resident

I was with John. The complainer was abusive to us and should not be treating people that way.

Council comments included:

Miller: I'm concerned about Hedrick's conduct and attendance issues.

Rotwein: Hedrick clearly violated the Code of Ethics and should be removed.

Motion (Rotwein/Ladwig) to remove John Hedrick from the Planning Commission. Passed unanimously.

2. Discussion/Decision regarding Allocation of Capital Reserve Funds for priority ADA projects.

City Manager Berman explained that the City has a list of improvements needed to Town Hall for ADA compliance, including parking, replacing the water fountain, door thresholds, and signage. This year's budget includes funding for a few of the smaller projects, but will not support full implementation of the Town Hall ADA projects. Staff are proposing the Council allocate up to \$35,000 from the Capital Assets Reserve Fund for ADA compliance projects at Town Hall, and provide direction on priority projects.

The City had ADA Access Surveys conducted in 2013 for Town Hall, the Memorial Lighthouse, and curb ramps and sidewalks throughout the City. All three Surveys identified many items that are not compliant with the ADA. Since those assessments, the City has focused ADA efforts on improvements to Town Hall. New railings have been added to the front steps and the side entrance. New signage has been installed at multiple locations. New wider double doors have been added at the exterior side entrance, and the interior

entrance to the Main Hall. The labelled ADA parking space in front of the Hall is not fully compliant. The two front doors – to the Clerk’s Office and the Civic Club Room, are not compliant, although access is possible to both through the side entrance. The City is also awaiting guidance from a County hired consultant regarding ADA improvements to the Library entrance.

Staff’s priority ADA projects for 2017-18 (if Reserve Funding is approved)

- 1. ADA Parking Space in front of the Clerk’s Office – Cost Estimate: \$25,000 (based on prior bids)** *The City received bids for this in 2015, but the bids were in the \$25,000 range and we only had \$10,000 available so we did not go forward. Staff will start with a review of the design options in search of a less expensive solution.*
- 2. Replacement of Foyer Drinking Fountain:** **Rough Estimate - \$2,500**
- 3. Interior ADA Signage:** **Estimate \$500**
- 4. Push-button operation for Main Hall Exterior Doors*** **Estimate needed**
**(Note – this is not required under ADA, but has been requested by public and recommended by City Attorney)*
- 5. East Emergency Exit** **Design and Estimate needed**
- 6. Thresholds for Clerk Office and Civic Club doors** **Design and Estimate needed.**

The Capital Asset and Special Project Reserve fund has a balance of \$350,000. This proposed allocation, if fully utilized, would reduce that total by \$35,000 to \$315,000. ADA compliance is legally mandated, and failure to do so poses ongoing legal and fiscal liability for the City. Having these ADA Surveys, and being able to show steady progress towards addressing the issues identified is a key step in defending ourselves against ADA lawsuits.

Alternatives:

1. Within the existing approved budget, the City could proceed with the water fountain, signage, and generating designs and cost estimates for the remaining interior projects. The parking spot would not be addressed. The push-button doors might be feasible, depending on final costs.
2. Council could wait to allocate reserve funds until more detailed individual designs and cost estimates are generated. (Staff’s current recommendation would approve the use of the Reserve Funds now, but the more detailed designs and costs will still come back to Council as the projects are developed.)

Public comment included:

Jim Cuthbertson – Trinidad

The rules simply say that if you upgrade, you have to be able to open it from a wheelchair. I was told by the manager that there would be a line item in the budget for automatic opening of the Town Hall door. So will it be done, or not?

Steve Ruth – Trinidad

Authorize \$35,000 tonight and consult with Cuthbertson on how the money should be spent.

Council comments included:

Baker: I agree that \$35,000 is a reasonable amount to start with.

Ladwig: Direct staff to complete the door automation.

Rotwein: We need to determine where the best parking space will be, but also cost out all the projects; Drinking fountain, push button door, door thresholds, etc. I agree we should start with a \$35,000 allocation.

*Motion (Rotwein/West) to bring back estimates for the drinking fountain, push button entry, parking improvement, threshold improvements, and purchasing a few arm chairs at the next meeting for consideration. **Passed unanimously.***

3. Direction regarding Ordinance development relating to Marijuana.

City Manager Berman explained that State Law, including Proposition 64, provides the current guidelines for medical and recreational marijuana use, cultivation, and sale. The City has some powers to set regulations in addition to the State laws.

1. The City can impose reasonable regulations related to health and safety regarding indoor cultivation for personal use. Timing - no deadline
2. The City can impose a ban, or other regulation, on commercial cultivation, personal outdoor cultivation, or retail sales of marijuana or marijuana products. Timing – if this is not in place prior to the State issuing permits for commercial sales or cultivation, then any permits issued would be valid. State permits are expected starting January 2018

Fast-tracking a basic ordinance would be an additional workload on the Planning Commission, City Attorney, and City Planner. In the absence of such an Ordinance, the state laws would govern what is allowable in Trinidad.

Public comment included:

Tom Davies – Trinidad

Trinidad already has an ordinance banning dispensaries. I'm against these businesses and activities in Trinidad. Not getting State money if we don't allow them sounds like extortion.

Vicki Farmer – Trinidad

I agree with Davies. I'm against commercial marijuana production in Trinidad.

Kathleen Lake – Trinidad

Opposed to marijuana cultivation in Trinidad.

Jim Cuthbertson – Trinidad

Agreed with others, no dispensaries or commercial production.

Steve Ruth – Trinidad

Agreed with others. No marijuana businesses in Trinidad.

Council comments included:

Rotwein: In favor of banning retail marijuana establishments or commercial cultivation. Not enough water or law enforcement in town.

West: Ban it as much as possible.

Miller: Ban it. The additional workload is too much. Let's get this done asap.

By consensus, the Council authorized the City Manager Berman to bring back a draft ordinance for review in September.

XI. FUTURE AGENDA ITEMS

- Alder Trees on Van Wycke
- ADA Parking at Town Hall
- OWTS Timeline
- Edwards Street Stabilization
- Report on CalFire Water Service Request
- Legal Fire Lane Width in Public Alleys
- Noise Ordinance
- Street Improvement Priority Plan

XII. ADJOURNMENT

Meeting ended at 7:30 pm.

Submitted by:

Gabriel Adams
 City Clerk

Approved by:

Dwight Miller
 Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for July 2017.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 7/1/2017 Through 7/31/2017

| | Current Month | Year to Date | Total Budget - Original | % of Budget | |
|---------|--|------------------|----------------------------|-------------------|-----------------|
| Revenue | | | | | |
| 41010 | PROPERTY TAX - SECURED | 0.00 | 0.00 | 91,500.00 | 100.00)% |
| 41020 | PROPERTY TAX - UNSECURED | 0.00 | 0.00 | 3,300.00 | 100.00)% |
| 41030 | PROPERTY TAX - PRIOR SECURED | 0.00 | 0.00 | 50.00 | 100.00)% |
| 41050 | PROPERTY TAX - CURRENT SUPPL | 0.00 | 0.00 | 600.00 | 100.00)% |
| 41060 | PROPERTY TAX-PRIOR SUPPL | 0.00 | 0.00 | 200.00 | 100.00)% |
| 41071 | MOTOR VEHICLES | 0.00 | 0.00 | 1,000.00 | 100.00)% |
| 41110 | PROPERTY TAX EXEMPTION | 0.00 | 0.00 | 1,300.00 | 100.00)% |
| 41130 | PUBLIC SAFETY 1/2 CENT | 0.00 | 0.00 | 1,600.00 | 100.00)% |
| 41140 | PROPERTY TAX - DOCUMENTARY RE | 0.00 | 0.00 | 2,000.00 | 100.00)% |
| 41190 | PROPERTY TAX ADMINISTRATION FE | 0.00 | 0.00 | (1,500.00) | 100.00)% |
| 41200 | LAFCO Charge | 0.00 | 0.00 | (1,500.00) | 100.00)% |
| 41210 | IN-LIEU SALES & USE TAX | 0.00 | 0.00 | 12,000.00 | 100.00)% |
| 41220 | IN LIEU VLF | 0.00 | 0.00 | 20,000.00 | 100.00)% |
| 42000 | SALES & USE TAX | 0.00 | 0.00 | 220,000.00 | 100.00)% |
| 43000 | TRANSIENT LODGING TAX | 4,478.95 | 4,478.95 | 140,000.00 | (96.80)% |
| 43100 | TRANSIENT LODGING TAX-TBID | 0.00 | 0.00 | (10,000.00) | 100.00)% |
| 46000 | GRANT INCOME | 0.00 | 0.00 | 100,000.00 | 100.00)% |
| 46100 | Measure Z Grant Income | 0.00 | 0.00 | 75,000.00 | 100.00)% |
| 53010 | COPY MACHINE FEE | 0.00 | 0.00 | 30.00 | 100.00)% |
| 53020 | INTEREST INCOME | 155.13 | 155.13 | 5,000.00 | (96.90)% |
| 53090 | OTHER MISCELLANEOUS INCOME | 0.00 | 0.00 | 1,000.00 | 100.00)% |
| 54020 | PLANNER- APPLICATION PROCESSIN | 0.00 | 0.00 | 8,000.00 | 100.00)% |
| 54050 | BLDG. INSP-APPLICATION PROCESSI | 50.00 | 50.00 | 9,000.00 | (99.44)% |
| 54100 | ANIMAL LICENSE FEES | 15.00 | 15.00 | 200.00 | (92.50)% |
| 54150 | BUSINESS LICENSE TAX | 4,775.00 | 4,775.00 | 7,500.00 | (36.33)% |
| 54170 | VDU License Fee (Vacation Dwelling Unit) | 0.00 | 0.00 | 9,000.00 | 100.00)% |
| 54300 | ENCROACHMENT PERMIT FEES | 50.00 | 50.00 | 400.00 | (87.50)% |
| 56400 | RENT - VERIZON | 2,199.86 | 2,199.86 | 23,500.00 | (90.64)% |
| 56500 | RENT - HARBOR LEASE | 0.00 | 0.00 | 5,135.00 | 100.00)% |
| 56550 | RENT - PG& E | 0.00 | 0.00 | 9,500.00 | 100.00)% |
| 56650 | RENT - SUDDENLINK | 0.00 | 0.00 | 3,800.00 | 100.00)% |
| 56700 | RENT - TOWN HALL | 200.00 | 200.00 | 5,000.00 | (96.00)% |
| 59999 | INTERDEPARTMENTAL TRANSFER INC | 0.00 | 0.00 | 30,000.00 | 100.00)% |
| | Total Revenue | 11,923.94 | 11,923.94 | 772,615.00 | (98.46)% |

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 7/1/2017 Through 7/31/2017

| | | Current Month | Year to Date | Total Budget - Original | % of Budget |
|----------------------|--------------------------------|------------------|------------------|----------------------------|---------------|
| Expense | | | | | |
| 60900 | HONORARIUMS | 200.00 | 200.00 | 3,500.00 | 94.29% |
| 61000 | EMPLOYEE GROSS WAGE | 4,403.40 | 4,403.40 | 115,022.00 | 96.17% |
| 61470 | FRINGE BENEFITS | 46.16 | 46.16 | 600.00 | 92.31% |
| 65100 | DEFERRED RETIREMENT | 476.39 | 476.39 | 12,342.00 | 96.14% |
| 65200 | MEDICAL INSURANCE AND EXPENSE | 1,084.01 | 1,084.01 | 14,801.00 | 92.68% |
| 65250 | Health Savings Program | 10.73 | 10.73 | 0.00 | 0.00% |
| 65300 | WORKMEN'S COMP INSURANCE | 0.00 | 0.00 | 3,451.00 | 100.00% |
| 65500 | EMPLOYEE MILEAGE REIMBURSEMENT | 11.77 | 11.77 | 750.00 | 98.43% |
| 65600 | PAYROLL TAX | 375.95 | 375.95 | 9,743.00 | 96.14% |
| 65800 | Grant Payroll Allocation | 0.00 | 0.00 | (6,000.00) | 100.00% |
| 68090 | CRIME BOND | 487.50 | 487.50 | 455.00 | (7.14)% |
| 68200 | INSURANCE - LIABILITY | 10,645.70 | 10,645.70 | 10,400.00 | (2.36)% |
| 68300 | PROPERTY & CASUALTY | 4,156.10 | 4,156.10 | 4,680.00 | 11.19% |
| 71110 | ATTORNEY-ADMINISTRATIVE TASKS | 0.00 | 0.00 | 10,000.00 | 100.00% |
| 71130 | ATTORNEY-LITIGATION | 0.00 | 0.00 | 10,000.00 | 100.00% |
| 71210 | CITY ENGINEER-ADMIN. TASKS | 0.00 | 0.00 | 2,000.00 | 100.00% |
| 71310 | CITY PLANNER-ADMIN. TASKS | 5,517.75 | 5,517.75 | 45,000.00 | 87.74% |
| 71410 | BLDG INSPECTOR-ADMIN TASKS | 980.00 | 980.00 | 4,500.00 | 78.22% |
| 71420 | BLDG INSPECTOR-PERMIT PROCESS | 0.00 | 0.00 | 9,000.00 | 100.00% |
| 71510 | ACCOUNTANT-ADMIN TASKS | 836.68 | 836.68 | 14,000.00 | 94.02% |
| 71620 | AUDITOR-FINANCIAL REPORTS | 0.00 | 0.00 | 14,000.00 | 100.00% |
| 72000 | CHAMBER OF COMMERCE | 0.00 | 0.00 | 16,200.00 | 100.00% |
| 75110 | FINANCIAL ADVISOR/TECH SUPPORT | 2,115.00 | 2,115.00 | 5,500.00 | 61.55% |
| 75160 | LIBRARY RENT & LOCAL CONTRIB. | 500.00 | 500.00 | 500.00 | 0.00% |
| 75170 | RENT | 750.00 | 750.00 | 8,200.00 | 90.85% |
| 75180 | UTILITIES | 698.82 | 698.82 | 9,000.00 | 92.24% |
| 75190 | DUES & MEMBERSHIP | 0.00 | 0.00 | 500.00 | 100.00% |
| 75200 | MUNICIPAL/UPDATE EXPENSE | 0.00 | 0.00 | 4,500.00 | 100.00% |
| 75220 | OFFICE SUPPLIES & EXPENSE | 353.36 | 353.36 | 5,500.00 | 93.58% |
| 75240 | BANK CHARGES | 0.00 | 0.00 | 250.00 | 100.00% |
| 75300 | CONTRACTED SERVICES | 0.00 | 0.00 | 2,500.00 | 100.00% |
| 75990 | MISCELLANEOUS EXPENSE | 0.00 | 0.00 | 500.00 | 100.00% |
| 76110 | TELEPHONE | 138.39 | 138.39 | 2,000.00 | 93.08% |
| 76130 | CABLE & INTERNET SERVICE | 314.65 | 314.65 | 3,300.00 | 90.47% |
| 76150 | TRAVEL | 0.00 | 0.00 | 1,500.00 | 100.00% |
| 78170 | SECURITY SYSTEM | 0.00 | 0.00 | 1,500.00 | 100.00% |
| 78190 | MATERIALS, SUPPLIES & EQUIPMEN | 0.00 | 0.00 | 1,500.00 | 100.00% |
| Total Expense | | 34,102.36 | 34,102.36 | 341,194.00 | 90.00% |

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 7/1/2017 Through 7/31/2017

| | | <u>Current Month</u> | <u>Year to Date</u> | <u>Total Budget - Original</u> | <u>% of Budget</u> |
|-------|---------------------------|----------------------|---------------------|------------------------------------|--------------------|
| | Expense | | | | |
| 61000 | EMPLOYEE GROSS WAGE | 274.96 | 274.96 | 5,330.00 | 94.84% |
| 65100 | DEFERRED RETIREMENT | 17.22 | 17.22 | 222.00 | 92.24% |
| 65300 | WORKMEN'S COMP INSURANCE | 0.00 | 0.00 | 160.00 | 100.00% |
| 65600 | PAYROLL TAX | 22.52 | 22.52 | 425.00 | 94.70% |
| 75170 | RENT | 750.00 | 750.00 | 8,200.00 | 90.85% |
| 75180 | UTILITIES | 77.04 | 77.04 | 2,500.00 | 96.92% |
| 75220 | OFFICE SUPPLIES & EXPENSE | 0.00 | 0.00 | 1,000.00 | 100.00% |
| 75300 | CONTRACTED SERVICES | 0.00 | 0.00 | 226,500.00 | 100.00% |
| 75350 | ANIMAL CONTROL | 157.00 | 157.00 | 1,500.00 | 89.53% |
| 75990 | MISCELLANEOUS EXPENSE | 0.00 | 0.00 | 500.00 | 100.00% |
| 76110 | TELEPHONE | 90.00 | 90.00 | 1,200.00 | 92.50% |
| | Total Expense | <u>1,388.74</u> | <u>1,388.74</u> | <u>247,537.00</u> | <u>99.44%</u> |

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 7/1/2017 Through 7/31/2017

| | | Current Month | Year to Date | Total Budget - Original | % of Budget |
|---------------|--------------------------------|---------------|---------------|----------------------------|---------------|
| Expense | | | | | |
| 60900 | HONORARIUMS | 150.00 | 150.00 | 1,800.00 | 91.67% |
| 75180 | UTILITIES | 48.70 | 48.70 | 1,150.00 | 95.77% |
| 75190 | DUES & MEMBERSHIP | 0.00 | 0.00 | 100.00 | 100.00% |
| 75280 | TRAINING / EDUCATION | 0.00 | 0.00 | 400.00 | 100.00% |
| 75300 | CONTRACTED SERVICES | 0.00 | 0.00 | 5,000.00 | 100.00% |
| 76110 | TELEPHONE | 56.33 | 56.33 | 1,000.00 | 94.37% |
| 76140 | RADIO & DISPATCH | 0.00 | 0.00 | 900.00 | 100.00% |
| 78140 | VEHICLE FUEL & OIL | 0.00 | 0.00 | 350.00 | 100.00% |
| 78150 | VEHICLE REPAIRS | 0.00 | 0.00 | 2,500.00 | 100.00% |
| 78160 | BUILDING REPAIRS & MAINTENANCE | 0.00 | 0.00 | 1,000.00 | 100.00% |
| 78190 | MATERIALS, SUPPLIES & EQUIPMEN | 0.00 | 0.00 | 2,500.00 | 100.00% |
| 78200 | EQUIPMENT REPAIRS & MAINTENANC | 0.00 | 0.00 | 400.00 | 100.00% |
| Total Expense | | <u>255.03</u> | <u>255.03</u> | <u>17,100.00</u> | <u>98.51%</u> |

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 7/1/2017 Through 7/31/2017

| | | <u>Current Month</u> | <u>Year to Date</u> | <u>Total Budget - Original</u> | <u>% of Budget</u> |
|---------|--------------------------------|----------------------|---------------------|------------------------------------|--------------------|
| Expense | | | | | |
| 61000 | EMPLOYEE GROSS WAGE | 2,865.66 | 2,865.66 | 71,561.24 | 96.00% |
| 61250 | OVERTIME | 0.00 | 0.00 | 500.00 | 100.00% |
| 65100 | DEFERRED RETIREMENT | 344.45 | 344.45 | 8,891.13 | 96.13% |
| 65200 | MEDICAL INSURANCE AND EXPENSE | 2,181.56 | 2,181.56 | 29,514.02 | 92.61% |
| | Health Savings Program | 17.65 | 17.65 | 0.00 | 0.00% |
| 65300 | WORKMEN'S COMP INSURANCE | 0.00 | 0.00 | 2,222.78 | 100.00% |
| 65600 | PAYROLL TAX | 245.94 | 245.94 | 6,348.27 | 96.13% |
| 65800 | Grant Payroll Allocation | (2,000.05) | (2,000.05) | (22,500.00) | 91.11% |
| 71210 | CITY ENGINEER-ADMIN. TASKS | 0.00 | 0.00 | 6,000.00 | 100.00% |
| 71250 | CITY ENGINEER - PROJECT FEES | 0.00 | 0.00 | 4,000.00 | 100.00% |
| 75200 | MUNICIPAL/UPDATE EXPENSE | 0.00 | 0.00 | 2,300.00 | 100.00% |
| 75300 | CONTRACTED SERVICES | 8,783.05 | 8,783.05 | 24,000.00 | 63.40% |
| 75370 | UNIFORMS/PERSONAL EQUIP. | 0.00 | 0.00 | 500.00 | 100.00% |
| 78100 | STREET MAINT/REPAIR/SANITATION | 0.00 | 0.00 | 7,500.00 | 100.00% |
| 78120 | STREET LIGHTING | 377.03 | 377.03 | 4,500.00 | 91.62% |
| 78130 | TRAIL MAINTENANCE | 0.00 | 0.00 | 3,500.00 | 100.00% |
| 78140 | VEHICLE FUEL & OIL | 383.89 | 383.89 | 4,000.00 | 90.40% |
| 78150 | VEHICLE REPAIRS | 143.29 | 143.29 | 2,500.00 | 94.27% |
| 78160 | BUILDING REPAIRS & MAINTENANCE | 0.00 | 0.00 | 4,000.00 | 100.00% |
| 78190 | MATERIALS, SUPPLIES & EQUIPMEN | 50.23 | 50.23 | 5,000.00 | 99.00% |
| 78200 | EQUIPMENT REPAIRS & MAINTENANC | 0.00 | 0.00 | 1,000.00 | 100.00% |
| | Total Expense | <u>13,392.70</u> | <u>13,392.70</u> | <u>165,337.44</u> | <u>91.90%</u> |

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 7/1/2017 Through 7/31/2017

| | | Current Period Actual | Current Year Actual | Total Budget - Original | % of Budget |
|----------------|--------------------------------|--------------------------|---------------------|----------------------------|-----------------|
| Revenue | | | | | |
| 53020 | INTEREST INCOME | 0.00 | 0.00 | 1,500.00 | (100.00)% |
| 53090 | OTHER MISCELLANEOUS INCOME | 0.00 | 0.00 | 2,500.00 | (100.00)% |
| 57100 | WATER SALES | 29,802.97 | 29,802.97 | 305,000.00 | (90.23)% |
| 57200 | Water Sales - Wholesale | 540.00 | 540.00 | 3,000.00 | (82.00)% |
| 57300 | NEW WATER HOOK UPS | 0.00 | 0.00 | 1,000.00 | (100.00)% |
| 57500 | WATER A/R PENALTIES | 1,223.07 | 1,223.07 | 1,000.00 | 22.31% |
| | Total Revenue | <u>31,566.04</u> | <u>31,566.04</u> | <u>314,000.00</u> | <u>(89.95)%</u> |
| Expense | | | | | |
| 61000 | EMPLOYEE GROSS WAGE | 3,847.86 | 3,847.86 | 98,044.00 | 96.08% |
| 61250 | OVERTIME | 0.00 | 0.00 | 500.00 | 100.00% |
| 65100 | DEFERRED RETIREMENT | 454.29 | 454.29 | 11,766.00 | 96.14% |
| 65200 | MEDICAL INSURANCE AND EXPENSE | 3,099.13 | 3,099.13 | 40,587.00 | 92.36% |
| 65250 | Health Savings Program | 23.77 | 23.77 | 0.00 | 0.00% |
| 65300 | WORKMEN'S COMP INSURANCE | 0.00 | 0.00 | 2,994.00 | 100.00% |
| 65600 | PAYROLL TAX | 329.47 | 329.47 | 8,534.00 | 96.14% |
| 68090 | CRIME BOND | 262.50 | 262.50 | 0.00 | 0.00% |
| 68200 | INSURANCE - LIABILITY | 5,732.30 | 5,732.30 | 6,125.00 | 6.41% |
| 68300 | PROPERTY & CASUALTY | 2,237.90 | 2,237.90 | 2,275.00 | 1.63% |
| 71110 | ATTORNEY-ADMINISTRATIVE TASKS | 0.00 | 0.00 | 1,000.00 | 100.00% |
| 71210 | CITY ENGINEER-ADMIN. TASKS | 0.00 | 0.00 | 4,000.00 | 100.00% |
| 71510 | ACCOUNTANT-ADMIN TASKS | 450.52 | 450.52 | 6,500.00 | 93.07% |
| 71620 | AUDITOR-FINANCIAL REPORTS | 0.00 | 0.00 | 7,000.00 | 100.00% |
| 72100 | BAD DEBTS | 6.26 | 6.26 | 350.00 | 98.21% |
| 75180 | UTILITIES | 1,199.13 | 1,199.13 | 11,000.00 | 89.10% |
| 75190 | DUES & MEMBERSHIP | 480.00 | 480.00 | 1,000.00 | 52.00% |
| 75220 | OFFICE SUPPLIES & EXPENSE | 102.00 | 102.00 | 3,000.00 | 96.60% |
| 75240 | BANK CHARGES | 10.00 | 10.00 | 0.00 | 0.00% |
| 75280 | TRAINING / EDUCATION | 0.00 | 0.00 | 500.00 | 100.00% |
| 75300 | CONTRACTED SERVICES | 0.00 | 0.00 | 25,000.00 | 100.00% |
| 76110 | TELEPHONE | 96.91 | 96.91 | 1,800.00 | 94.62% |
| 76130 | CABLE & INTERNET SERVICE | 61.95 | 61.95 | 750.00 | 91.74% |
| 76160 | LICENSES & FEES | 0.00 | 0.00 | 2,750.00 | 100.00% |
| 78120 | STREET LIGHTING | 0.00 | 0.00 | 1,600.00 | 100.00% |
| 78140 | VEHICLE FUEL & OIL | 47.18 | 47.18 | 1,500.00 | 96.85% |
| 78150 | VEHICLE REPAIRS | 0.00 | 0.00 | 2,000.00 | 100.00% |
| 78160 | BUILDING REPAIRS & MAINTENANCE | 0.00 | 0.00 | 1,000.00 | 100.00% |
| 78170 | SECURITY SYSTEM | 0.00 | 0.00 | 500.00 | 100.00% |
| 78190 | MATERIALS, SUPPLIES & EQUIPMEN | 1,161.51 | 1,161.51 | 14,000.00 | 91.70% |
| 78200 | EQUIPMENT REPAIRS & MAINTENANC | 0.00 | 0.00 | 1,000.00 | 100.00% |
| 79100 | WATER LAB FEES | 115.00 | 115.00 | 3,500.00 | 96.71% |
| 79120 | WATER PLANT CHEMICALS | 263.58 | 263.58 | 7,500.00 | 96.49% |
| 79130 | WATER LINE HOOK-UPS | 0.00 | 0.00 | 1,000.00 | 100.00% |
| 79150 | WATER LINE REPAIR | 8,930.00 | 8,930.00 | 15,000.00 | 40.47% |
| 79160 | WATER PLANT REPAIR | 507.10 | 507.10 | 8,000.00 | 93.66% |
| 90000 | Capital Reserves | 0.00 | 0.00 | 15,000.00 | 100.00% |
| | Total Expense | <u>29,418.36</u> | <u>29,418.36</u> | <u>307,075.00</u> | <u>90.42%</u> |
| | Net Income | <u>2,147.68</u> | <u>2,147.68</u> | <u>6,925.00</u> | <u>(68.99)%</u> |

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 7/1/2017 Through 7/31/2017

| | | Current Period Actual | Current Year Actual | Total Budget - Original | % of Budget |
|---------|--------------------------------|--------------------------|---------------------|----------------------------|-------------|
| Revenue | | | | | |
| 58100 | CEMETERY PLOT SALES | 300.00 | 300.00 | 9,500.00 | (96.84)% |
| | Total Revenue | 300.00 | 300.00 | 9,500.00 | (96.84)% |
| Expense | | | | | |
| 61000 | EMPLOYEE GROSS WAGE | 555.43 | 555.43 | 13,291.00 | 95.82% |
| 65100 | DEFERRED RETIREMENT | 66.63 | 66.63 | 1,718.00 | 96.12% |
| 65200 | MEDICAL INSURANCE AND EXPENSE | 538.89 | 538.89 | 7,344.00 | 92.66% |
| 65250 | Health Savings Program | 4.35 | 4.35 | 0.00 | 0.00% |
| 65300 | WORKMEN'S COMP INSURANCE | 0.00 | 0.00 | 429.00 | 100.00% |
| 65600 | PAYROLL TAX | 47.59 | 47.59 | 1,227.00 | 96.12% |
| 75180 | UTILITIES | 150.35 | 150.35 | 750.00 | 79.95% |
| 78190 | MATERIALS, SUPPLIES & EQUIPMEN | 0.00 | 0.00 | 500.00 | 100.00% |
| | Total Expense | 1,363.24 | 1,363.24 | 25,259.00 | 94.60% |
| | Net Income | (1,063.24) | (1,063.24) | (15,759.00) | (93.25)% |

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 7/1/2017 Through 7/31/2017

| | | Current Period Actual | Current Year Actual | Total Budget - Original | % of Budget |
|----------------|--------------------------------|--------------------------|---------------------|----------------------------|-----------------|
| Revenue | | | | | |
| 47650 | RECYCLING REVENUE | 522.89 | 522.89 | 7,000.00 | (92.53)% |
| 56150 | FRANCHISE FEES | 0.00 | 0.00 | 6,000.00 | (100.00)% |
| | Total Revenue | <u>522.89</u> | <u>522.89</u> | <u>13,000.00</u> | <u>(95.98)%</u> |
| Expense | | | | | |
| 61000 | EMPLOYEE GROSS WAGE | 439.82 | 439.82 | 10,605.00 | 95.85% |
| 65100 | DEFERRED RETIREMENT | 52.76 | 52.76 | 1,359.00 | 96.12% |
| 65200 | MEDICAL INSURANCE AND EXPENSE | 427.93 | 427.93 | 5,825.00 | 92.65% |
| 65250 | Health Savings Program | 3.50 | 3.50 | 0.00 | 0.00% |
| 65300 | WORKMEN'S COMP INSURANCE | 0.00 | 0.00 | 340.00 | 100.00% |
| 65600 | PAYROLL TAX | 37.68 | 37.68 | 971.00 | 96.12% |
| 75120 | WASTE RECYCLING PICKUP/DISPOSA | 0.00 | 0.00 | 500.00 | 100.00% |
| 78190 | MATERIALS, SUPPLIES & EQUIPMEN | 0.00 | 0.00 | 1,200.00 | 100.00% |
| | Total Expense | <u>961.69</u> | <u>961.69</u> | <u>20,800.00</u> | <u>95.38%</u> |
| | Net Income | <u>(438.80)</u> | <u>(438.80)</u> | <u>(7,800.00)</u> | <u>(94.37)%</u> |



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES

2. Staff Activity Report for August 2017



*Dwight Miller, Mayor
Dan Berman, City Manager*

STAFF ACTIVITIES REPORT

August 2017 – for Council Meeting of September 13th

City Administration:

Law Enforcement Services.

Deputy Mathieson's August Report is attached separately.

Measure Z funds for the 2017 fiscal year have been received, and Staff's application for Measure Z funds for 2018 has been approved for funding by the Board of Supervisors in the amount of \$75,000. The Sheriff's Office expects that a dedicated half time deputy will be available starting in October 2017. A detailed daily log system is in place for both Deputy Mathieson and all extra shift officers. Lieutenant Miller and Deputy Mathieson will be making a short presentation as part of the September 13th Council meeting.

2017-18 Budget Process - approved

Fiscal Reserves Policy - approved

Trinidad Rancheria EA for the Harbor Property

The City requested an update from the Bureau of Indian Affairs and were informed that BIA is still working on responses to the comment letters received. No timetable for next steps was provided, but the City and other commenters are on the notification list for this project.

STR Ordinance

Staff have updated the STR application materials and mailed them to all existing STRs to reapply. Those applications are coming in now, and staff will be working to process these applications over the rest of the month.

In response to a complaint over late night noise at one STR, the City Manager determined that a significant violation of the ordinance had occurred and issued a \$200 administrative fine. The owner intends to appeal this determination; that appeal will go to the Planning Commission for consideration.

Tsurai Study Area Settlement and Land Transfer.

A draft settlement was conditionally approved by Council in December 2016, but has run into difficulty. Since approving that settlement, the City and TAS received notice from the Coastal Conservancy that they believe a 2005 legal settlement sets additional specific

conditions necessary as part of a land transfer. Efforts to resolve this complication and complete the settlement are ongoing.

Auditor recommendations for non-interest bearing cash accounts.

Staff have moved some funds to LAIF, and are working with the County Treasurer to move a significant portion of our checking account balance to the County's investment pool. Tri-Counties bank is also preparing a proposal for consideration.

Planning

General Plan/LCP Update- Planning Commission has completed review and provided comment on the existing draft Plan chapters. The ball is now in our City Planner's court to update the older elements with current information and the Planning Commission's input prior to it going back to them. Staff also needs to work with the Tribes to get their input on the entire general plan and to finalize the draft Cultural Element. In the meantime, the City has not been assigned a new local Coastal Commission staff contact to work with on the LCP update/grant. We need to get Coastal Commission staff input soon, and so City staff have been trying to get that moving. The Coastal Commission has approved a supplemental \$50,000 grant for specific studies needed for the LCP update including a detailed water supply study.

View Restoration Permit process for Van Wycke St.

The City is engaging with the new owners of the property to try and expedite a resolution to this longstanding dispute.

CalFire Water Line Extension

This item was recommended for approval by the Planning Commission, and is on the Council's agenda for September 13th. Once the LCP amendments (both for Trinidad and for the County) are certified, CAL FIRE can apply to the City (and County) for the CDP and other necessary permits for the physical construction of the water line.

WATER SYSTEM

Install Streamflow Monitoring on Luffenholtz Creek (Water Fund)

This is under way, with flow monitoring being conducted through the summer to calibrate the automated monitor.

Resolving Title at Water Plant The Water Plant was built on the old County road right of way, and that has never been cleaned up. The County has indicated they are open to helping us resolve this.

Asset Management System –New Asset Management software is configured and installed at the Water Plant, and is already populated with data about many key components and maintenance of the Water Plant. Water Plant staff has completed remote training on use of the asset management system, the mobile work orders to be used in the

field, and the water quality compliance reporting module. The program is up and running and staff is now using this for the maintenance scheduling and recordkeeping. The next step will be using the water quality module to complete the next round of water quality reporting for the State and the annual Consumer Confidence Report.

Capital Improvement Program (CIP) – Staff are working with GHD on an appropriate scope and cost for assisting with developing a CIP for the City. The Asset Management Software will help staff develop long range plans for future replacement of critical assets and to prioritize our long term maintenance and replacement efforts.

Water Filter Replacements – (Water Fund) – This emergency action is complete. The three main polishing filter trains at the Water Plant are all new (two are brand new, one is two years old) and working well.

Water accountability – Through various means, such as, aged meter replacement, identifying and addressing leaks, accounting for plant process water, and metering previously un-metered services staff continues to audit true water loss. Recently staff have identified and fixed several leaks in the distribution system. Staff have also identified numerous leaks on the property owners side and coordinated with the appropriate party to facilitate the necessary repairs.

Operator certification – Recently staff members through California Dept. of Public Health examinations have achieved higher levels of certification in both water treatment and distribution system operation.

Water Treatment Plant SCADA System - Quarterly water treatment plant and distribution system alarming and notifications systems have been tested, verified and improved. All system alarms are functioning optimally. By doing so staff is continually optimizing the operation of the water system.

Water Distribution System - Two pressure reducing valves which are critical components that regulate water system pressures in the lower part of town have been rebuilt and are functioning properly. The fire hydrant in the State Beach parking lot off Stagecoach Rd. has been rebuilt, and will now be the primary source for commercial water trucks, removing that activity from Parker St.

PUBLIC WORKS

Parker St. Right of Way

Citizen complaints have brought another right of way encroachment to the City staff's attention; vegetation and rocks in front of 640 Parker St. are narrowing the road as well as obstructing the view of oncoming traffic. As with 407 Ocean, parked cars in this location narrow the street even further.

In general – Staff will be

Ocean St. Right of Way

See Consent Agenda Item.

Memorial Light House and Edwards St Slide The initial site response is complete, including removal of the concrete ramp and old fencing, and pulling back the parking lot, Four boreholes have been drilled to establish depth to bedrock and soil profiles. Two of them have monitoring devices installed to measure ground movement at depth. This work is all included in our application for Disaster Relief Funding. PARSAC grant funding of \$20,000 has been successfully applied for to support these efforts.

The Civic Club is working on a plan for the Memorial Lighthouse.

Town Hall Improvements. Staff are still working to develop detailed costs for Council review and approval. Those should be available by the regular October meeting.

Storm Damage Repairs –The storm drains off Scenic Drive just past the entrance to the Saunder’s shopping complex that became disconnected in this winter’s storms have been repaired. This was done as emergency work due to the threat to Scenic Drive. This is one of the projects for which staff have applied for Disaster Relief funding.

OWTS Permits See attached OWTS Status report and Implementation Plan

The City Planner is handing off much of the review and processing to other City Staff to get this moving. Trever has created a step-by-step guide and updated/improved the spreadsheet compiling all the information needed to allow other staff to do the bulk of the work. A one page update is attached at the back of this Staff Activity Report.

Firehouse Expansion – Almost done - may be complete by the 13th

GRANTS –

Van Wycke Trail – (Grant Funded) – City Planner is working on the CEQA document. The project is waiting for that document to move forward.

Clean Beaches Initiative OWTS Repair/Replacement Grant – The first round of repairs have been permitted and are being put out to bid as weather allows. Another round of outreach is underway to invite OWTS owners in the priority areas of Parker, Luffenholtz and Joland Creeks to get their systems inspected and, if their system needs repairs, to apply to the Clean Beaches OWTS program for funding assistance.

ASBS Storm Water Management Improvement Project – The State Water Resources Control Board awarded the City approximately \$4 million in Prop 1 grant funds through the Storm Water Grant Program.is in the process of applying for additional grant and/or loan funding to meet the approximately \$450,000 grant match requirements.

Ocean Protection Council funded Citywide LID Planning and Construction Project

See Consent Agenda Item

BUILDING DEPARTMENT

Complaints regarding the former Church at the base of Westhaven Dr. continue to be received and a letter requiring an inspection and updates from the property owner has been sent out. An inspection was conducted on May 5th and the Building Inspector is requiring all items identified to be addressed.

Alley widths and parking issues were reviewed with the Building Inspector, staff, and Council members. Staff are soliciting Calfire input, and considering how to ensure the alleys remain clear for emergency vehicles.

Routine review of plans and specs for construction in town is ongoing.

The Building Inspector is assisting in oversight of the Fire House Expansion.

The Building Inspector has extra hours scheduled in September for Short Term Rental Inspections.

OWTS Operating Permit Status and Implementation Plan

Current status of OWTS Permitting:

- The City has been divided into 4 quadrants of 50 – 60 properties.
- Quadrants 1 and 2: Owners have been mailed packets notifying them that they must apply for a permit. Applications have been received and some permits have been issued.
- Quadrants 3 and 4: Forty-one owners in the Parker Creek area of Quadrants 3 & 4 were mailed packets through the Clean Beaches Initiative grant program (CBI). 19 owners submitted applications.
- STR owners have all been issued operating permits as part of the STR licensing process.
- OWTS applications received: 150 (out of ~220 total for the City)
- OWTS permits issued: 75 (Some have expired and need follow up from owners to be re-issued. Staff are prioritizing getting all initial permits out over renewals of existing permits)
- Applications received and awaiting review and processing: 60
- Applications largely complete with permits close to being issued: 15
- About 70 parcels need to submit applications, many of those have not yet been requested to submit.

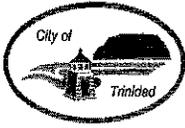
Plan for completing initial Operating Permit cycle:

The City Council approved additional staff time for OWTS permitting this year with the goal of having OWTS permits in place for all OWTS systems in the City by the end of this fiscal year (by July 1 2018). This will include completing review and issuing permits for applications already received (about 75 total), requesting initial applications for the remaining OWTS systems (~70), and then processing those applications and issuing permits for them; updating and maintaining an OWTS permit tracking spreadsheet throughout this effort, and d) working with currently expired OWTS permit holders to get them updated.

City Staff will provide the OWTS Administrator with administrative support and assist with processing applications for approval by the OWTS Administrator. The OWTS Administrator has drafted a step-by-step guide for City staff to use in filling out the OWTS permits and making necessary calculations for maintenance requirements. Concurrently with permit processing, staff has developed a permit tracking system spreadsheet to support the permit application and renewal process going forward.

| OWTS Operating Permit Management Task | Target Completion Date |
|---|-------------------------------|
| Follow up with Quadrant 1 & 2 & CBI non-respondents | Oct. 2017 |
| Complete OWTS Database data entry | Nov. 2017 |
| Issue remaining Quadrant 1 Permits | Nov. 2017 |
| Issue remaining Quadrant 2 Permits | Dec. 2017 |
| Issue permits for applications submitted for CBI | Dec. 2017 |
| Mail notices to Quadrant 3 | January 2018 |
| Mail notices to Quadrant 4 | February 2018 |
| Issue Quadrant 3 Permits (30-40) | April 2018 |

| | |
|--|--------------------|
| Issue Quadrant 4 Permits (50-60) | May 2018 |
| Track permits & renewals; follow up with non-respondents, incomplete applications and expired permits. | June 2018, ongoing |



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

3. Sheriff Deputy Activity Report for August 2017

Report was not received by the publishing deadline. Deferring to item 1 on the Discussion Agenda.



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

4. Approve Ocean Ave Right-of-Way work

CONSENT AGENDA ITEM
Wednesday, September 13, 2017

Item: Ocean Avenue Encroachments and Right of Way Recovery

Summary:

The scope of work for this project was revised at the July 26th Council meeting to focus on two components – removal of the encroachment in front of 407 Ocean, and painting a white fog line stripe on each side of the road to clearly identify the ‘travelled way’ that needs to be kept clear for safe travel. The encroaching hedge in front of 364 Ocean will be addressed by the resident and/or owner of that property.

Staff has received an updated estimate reflecting this revised scope from GRS Construction, attached. The bid cost for both components is \$9,665, with the striping cost to be refined based on final field measurements.

Financial Impact:

This project is not included in the 2018 Public Works Budget. There are substantial funds in the Capital Asset and Special Projects reserve to support this safety project.

Staff recommendation

- *Approve the use of up to \$10,000 from the Capital Asset and Special Project Reserve Fund for the Ocean Ave Right of Way Recovery Project.*

Attachment:

- Revised Ocean Avenue Scope of Work with Costs

GRS, Inc.

Ronald Wallace

From: To Bryan Buckman <buckman@trinidad.ca.gov>
 Sent: 8-7-17 Tuesday, August 01, 2017 12:16 PM
 To: From Ronald Wallace
 Cc: 'Dan Berman'; 'Josh Wolf'
 Subject: Ocean Ave.

Hi Ron.
 Could you please modify your previous bid to reflect these changes?
 Thanks
 Bryan

City of Trinidad
 Ocean Avenue Right of Way Recovery Scope of Work
 At 407 Ocean Ave in front of property

- Contractor to locate utilities
- ① • Remove A/C curb
- Shrubs to be trimmed to 2 feet from right of way on city side
- Excavate 6 inches below road grade to 2 feet from edge of city side of right of way and compact exposed subgrade
- Install 4 x 4 (minimum size) pressure treated lumber rebar pinned retaining wall to lawn grade
- Backfill with open graded crushed base rock to road grade and compact
- Meter box to be re-installed to road grade
- ② • Apply 4" white thermal-plastic fog line for entire length of Ocean Ave. on both sides of street 9.5 feet from center of road as established by city staff

No work at 364 Ocean Ave.

Bryan Buckman
 Director of Public Works
 City of Trinidad
 ph# 707-677-3862
 mobile# 707-499-6578
 fx# 707-677-3759
 bbuckman@trinidad.ca.gov

Item

① 5,990.00 ls

② 2.10 lf

* 1750' +/- = 3675' ⁰⁰

* subject to final field measure *



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CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 5 PAGES

5. Reject Bids for OPC Stormwater Project

CONSENT AGENDA ITEM

Date: September 13, 2017

Item: AUTHORIZE CITY MANAGER TO REJECT OPC PROJECT BIDS.

Summary: The Citywide Low Impact Development Planning and Construction Project includes the construction of storm water improvements on East Street and Hector Street, funded by a grant from the Ocean Protection Council. The construction project was put out to Bid on August 17, 2017. The bid period ended on September 6, 2017.

Two bidders submitted complete bid packages, but both bids were substantially higher than the engineering cost estimate used to develop the grant budget. Acceptance of the lowest bid would leave the City approximately \$240,000 over budget. A summary of the bids received and the available funds is attached.

Staff and the City Engineer are reviewing options and will be working with the granting agency to fashion a revised project that can be constructed with the available funds. This will require revising the grant agreement and going through a new bid process.

Staff recommends that the Council authorize the City Manager to reject all bids received.

The alternative would be to allocate substantial reserve funds to complete the project as bid.

Background: The storm water improvements to be awarded for construction were designed and permitted during the Stormwater Project Phase 1, but not constructed due to budget constraints. The goal of the Citywide LID Project is to reduce the quantity of polluted runoff discharging into Trinidad Bay (Area of Special Biological Significance) through construction of low impact development (LID) improvements to the storm drainage system on East Street and Hector Street, conducting groundwater modeling, developing LID policy guidance to address bluff saturation and stability issues, and by promoting residential use of Ocean Friendly Gardens including LID features and techniques that improve water quality and reduce water use.

The project was split into multiple phases to accommodate funding availability, with the first phase completed in October 2015. The second phase of the project, which is called the Trinidad Citywide Low Impact Development (LID) Planning and Construction Project is being funded by a grant from the Ocean Protection Council (OPC) Proposition 1 Grant Program.

The Project will assist the City in meeting the requirements of the California Ocean Plan's prohibition of waste discharge into the Kelp Beds at Trinidad Head ASBS. The Project objectives are in line with the goals of local programs including the Trinidad-Westhaven Coastal Watershed Management Plan, which was initiated to improve local water quality and protect ecosystems including the Trinidad ASBS.

Staff Recommendation: Authorize City Manager to reject all bids received

Attachments:

- Bid Response Summary Table
- GHD Memo Regarding High Bids.

September 7, 2017

Trinidad OPC Citywide LID Construction Status Summary

This update was prepared to provide the City of Trinidad and its grant funders an update on the status of Trinidad Ocean Protection Council (OPC) funded Citywide Low Impact Development (LID) Construction Project. The City's OPC Citywide Stormwater LID construction project included the following three components:

- 1) East Street Improvements,
- 2) West Street Improvements, and
- 3) Hector Street Improvements.

The project was bid in August and bids received on September 6, 2017. The bids came in higher than available grant funding. The paragraphs below describe what steps GHD took prior to project bidding to estimate construction costs, factors that may have contributed to higher than anticipated bids, and recommendations for next steps.

Construction Cost Estimate

The three construction project components (East, West, and Hector) were bid in 2014 as part of Phase 1 of the City's ASBS Stormwater Improvement Project, however they were not constructed at that time. The 2014 bid results were used in developing the budget line items for the OPC grant. The OPC grant construction budget items are shown below:

| Grant Construction Items | OPC Budget |
|----------------------------|------------|
| East Street Improvements | \$256,913 |
| West Street Improvements | \$95,23 |
| Hector Street Improvements | \$142,852 |
| TOTAL | \$495,000 |

The construction budget items for these components were set over 62% above the 2014 low bid results and over 18% above the 2014 average bid results. We included another 10% for contingency dollars, which was \$49,500. This was considered conservative at the time for a project that may be bid in the next few years. More typical annual construction escalation increases may be in the order of 2% to 8% based on the construction cost index.

In addition, to escalating estimated construction costs, the West Street component of the project was removed due to changes in site conditions. The reason for removing the West Street project component is due to the recent bluff stability issues adjacent to the lighthouse located a few blocks away from this project site. The concern is that by adding additional stormwater infiltration to this area may exacerbate the existing stability issues of the lighthouse and surrounding bluffs. The lighthouse site was damaged during last winter's storms that were declared a state and federal disaster. A study of the bluff stability around the lighthouse is currently underway and new additional data of the lighthouse bluff continues to be collected and analyzed. That emergency work is ongoing.

Factors That May Have Contributed to High Bids

In 2017 the bidding climate has changed nationally with the general economy improving and the construction industry in particular being very busy. Locally this was exacerbated by the 2017 declared storm damage that the State, Caltrans, and the City and other local jurisdictions have been grappling with. GHD has heard from contractors locally and across Northern California that they are very busy with storm damage repair work on top of work coming out of the recovering economy and having a difficult time finding the people and materials needed to get projects completed. GHD has seen publically bid projects get fewer contractors bidding and bids coming in higher than project budgets. GHD has also heard more recently that Hurricane Harvey and now Irma are already having an impact on material costs.

Following is the Bid Summary from the bids opened on September 6, 2017:

| City of Trinidad | | | | | |
|---|---------------------------------------|----------|-------|-------------------------|------------------|
| Trinidad Citywide LID Planning and Construction Project | | | | | |
| Bid Opening 3:00 PM Wednesday, September 6, 2017 | | | | | |
| BID SCHEDULE ITEMS | | | | CONTRACTORS | |
| | | | | Wahfund Construction | GR Sundberg |
| Item No. | Description | Quantity | Units | Total | Total |
| 1 | Mobilization | 1 | LS | \$54,000 | \$45,000 |
| 2 | Demobilization and Site Cleanup | 1 | LS | \$68,750 | \$25,000 |
| 3 | Potholing | 1 | LS | \$10,500 | \$5,000 |
| 4 | Temporary Traffic Control | 1 | LS | \$3,000 | \$10,000 |
| 5 | Shoring and Trench Safety | 1 | LS | \$15,000 | \$15,500 |
| 6 | Construction Staking | 1 | LS | \$10,500 | \$7,500 |
| 7 | Erosion and Sediment Control | 1 | LS | \$3,000 | \$10,000 |
| 8 | Hector Street Stormwater Improvements | 1 | LS | \$199,500 | \$257,000 |
| 9 | East Street Stormwater Improvements | 1 | LS | \$303,800 | \$350,000 |
| TOTAL BIDS | | | | \$668,050 | \$725,000 |

The apparent low bidder had a total bid of \$668,050, which is \$173,050 above the project's construction budget of \$495,000. The two contractors also bid on the project in 2014 and conveyed that they received material quotes this year that were two to three times higher than those they received in 2014.

Next Steps

GHD is not aware of reserve funds available to the City to be able to award this project now based on the bids received. Rejecting all bids and putting the project back out to bid may be a feasible path forward.

GHD does not expect to see a decline in material costs in the near future, and in fact it would be reasonable to assume material prices may continue to increase over the next year or more based on the hurricane relief efforts that affect many building material costs nationwide. However, we can see the benefit of putting the project back out to bid in January for construction in early summer 2018. The first of the year is traditionally a very good time to put a project out to bid as contractors are generally eager to get work lined up for the upcoming construction season. So while material prices could be the same or even higher, it is reasonable to assume the City could get more contractors bidding on the project in January, which could result in more competitive bid results.

It is also suggested that the project gets modified slightly before being put out to bid to have just the East Street stormwater improvements be included in the base bid, so that if bids again come in higher than available funding allows, the East Street stormwater improvements can be awarded and constructed without the Hector Street stormwater improvements. We suggest the Hector Street stormwater improvements be included as an additive bid item so that it can be awarded and constructed if available funding allows.

We would also suggest the City pursue two changes to the grant, 1) request a grant extension past the June 2018 deadline, and 2) request additional grant funding to help supplement the construction budgets based on the increases in construction costs.

City of Trinidad
Trinidad Citywide LID Planning and Construction Project
 Bid Opening 3:00 PM Wednesday, September 6, 2017

| BID SCHEDULE ITEMS | | | | | |
|--------------------|---------------------------------------|----------|-------|----------------------|-------------------|
| Item No. | Description | Quantity | Units | Wahlund Construction | |
| | | | | Total | GR Sundberg Total |
| 1 | Mobilization | 1 | LS | \$54,000 | \$45,000 |
| 2 | Demobilization and Site Cleanup | 1 | LS | \$68,750 | \$25,000 |
| 3 | Potholing | 1 | LS | \$10,500 | \$5,000 |
| 4 | Temporary Traffic Control | 1 | LS | \$3,000 | \$10,000 |
| 5 | Shoring and Trench Safety | 1 | LS | \$15,000 | \$15,500 |
| 6 | Construction Staking | 1 | LS | \$10,500 | \$7,500 |
| 7 | Erosion and Sediment Control | 1 | LS | \$3,000 | \$10,000 |
| 8 | Hector Street Stormwater Improvements | 1 | LS | \$199,500 | \$257,000 |
| 9 | East Street Stormwater Improvements | 1 | LS | \$303,800 | \$350,000 |
| TOTAL BID | | | | \$668,050 | \$725,000 |

Available Grant Funds \$399,765
Available Contingency (West Street Funds) \$95,235
% Contingency (West Street Funds) 24%

Amount over Grant Allocation \$ (173,050) \$ (230,000)

Total with 10% contingency \$734,855
Additional funds needed (239,855)



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

6. Consider Approval of GHD Support Contract for Groundwater Monitoring

CONSENT AGENDA ITEM

Date: September 13, 2017

Item: **AUTHORIZE CITY MANAGER TO PROCEED WITH GROUNDWATER MONITORING**

Summary: Purchase of ground water level monitoring equipment is included in the approved FY 2017-18 Public Works budget. However, staff need GHD technical assistance to assist with set up, calibration, and initial deployment of the dataloggers, as well as training and assisting city staff in collecting periodic groundwater monitoring data over the winter. A scope for that assistance is attached with a not to exceed amount of \$6,600.

Staff Recommendation

Authorize the City Manager to sign the GHD Proposal for Ground Water Monitoring Assistance.

Background. Following the recent Memorial Lighthouse slide, the City Council has at several meetings discussed the need for conducting groundwater level monitoring at existing groundwater wells that were installed throughout the City as part of the ASBS Stormwater Project (Phase 1). Since at least 2006, bluff stability has been an important consideration in the planning and design of the City's storm water improvements. The Citywide LID Planning and Construction Project includes a groundwater modeling study building on the data collection and modeling completed for the ASBS Storm water Project. Ongoing data collection will be very valuable to 'ground-truth' the existing model and directly measure groundwater levels and response as more stormwater components come online.

The City is ready to proceed with equipment purchase and start collecting data, but needs GHD expertise to get the equipment set up and installed properly. The attached scope is on a 'not to exceed' basis, and staff will work to minimize actual costs incurred.

Financial Impact:

The equipment cost is already included in the Public Works Budget. Staff's intent is to charge the GHD costs to the OPC grant, as well as to partially recover the equipment cost by 'renting' the equipment back to the grant. City staff discussed the need for this groundwater monitoring work with the OPC Grant Manager, and received a favorable response for including these costs. That has not been finalized, so staff cannot guarantee grant funding will cover this scope. The City budget includes \$11,000 for City Engineer costs; so staff do not think a budget amendment is needed at this time even with the uncertainty regarding grant funding.

Staff Recommendation: *Authorize the City Manager to sign the GHD Proposal for Ground Water Monitoring Assistance not to exceed \$6,600.*

Attachments:

- GHD Proposal for Assisting the City with Procuring and Deploying Groundwater Dataloggers and Performing Groundwater Monitoring for the 2017-2018 Wet Weather Season



September 7, 2017

Daniel Berman
City Manager
City of Trinidad
463 Trinity Street
Trinidad, CA 95548

RE: Proposal for Procuring and Deploying Groundwater Dataloggers and Performing Groundwater Monitoring for the 2017/2018 Wet Weather Season to Support the OPC Citywide LID Project

Dear Daniel,

GHD Inc. is pleased to submit this proposal to assist in the City of Trinidad (City) in performing a groundwater monitoring study over the 2017-2018 wet weather season to support the OPC Citywide LID Project. This scope of work is based on our understanding of the project and our experience gained from successfully completing similar work. This proposal can be further refined to meet the needs and goals of the City, if so desired.

PROJECT UNDERSTANDING

To support the OPC Citywide LID Project, the City is interested in assessing groundwater elevations with the intent on gaining an understating of the effectiveness of the first phase of the City's ASBS Stormwater Project. Continued groundwater monitoring was one of the recommendations during the initial design process. Pre project monitoring was performed for the ASBS Stormwater Project in 2012 in a manner that had post construction monitoring in mind. The previous monitoring conducted in 2012 was with datalogger equipment owned by GHD under the first phase of the ASBS project, and the previously used equipment reached the end of its service life and is no longer available. The intent on monitoring post construction conditions is to assess the change in groundwater elevations from pre and post construction. Post construction groundwater data can also be used to calibrate the groundwater model, which is being used to inform the design for the remaining project components.

GHD recommends that groundwater be monitored at all nine monitoring wells installed as part of the first phase of the ASBS Stormwater Project. The monitoring program would consist of monitoring equipment procurement, initial equipment set up and deployment, and annual monitoring. Analysing the data and preparing an annual monitoring report could then be completed under a separate contract.

SCOPE OF SERVICES:

The scope of services is defined by the following tasks:

Task 1 – Datalogger Procurement

The recommended groundwater level continuous data loggers are the Levellogger® Edge Model 3001 or equivalent. The City would need (9) levelloggers and (1) Barallogger to collect the local barometric pressure, which is used to correct the levellogger data, plus additional accessories to download the data, and a water level meter to verify the data loggers are reading correctly. GHD provided a memo dated May 5, 2017 that



included additional information on the proposed equipment. Table 1 below presents the breakdown of estimated equipment costs from our May 5 memo, which total \$7,523. We understand the City plans to purchase this equipment outright and may need some assistance during this process. GHD can assist the City by answering questions or doing additional research on items if requested. The budget allowance to complete this task is \$1,600.

Table 1 Datalogger Procurement Assistance

| Item | Count | Unit Cost | Cost |
|---|-------|-----------|-----------------|
| Levellogger® Edge Model 3001 | 9 | \$ 581 | \$ 5,229 |
| Barallogger® Edge Model 3001 | 1 | \$ 304 | \$ 304 |
| 3001 App Interface for the Levellogger/AquaVant | 1 | \$ 348 | \$ 348 |
| DataGrabber | 1 | \$ 196 | \$ 196 |
| 3001 Slip Fit DR to Optical Adaptor for the Levellogger | 1 | \$ 57 | \$ 57 |
| 3001 Optical Reader (USB) for the Levellogger | 1 | \$ 149 | \$ 149 |
| Water Level Tape Meter | 1 | \$ 522 | \$ 522 |
| Retainer line and holders | 1 | \$ 65 | \$ 65 |
| Sub Total | | | \$ 6,870 |
| Tax | 8.5% | | \$ 584 |
| Shipping | 1% | | \$ 69 |
| Total | | | \$ 7,523 |

Deliverables: *No deliverables are anticipated for this task. If requested, GHD will provide emails or other correspondence as deliverables based on what is requested to assist the City in procuring the equipment.*

Task 2 – Datalogger Setup and Deployment

Once the groundwater monitoring equipment is purchased by the City, it must be set up in the office, the units calibrated and readied for field deployment. The equipment would then be deployed in the field, including installing the units and verifying initial depth to water measurements. Once the units are in place GHD would set up the data to be gathered automatically (every 30 minutes) at all nine of the installed groundwater monitoring wells and recommends the data manually downloaded 6 times per year. The manual data collection is described in Task 3 below. Table 2 below summarizes the first year datalogger procurement and deployment costs.

Table 2: Datalogger Set Up and Deployment

| Item | Cost |
|--------------------------|---------|
| Initial Equipment Set Up | \$1,200 |



| Item | Cost |
|--------------------------|----------------|
| Initial Field Deployment | \$1,200 |
| Total | \$2,400 |

Deliverables: *The installation of nine groundwater monitoring dataloggers.*

Task 3 – Groundwater Monitoring

GHD will download the data from the continuous dataloggers six times during the first year, and manual water levels checked at the same time to confirm if the equipment is working properly. The six downloads would occur once in the spring, once in the summer and fall, and three times in the wet weather season (December –February) or as seasonal rainfall dictates. Once downloaded, GHD will compile the data into the database developed during the previous ASBS Stormwater project. The data would be checked and corrected for barometric pressure. To capture the upcoming 2017-2018 wet season, it is recommended that data loggers be set up in September or October and data collected through June 2018 for the first annual report. Table 3 below summarizes the first year groundwater monitoring costs.

Table 3: First Year Groundwater Monitoring Costs

| Item | Cost |
|-----------------------------|----------------|
| Data Collection (6 events) | \$1,000 |
| Data Compilation (6 events) | \$1,600 |
| Total | \$2,600 |

Deliverables: *No deliverables are anticipated for this task.*

COMPENSATION

GHD will provide these services on a time and materials basis, not to exceed \$6,600, per GHD's fee schedule in effect at the time services are performed. Actual costs to each task estimated below may vary.

Table 4 Budget

| Description | Budget |
|--|----------------|
| Task 1 – Datalogger Procurement Assistance | \$1,600 |
| Task 2 – Datalogger Setup and Deployment | \$2,400 |
| Task 3 – First Year Groundwater Monitoring | \$2,600 |
| TOTAL BUDGET | \$6,600 |



GENERAL EXCLUSIONS AND ASSUMPTIONS

This proposal is based on the following assumptions and exclusions:

- Work not specifically defined in tasks above are not included in this scope of work;
- No survey, geotechnical, archaeological, environmental, permitting, cost estimating or design services are included in this scope of services;
- There will only be six manual groundwater monitoring events;
- Costs presented in Table 4 are for the first year of groundwater monitoring;
- The City will procure and pay for all equipment.
- Equipment costs for dataloggers and other necessary equipment are approximate and may change at the time of purchase;
- Analyzing data and a monitoring report is not included in this scope of work; and
- Should additional services not identified in this scope be requested or required, they can be provided with a scope and budget amendment.

We look forward to the opportunity to work with you on this project. Should you have any questions, please do not hesitate to contact us.

Sincerely,
GHD Inc.

A handwritten signature in cursive script that reads 'Dagan Short'.

Dagan Short, PE
Project Manager

A handwritten signature in cursive script that reads 'Steve Allen'.

Steve Allen, PE
Principal



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

1. Humboldt County Sheriff's Office Update with Lieutenant Miller and Deputy Mathieson

ACTION AGENDA ITEM
Wednesday, September 13, 2017

Item: Public Safety Presentation/Discussion with Lieutenant Kevin Miller and Deputy Luke Mathieson

Summary:

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.

Staff Recommendation:

Come with questions and suggestions for Lieutenant Miller and Deputy Mathieson



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 39 PAGES

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

AGENDA ITEM REPORT

September 13, 2017

Item: CAL FIRE Water Line Extension LCP Amendment

CAL FIRE 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 CAL FIRE bear the financial responsibility for design, permitting and installation of the new water line.

Attachments

Staff Report and attachments

Resolution of Adoption

Resolution of Submittal to Coastal Commission for Certification

Recommended Action:

Adopt the attached resolutions approving the Land Use Plan / General Plan Amendment and submittal of an application to the Coastal Commission for certification of the amendment.



RESOLUTION NO. 2017-11

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE WATER SERVICE SECTION OF THE TRINIDAD GENERAL PLAN / LAND USE PLAN PORTION OF THE LOCAL COASTAL PROGRAM TO ALLOW EXTENSION OF CITY WATER SERVICE TO THE CAL FIRE TRINIDAD FIRE STATION TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City of Trinidad City Council has adopted a Resolution amending the Land Use Plan portion of the City's Local Coastal Program to allow a limited exception in order to provide City water service to the CAL FIRE Trinidad Fire Station; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the amendment is Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission recommended approval of the amendment to the Land Use Plan on August 18, 2017, and the Trinidad City Council adopted the amendment by Resolution on September 13, 2017 as recommended by the Planning Commission; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad as follows:

1. City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

Introduced, passed and adopted this 13th day of September, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor

Trinidad City Hall
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
707-677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



RESOLUTION NO. 2017-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, CALIFORNIA, TO GRANT APPROVAL TO AMEND THE WATER SERVICE SECTION OF THE TRINIDAD GENERAL PLAN / LAND USE PLAN PORTION OF THE LOCAL COASTAL PROGRAM TO ALLOW EXTENSION OF CITY WATER SERVICE TO THE CAL FIRE TRINIDAD FIRE STATION

WHEREAS, the City Council of the City of Trinidad held a duly noticed public hearing on September 13, 2017 for review of an amendment to the Trinidad General Plan / Land Use Plan portion of the City's Local Coastal Program to allow a limited exception in order to provide City water service to the CAL FIRE Trinidad Fire Station as set forth and the attached Exhibit A; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission recommended approval, by a 3-0 vote, of the amendment to the Land Use Plan on August 18, 2017; and

WHEREAS, California Government Code Section 65358 authorizes the City Council to amend the General Plan if it deems it to be in the public interest not more than four times per calendar year; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the amendment is Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, the amendment serves a public need benefiting the City and will not negatively impact the City's water supply; and

WHEREAS, this amendment is consistent with other parts of the City's General Plan and certified Local Coastal Program; and

WHEREAS, the General Plan amendment was discussed fully with testimony and documentation presented by the public and affected government agencies with all persons given the opportunity to speak for and against the proposed amendment; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad as follows:

1. That it does hereby adopt the herein-described General Plan / Land Use Plan amendment 2016-06, as represented in the attached Exhibit "A," for the reasons set forth in this Resolution.

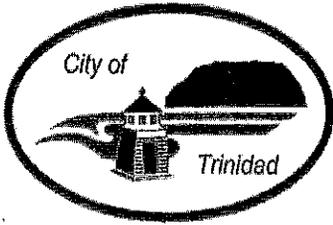
Introduced, passed and adopted this 13th day of September, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor



Filed: August 25, 2015
Staff: Trever Parker
Staff Report: July 6, 2017
Hearing Date: July 19, 2017
Commission Action: Recommend Approval
Council Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2016-06

APPLICANT (S): CAL FIRE

AGENT: Stein Coriell, SHN

PROJECT LOCATION: NA

PROJECT DESCRIPTION: Amendment to the Land Use Plan (General Plan) portion of the City's Local Coastal Program to allow a limited exception to restrictions on providing water service outside of the City's Service Area in order to allow CAL FIRE to apply to the City to provide potable water to the Trinidad Station, 923 Patrick's Point Drive, approximately 1 mile to the north of the City, under a separate, future application.

ASSESSOR'S PARCEL NUMBER: NA

ZONING: NA

GENERAL PLAN DESIGNATION: NA

ENVIRONMENTAL REVIEW: Statutorily Exempt from CEQA per §15265 of the CEQA Guidelines exempting adoption of coastal plans and programs.

APPEAL STATUS:

Planning Commission action on an LCP Amendment is in the form of a recommendation to the City Council. The City Council must adopt the amendment by Resolution. Then the amendment is submitted to the Coastal Commission for certification prior to it going into effect. Therefore, the Planning Commission action is not final and not appealable.

BACKGROUND:

The history of this project goes back several years. The CAL FIRE Trinidad Station previously obtained its potable water through a collection and treatment system on Martin Creek. However, possibly due to upstream development, that source has become polluted and unreliable. CAL FIRE attempted several solutions, including expansion of the collection cistern, improvements to the filtration system and even digging a new well. None of these actions worked, and the station has had to rely on trucked and bottled water for domestic use ever since.

Therefore, CAL FIRE applied to the Humboldt Local Agency Formation Commission (LAFCo) in 2009 for a service extension from the City of Trinidad water system. LAFCo is the agency responsible for determining changes in jurisdictional boundaries of local agencies, including Cities and Service Districts. Normally out of agency service extensions are not allowed without annexation. However, an exception was allowed in this case because CAL FIRE is a public agency and because the current water situation is a health and safety issue. Winzler and Kelly, Consulting Engineers, prepared a preliminary feasibility report for LAFCo, which showed that the CAL FIRE demand would use approximately 1% of the City's available capacity and that a 1" line would be adequate to serve the station. LAFCo approved a 1.5" water line in order to allow some room for error. LAFCo's approval was conditioned on CAL FIRE negotiating an agreement with the City, assuming all financial responsibility, and completing all the required environmental and permit compliance.

CAL FIRE then approached the City for approval of the water line extension. The City Council considered the request at their October 2012 meeting. The minutes do not reflect that there was much discussion, and there were no objections. A CAL FIRE representative noted that once they received approval from the City, they would have to work on securing funding and applying for the appropriate permits. I was not involved in the request at this time or in the LAFCo process.

After obtaining their funding authorization, CAL FIRE again approached the City in 2014 to start discussions about the required design, engineering, environmental analysis and permitting. This is when I got involved, and I also ran the proposal by Coastal Commission staff. They pointed out that the Trinidad Fire Station is outside the City's approved and mapped Water Service Area. Both the City and County LCPs include language that would prohibit extension of City water outside of the service area. City staff met with Coastal Commission staff, County staff and the applicant representatives in July 2015 and September 2015 to discuss the next steps to move the project forward. It was determined that amendments to both the County and City LCPs would be required. It was also determined that language allowing a specific exception for the CAL FIRE station would be the best approach. This is as opposed to amending the Service Area Map, which would

have required a much more comprehensive water supply analysis and would have opened up a much broader water service discussion.

NEED FOR THE PROJECT:

There is a clear, documented need for potable water service at the Fire Station. CAL FIRE has documented the water quality problems with their existing system, including sedimentation and contamination related to homeless encampments nearby. Water conservation measures are already in place. Three test borings for wells were drilled onsite in 2007 but came up dry. Sand filtration and other water treatment options have been attempted with unsatisfactory results (see September 28, 2016 letter from CAL FIRE for more information). Currently, bottled water is used for drinking and the existing, questionable water is used for everything else, including showers.

The CAL FIRE Trinidad Station provides an essential public service. The Station has an initial attack direct protection area of over 375,000 acres and interfaces with numerous state, federal and local agencies. The Trinidad State Fire Station is the only "Amador" station in the Humboldt Del Norte Unit, which requires it to be open year round. The station is contracted to serve as the primary fire department for Humboldt County Service Area 4. The station also provides emergency services to the City of Trinidad and the Trinidad Rancheria properties at no cost. In the last five years to date (September 28, 2016) the Cal Fire Trinidad Station has responded into the City of Trinidad a total of 227 times for a variety of call types, 88 of those calls were since January 1st of 2015. The Cal Fire Engine is routinely first to the scene to calls in the City of Trinidad, often by several minutes, due to its close proximity and being professionally staffed 24 hours per day.

WATER AVAILABILITY:

In addition to the feasibility study conducted by Winzler and Kelly in 2009 for LAFCo, GHD (formerly Winzler and Kelly) prepared an updated report in March 2017. That report included current City water use and supply information as well as accounted for the increased staffing at the Trinidad Fire Station. The station will continue to use their existing water source for irrigation, fire suppression and truck maintenance; the City's water will only be used for domestic, indoor use.

GHD's water assessment shows that the City has ample capacity to serve the Trinidad Fire Station. The small percent of water that will be used by the Station will not impact the City's ability to supply water to vacant lots in the City when they are developed in the future. It will also not affect the City's storage capacity or ability to fight fires. The GHD report concluded the following:

"A comparison of the fire station water demand (Table 1) to the available Trinidad water system capacity (Table 2) shows that the fire station's estimated average demand during periods of high facility use are less than 1% of the available capacity. During a peak day the Cal Fire facility's demand is approximately 1.5% of the available system capacity. The per hourly demand is 1.6% of the City's treatment system production capacity of 175 gallons per minute. Thus, the City has the capacity to provide potable water to the fire station." See the GHD March 30, 2017 water availability assessment for the Tables and more detailed information.

There are larger issues of water supply and the City's Water Service Area that may come up at this meeting. Water supply in the Trinidad area is limited, and can hinder development. This has been an issue for a long time, but became more apparent with the drought over the previous few years. The City has seen an uptick in requests for water hook-ups for properties outside City limits. However, as mentioned above, LAFCo policies and regulations do not allow hook-ups outside of jurisdictional boundaries except in very limited circumstances; generally annexation of the property is required. In addition, the City's water plant, and Luffenholtz Creek have limited capacity. Before allowing additional hook-ups outside of City limits, the City needs to complete a comprehensive water supply assessment and evaluate potential future water demand considering build-out of the City and the Water Service Area. This will be something the City will be developing as part of its current LCP update. The City recently applied for another round of LCP grant funding from the Coastal Commission to complete an in depth water supply and demand analysis, and to develop and assess alternatives for the Water Service Area, Sphere of Influence and potential annexation. Staff did not want to delay this important project for that long-range planning effort. And the service extension to the Trinidad Fire Station should be considered separately from these larger issues.

LCP AMENDMENT PROCESS

City staff have worked closely with Coastal Commission staff to draft the proposed LCP amendment language. We have also worked similarly with County staff to ensure that the two amendments are consistent. That does not mean that the proposed language can not be changed at this point. But if there are any changes, those should be run by Coastal Commission staff to ensure they will still support the amendment. The intent was to ensure that the exception was narrow and specific enough that it would not set a precedent for allowing additional connections. The language also includes findings to ensure that the future Coastal Development Permit application for the physical construction of the water line can be found to be consistent with both LCPs and the Coastal Act.

SB 18 (Chapter 905, Statutes of 2004) requires the City to consult with local Tribes when amending the General Plan. A letter was sent to the contacts for the Tribes identified by the Native American Heritage Commission and known to the City on April 4, 2017 offering the

opportunity for Intergovernmental Consultation. The Tribes have 90 days to respond requesting consultation; none did.

The project is subject to CEQA. However, LCP amendments are Statutorily Exempt from CEQA per §15265 of the CEQA Guidelines exempting adoption of coastal plans and programs. CEQA compliance will again be addressed as part of the permit process for the physical construction of the water line.

The Zoning Ordinance requires the Planning Commission to hold a public hearing on any amendments. However, it is the City Council that actually adopts the amendment, so the Planning Commission action will be in the form of a recommendation to the City Council. If the City Council adopts the amendment, then it will be submitted to the Coastal Commission for certification. The County is currently processing a similar amendment to the Trinidad Area Plan, which will be considered by the Coastal Commission at the same time and Trinidad's LCP amendment.

Once the LCP amendment is certified, the next step will be for CAL FIRE to apply to both the City and the County for the necessary permits to install the line. This will include CDPs and encroachment permits from both agencies at a minimum. Environmental review and CEQA compliance will occur at that time based on the specific design and location of the proposed water line.

LCP/ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

I have provided you with the entire Water Service section of the General Plan for context. This section was updated in 1987, but is still quite out of date. However, that is being updated as part of the current General Plan amendment. The City does have a water ordinance (Chapter 13.04), which is not a part of the certified LCP, but it will dictate aspects such as design, construction and management of the future water service connection. County regulations will also apply to construction of the portion of the water line within County jurisdiction.

The amendment has been narrowly crafted in order to not set precedent for other water service connection requests and so that it would not conflict with other provisions of the LCP. It also does not change any of the resource protection policies of the LCP. And it does not allow any new physical changes, other than the water line extension to the Trinidad Fire Station. Once the amendment is certified by the Coastal Commission, CAL FIRE can then apply to the City for the Coastal Development Permits needed from both the County and the City to physically install the water line. That will require a separate hearing process and approval by the Planning Commission.

PLANNING COMMISSION ACTION:

Based on the above analysis, the amendment was found to be consistent with the City's Zoning Ordinance and General Plan and other policies and regulations of the LCP. The amendment will serve to support an important public need and will not negatively impact the City's ability to provide water to users within the City. The Planning Commission agreed with staff's analysis and recommended approval of the amendment to the City Council with the following motion:

Based on application materials, information included in this Staff Report, and based on public testimony, I move to adopt the information in this staff report and recommend approval of the LCP Amendment as submitted and as conditioned below:

ATTACHMENTS

- Proposed LCP Amendment
- GHD Water Supply Assessment
- CAL FIRE Application
- CAL FIRE Supplemental Materials

CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to permit application for construction of the water line.*
2. The applicant is responsible for negotiating a services agreement with the City, payment of any permit and hook-up fees and assumption of financial responsibility, and for securing all necessary approvals and permits needed to construct the water line. *Responsibility: Applicants throughout design and permit process.*

CHAPTER III

DEVELOPMENT OPTIONS & PREFERENCES

...

WATER SERVICE

The City withdraws all municipal water entirely from Luffenholtz Creek. A large trunk line, located along Westhaven Drive, carries the water into the City. All development in the City is connected to the system. Because some of the residences along Westhaven Drive had inadequate wells, the City allowed them to connect to the system.

Prior to improvements in 1987, the Trinidad water system had a storage capacity of 150,000 gallons in a single storage tank. Average monthly raw water production in 1985 was 2,279,000 gallons, with higher demands in the summer months and lower demands during the winter. The total City population in 1985 was 430. At that time, the water system served 268 connections; 176 were within the city limits and 92 were outside the City.

Following system improvements in 1987 under the California Safe Drinking Water Bond Law Program of 1984, the City water system was upgraded in terms of pumping, treatment and storage capacities. With the addition of a second storage tank, storage capacity is currently 300,000 gallons. Production capacity at the pumping station is 150,000 gallons per day, averaged. Maximum "peak period" capacity is 288,000 gallons per day or 200 gallons per minute.

Capacity of the City water system to adequately serve the existing and projected needs of the community has historically been a concern of the City. With the improved system, the City now has the ability to adequately serve existing users.

The California Safe Drinking Water Bond Law Program provided funding for bringing local water systems into compliance with state waterworks standards, but did not provide funding for future capacity. Consequently, the system is designed to adequately service the City, with only a slight capacity margin.

The relationship between the number of new services that can be connected and the

capacity of the system is complex and can only be evaluated relative to specific hookup requests. Any proposals for significant increase in water usage should be viewed with caution.

An additional limitation of the system is the available quantity of water from Luffenholtz Creek. Available water is less than total stream flow due to water rights issues, downstream users and environmental considerations. The 1980 Citizen's Committee found that the theoretical capacity of the Creek is approximately 650 service connections. The Committee recommended that the City allow no more than 400-450 service connections without performing specific watershed studies to verify additional capacity.

Water quality of the finished water within the system is currently tested on a regular basis by the City staff, including tests for coliform and turbidity. Results of water testing indicate that City water is in full compliance for bacteriological standards and marginally acceptable for turbidity.

The water system was also substantially upgraded in 1976. However, portions of the system existing before that time are still in use, well beyond their useful life. This points up a problem for the City of Trinidad - the upkeep and timely replacement of water system components. The value of Trinidad's water system is so great that, on an annual replacement system, the annual cost is greater than the City's financial capability.

To begin to resolve this problem, the City must 1) efficiently manage the system; 2) provide efficient operation and maintenance; and 3) have a well-conceived annual repair-replacement program.

Repair and replacement will contribute to water conservation now hampered by leakages from the system. Water conservation can be further promoted by educating users in water conservation practices.

Service Options

Among the options for the City in providing water services to the community are the following: 1) the City could choose to limit the number of new water service

connections; 2) not limit the number of new water connections; or 3) selectively allow new connections based on specified guidelines.

For any service option, the City should consider: how and where the development is to occur; the physical operation of the water system and ultimate capacity of the watershed; the effect of the City's Sphere of Influence; and whether prospective users are within the city limits or outside the limits.

Service Preference

The City chooses to allow connections on a selective basis with preference given first to users within city limits. The City desires to maintain and upgrade its water system as necessary to provide domestic water and fire flows for routine as well as peak demands. Major expansions of trunk lines should be carefully reviewed.

Recommended Policies

22. The City should promote an active, on-going water conservation program to help keep user charges as low as possible. The City conservation program should extend to upgrading outdated portions of the system to eliminate leakage.
23. The City shall continue to monitor water consumption. In addition, the City should pursue a program to monitor water quality and quantity both within the City system and in Luffenholtz Creek. The City shall implement well-defined, quality programs of operation and maintenance.
 - 23a. Users within city limits should be given preference for service connections.
 - 23b. The City shall plan on regular maintenance and occasional upgrading of the water system, as feasible. The City shall develop a program to periodically upgrade existing distribution lines to current standards. To keep the City up to date on the condition of the water system, need for improvements and level of uses, an annual water report shall be prepared and presented to the City Council.
24. In the event of a proposal to expand the City water system, prospective customers shall provide by agreement with the City the necessary funds in whole or in part

to defer the cost of system improvements. This policy shall be implemented by provisions of the City Water Ordinance.

- 24a. The City should monitor land use activities and development projects within the Luffenholtz Creek watershed and oppose those activities and projects which may have adverse impacts on creek water quality. The City should develop and maintain an on-going and open relationship with landowners within the watershed.
- 25. The area of the east and southeast of the City on either side of the freeway, where some properties are already connected to the system, should be included in the City service area to allow for additional connections as the system allows.
- 25a. The City should, from time to time, revise its Sphere of Influence to be consistent with the City's water service connections.

In North Trinidad, the unincorporated area north of the City, several commercial developments, visitor accommodations, and residences could benefit from connecting to the City water system. Visitor accommodations have not been able to meet the growing demand because of limited water supplies. If the water system is expanded and a trunk line extended to the north, this development constraint would be altered or removed.

Many residential property owners in North Trinidad recognize that insufficient water supply has preserved the low density rural residential character of the area and they prefer it that way. They see the extension of the City water service into the area as an action that would trigger commercial and residential expansion and destroy the rural character of the area.

There is also concern that additional water would overburden septic tanks and increase ground and surface water pollution. Proposals to form a water district to pay for a water service extension have been defeated by a sizeable majority on several occasions.

Service Options

If the water system is expanded, the City could: 1) allow the extension of a major

truck line into the North Trinidad area; 2) not allow any extension of water service into North Trinidad; or 3) allow a limited extension.

Service Preference

The continuation, modernization and expansion of visitor services are important to the economy of the area. The City supports the preference of the residents of North Trinidad that the area west of Patrick's Point Drive north of Anderson Lane remain rural residential in character. Therefore, if water service is extended into North Trinidad it should be confined to: (1) the visitor service area east of Patrick's Point Drive; (2) the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive; and (3) the commercial area on the west side of Patrick's Point Drive south of Anderson Lane.

Recommended Policies

26. The existing commercial area on the west side of Patrick's Point Drive south of Anderson Lane and the area on the east side of Patrick's Point Drive south of the Division of Forestry property should be included in the City service limits to allow for future consideration of water service.
- 26a. Water service should not be provided within the North Trinidad service area until the City system has sufficient capacity. The size of the trunk line into the North Trinidad service area should only be large enough to serve the projected needs of development in the service area.
- 26b. Water service may be extended to the CAL FIRE Trinidad Fire Station located at 923 Patrick's Point Drive if the service line extension (i) is sized so as not to exceed provision of the minimum amount of water needed to serve the fire station for domestic water use; (ii) will not remove capacity necessary to serve future development within the City; (iii) will not impair fire protection services in the City; (iv) is designed and conditioned in such a way that it will not service additional parcels/be growth inducing; and (v) is found to be in conformance with the resource protection policies of this plan.

The City must also consider the conditions under which it will provide water service to

areas outside the City. Section 30254 of the Coastal Act states in part that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Most cities require that those wishing to connect to City services annex their property. Annexation of residential areas increases property tax revenue and State subventions (such as gas taxes). Annexation of commercial establishments, in addition to high property tax revenue, also entitles the City to a share of the State sales tax revenues generated by the annexed businesses.

The City has allowed the connection of about ninety residences outside the City along the main trunk line. These customers are charged a higher rate than in-city customers. In very low density residential areas the extra revenue from water service is approximately equivalent to the net City revenue that would be realized if the property were annexed and the City provided police protection, street maintenance and other services. Therefore, annexation in this situation is not of net revenue benefit to the City.

As residential density and the value of housing increases, and particularly when commercial enterprises are included, annexation could be of net revenue benefit to the City.

Service Options

If the water system is expanded the City could: 1) change the existing policy and require that all property to be provided water service be annexed to the City; or 2) allow water service without annexation in low density residential areas but require annexation where water service is desired for commercial property and residential subdivisions that will represent a net benefit to the City; or 3) provide service to adjacent areas without requiring annexation.

Service Preference

Making annexation a prerequisite could limit interest in connecting to the City

water system since the level of services provided by the City is, except for water, essentially the same as those available from the County at less cost. If the water system is expanded, the following policy should be used to determine whether annexation should be a prerequisite to water service.

Recommended Policy

27. Applications for water service for property outside the City should be reviewed to determine whether annexation would be advantageous to the City. If there is reasonable doubt as to the economic advantages, the hookup should be allowed without annexation so that the City can benefit from the extra water revenue, provided that there is substantial compliance with all other policies in this plan and with the City Water Ordinance.



Memorandum

30 March 2017

| | | | |
|---------|--|---------|-------------------|
| To | Dan Berman, Trinidad City Manager | | |
| Copy to | Trevor Parker, City Planner, Streamline Planning Consultants | | |
| From | Rebecca Crow, PE | Tel | 707-267-2244 |
| Subject | Waterline Extension to CalFire | Job no. | 01063/07001/11054 |

Introduction

The purpose of this memo is to provide an update on the feasibility of connecting the Cal Fire Trinidad Station (fire station) to the City of Trinidad's water system. The existing Cal Fire station water supply has routinely failed water quality tests, and has been determined to be not safe for human consumption, according to testing done by Cal Fire. This memo evaluates the potential demand from the fire station, available water supply from the City of Trinidad, and the ability for the City to meet the demands at the Cal Fire Station.

Estimated Fire Station Water Demand

Fire station water use is not metered. However, station personnel estimate water use during peak summertime staffing of the station ranges between 700 and 1000 gallons per day (gpd). Additionally, water use was calculated based on literature values for additional support for water demands from the station. The facility consists of a 2,500 square foot operations building, a 1,500 square foot foresters building, and a 2,100 square foot engine bay. Altogether there are 2 bathrooms, 1 shower facility, and 1 washing machine (used weekly for linens) located at the site.

Peak summer staffing includes 10 to 14 fire staff who are onsite 24 hours per day 7 days per week. There are also 4 foresters that staff the forester building for 8 hrs per day 5 days per week. Visitors to the facility are rare. If potable water can be extended to the site, the station would continue to use the existing water supply for irrigation, fire suppression, and fire truck tank fill-up and truck maintenance, thus limiting the potable water demand to indoor water use.

Table 1 below shows the estimated water demand of the fire station under average conditions and peak demand conditions expected to occur during the summer months. Water use estimates were taken from published literature as cited below.

The total average daily water demand was estimated at 1,000 gallons per day, at peak staffing with high fire activity levels and all 40-hour staff present. The water demand varies during the day with peaks in the morning and evening and lows during the middle of the night. For calculating the instantaneous hourly water demand, a peaking factor of 4 was applied to the average day demand, which is common for small facilities.

This results in a peak hourly demand of 164 gallons per hour or approximately 2.75 gallons per minute (gpm) for a period of one-hour. These figures will be compared to the available Trinidad Water Supply in the last section of this memo to determine if the City can supply the fire station demand. The next section presents the City of Trinidad's available supply.

Table 1 Cal Fire Average and Peak Water Demands

| Description | Number of Persons | Estimated Demand (gallon per capita per day) ² | Estimated Average Daily Demand (gallons per day) | Daily Peak Demand (gallons per day) ³ | Peak Hour Demand (gallons per hour) ⁴ |
|---|-------------------|---|--|--|--|
| Forestry Staff 40-hr/ week staff ¹ | 4 | 16.25 | 65 | 130 | 10.8 |
| Maximum Cal Fire 24/7 staff ¹ | 14 | 66.25 | 927.5 | 1855 | 154.6 |
| Total | - | - | 992.5 | 1985 | 165.4 |
| TOTAL Rounded | - | - | 1000 | 2000 | 1685 |

¹ Staffing estimated from Department of Forestry and Fire Protection Memo, Dated September 28, 2016. Forestry staffing updated based on personal communications with Cal Fire Battalion Chief Trinidad, Joshua Bennett

² Per capita demand estimated from Wastewater Engineering Treatment and Reuse, Metcalf & Eddy Inc., 2003, typical office employee for 40-hr/week staff and 4 person household for 24/7 staff. Wastewater flow rate assumed to be 80% of water demand.

³ Peak Daily demand equals average daily demand time the peaking factor of 2 to account for increased daily use during warm dry summer months

⁴ Peak hourly demand equals average daily demand times the peaking factor of 4 to account for increased daily use during warm dry summer months and hourly variations in water use during the day

City of Trinidad Water Supply System

The City's water system consists of an infiltration gallery located 10 feet below Luffenholtz Creek connected to a wet well. Pumps in the wet well supply pressure to move water from the creek through, a rapid settler to remove sediment is the raw water. From the rapid settler a second set of pumps supplies pressure to move water through three parallel sets of roughing and polishing filters then after chlorination onto the City's two 150,000 redwood water storage tanks.

The City completed a water system upgrade project in 2014, which included a new raw water pumps, rapid settling filtration system, new intermediate pumps, new chlorine contract system, and upgrades to the backwash system. The City maintains two wet well pumps capable of delivering 175 gallons per minute individually. The system is designed to operate with one pump running and both pumps have variable frequency drives to reduce flows if needed. With one pump running the City can produce 252,000 gallons per day (gpd).

Current City Water Use

The City of Trinidad has supplied an average of 68,400 gallons of potable water per day over the last 4 years to meet the demands of the City's water service area. The peak month demand during the summer period reaches an average of approximately 90,600 gpd, and typically occurs in the month of August. Peak monthly demand was estimated from 2013-2016 monthly data. Peak day demand of 123,100 gpd and peak hour demand of 7,700 gallon per hour were estimated using peaking factors of 1.8 times average day use and 2.5 times maximum day use respectively.

Water Storage

The City currently operates two 150,000 gallon storage tanks, for a total of 300,000 gallons of storage. Out of the total storage, approximately 180,000 gallons is reserved for fire flows (estimated as 2 hours of supply at 1500 gpm). Ideally, this volume would be kept in storage for availability during a fire.

During peak water use in the summer, demands can be met by the maximum feed rate supplied by the pumps. It is not anticipated that storage would be a limiting factor to connection of the fire station to the City's water system.

Luffenholtz Creek Supply

The City sole raw water supply is Luffenholtz Creek. The City is allowed to extract a maximum of 0.56 cubic feet per second (cfs) (251 gallons per minute) from Luffenholtz Creek. The City's water right permit stipulates that when the flow in Luffenholtz Creek is lower than 0.86 cfs, the City must leave at least 0.15 cubic feet per second in the creek, including enough for the 0.0054 cfs worth of water rights downstream from the City, resulting in a total of 0.1554 cfs or approximately 70 gpm that must bypass the City's water intake.

During the drought period of 1977, the flow in Luffenholtz Creek was recorded to drop to 0.62 cfs (278 gpm). This is considered the lowest recorded flow conditions for Luffenholtz Creek. At this flow the City could still divert up to 208 gpm or 299,520 gpd, which is significantly more than the City's current peak day demand. The City is currently working to install flow monitoring on Luffenholtz Creek to track water right bypass compliance.

Trinidad Water Supply Summary

Table 2 below presents a summary of the City of Trinidad's water system capacity and estimate of available capacity beyond existing demands.

Table 2 Summary of City Water Demands and Availability

| Conditions | Flows | Comments |
|---|-------------|---|
| Current City Treatment System Capacity | 252,000 gpd | Current Maximum Production Capacity |
| Raw Water Available (worst case drought conditions) | 299,520 gpd | Maximum Diversion under Existing Water Rights and 1977 drought conditions |
| 2014-2016 City Peak Day Demand | 123,100 gpd | Current Peak Day Demand |
| Available System Capacity | 128,900 gpd | Available capacity equals treatment capacity minus peak day demand |

Conclusions

A comparison of the fire station water demand (Table 1) to the available Trinidad water system capacity (Table 2) shows that the fire station's estimated average demand during periods of high facility use are less than 1% of the available capacity. During a peak day the Cal Fiore facility's demand is approximately 1.5% of the available system capacity. The peak hourly demand is 1.6% of the City's treatment system production capacity of 175 gallons per minute. Thus, the City has the capacity to provide potable water to the fire station.

References

Department of Forestry and Fire Protection Memo, Dated September 28, 2016

Metcalf and Eddy, Inc. (2003) Wastewater Engineering: Treatment and Reuse, 4th ed., McGraw-Hill, New York.

Personnel Communication Trinidad Water Plant Operator, Bryan Buckman, March 31, 2017 for Updated City Water Use Data

Personnel Communication Cal Fire Battalion Chief Trinidad, Joshua Bennett, April 4, 2017

Winzler & Kelly (2003) City of Trinidad Proposition 204 Water Supply Feasibility Study, Winzler & Kelly, Eureka, CA.

Proposed Extension of City of Trinidad Water Service to CAL FIRE Trinidad Station

Project Description

Introduction

On behalf of CAL FIRE, SHN Engineers & Geologists has prepared this project description for the CAL FIRE Humboldt-Del Norte Unit Trinidad Fire Station, located at 923 Patrick's Point Drive (Assessor's parcel number 515-241-011), in the community of Trinidad, in Humboldt County, California (Figure 1). The fire station is located approximately 1 mile beyond (north of) the City of Trinidad sphere of influence (SOI). It is within County Service Area Number Four (CSA4), which provides year-round fire protection service from McKinleyville to Orick. The proposed project is located within the California Coastal Zone and requires coastal development permits (CDPs) from both the City of Trinidad and the County of Humboldt.

SHN has prepared this project description to provide the California Coastal Commission (CCC), Humboldt County Planning and Building Department, and the City of Trinidad's Department of Planning and Building Services with information regarding the proposed extension of the City of Trinidad's water service to the CAL FIRE Trinidad Fire Station.

Background

CAL FIRE staffs the fire station year-round and responds to the City of Trinidad for all medical, traffic accident, structural and wildland fire dispatches at the same time the Trinidad Volunteer Fire Department is dispatched. Because the fire station is very close to the City of Trinidad and is staffed, CAL FIRE's engine is usually on-scene faster than the Volunteer response. CAL FIRE is and has been providing this service at no cost to the City, clearly demonstrating a public service and public good to the City, as well as surrounding areas.

Existing site features at the CAL FIRE Trinidad Station (fire station) are shown on Figures 2a and 2b. Currently, the fire station uses nearby surface water from Martin Creek to supply water for drinking, equipment cleaning, irrigation, and fire suppression. CAL FIRE has documented evidence that this water supply is unreliable and potentially unsafe and therefore the fire station is looking for an alternative potable water supply.

The proposed extension of City of Trinidad water service to the fire station was initiated as early as 2009, with a preliminary feasibility evaluation, conducted by Trinidad City Engineer Winzler & Kelly, and submitted to Humboldt Local Agency Formation Commission (LAFCo). The evaluation was to determine the potential water demand from the fire station, the available water supply from the City of Trinidad, and the infrastructure necessary to make the connection. Results found that the fire station's estimated peak demand of 800 gallons per day is less than 1% of the City of Trinidad's available capacity and that the City has available water supply and could provide the fire station with potable water.

In May 2010, Humboldt LAFCo determined that a Cortese-Knox-Hertzberg Act, Section 56133 exemption was applicable for the water service extension, given that the service in question involves a public service provider. Consequently, on May 19, 2010, Humboldt LAFCo approved CAL FIRE's application, and passed and adopted Resolution 10-07 determining that a LAFCo exemption applies for the water service extension from the City of Trinidad to serve the fire station; therefore the proposed service extension does not require LAFCo approval.

However, in response to a CAL FIRE request, the CCC indicated in a summary email on July 11, 2014, that any such extension of water service would be inconsistent with the current Local Coastal Programs (LCP) of both the City of Trinidad and Humboldt County. The project parcel is outside of (directly adjacent to, on the north side of) the City of Trinidad's City service area/City service limit line (Figures 3 and 4). Therefore, amendments to the Trinidad General Plan and the Trinidad Area Plan would first need to be locally adopted and then certified by the CCC before CDPs for the proposed project could be found to be LCP-consistent and approved.

Proposed Project

The proposed water line will serve only the fire station. Once potable water has been extended to the site from City of Trinidad, the station will continue to use the existing surface water supply for equipment cleaning, irrigation, and fire suppression, thus limiting the potable water demand to indoor water use. Engineering design is required for the installation of a 1.5-inch water line along Patrick's Point Drive (PPD; approximately 5,400 linear feet), and the connection to the existing 10,000-gallon tank at the facility (approximately 600 linear feet). It is anticipated that the water line along PPD will be installed using horizontal directional drilling (HDD) to a meter at the station, and the connection from the meter at PPD to the existing facility water tank will be installed using open trenching. The project also includes the installation of a new 20,000-gallon concrete water tank for utility water/fire suppression storage; a geotechnical investigation will be needed for design purposes. The existing water supply system will be retrofitted to supply partially-treated utility water. The existing storage building will be demolished and a new building will be constructed to house the water treatment systems and pump components. New piping from the existing 10,000-gallon potable water tank to the buildings will be installed.

Design requirements for upgrading the water system at the site are expected to include design plan and profile drawings for the installation of the potable and utility water lines, including connections to the new and existing water storage tanks, the new water treatment system, and existing buildings and hose bibs. Plans will include a chlorination dosing system for the new potable water system and an evaluation of system hydraulics for the selection of adequate booster pumps.

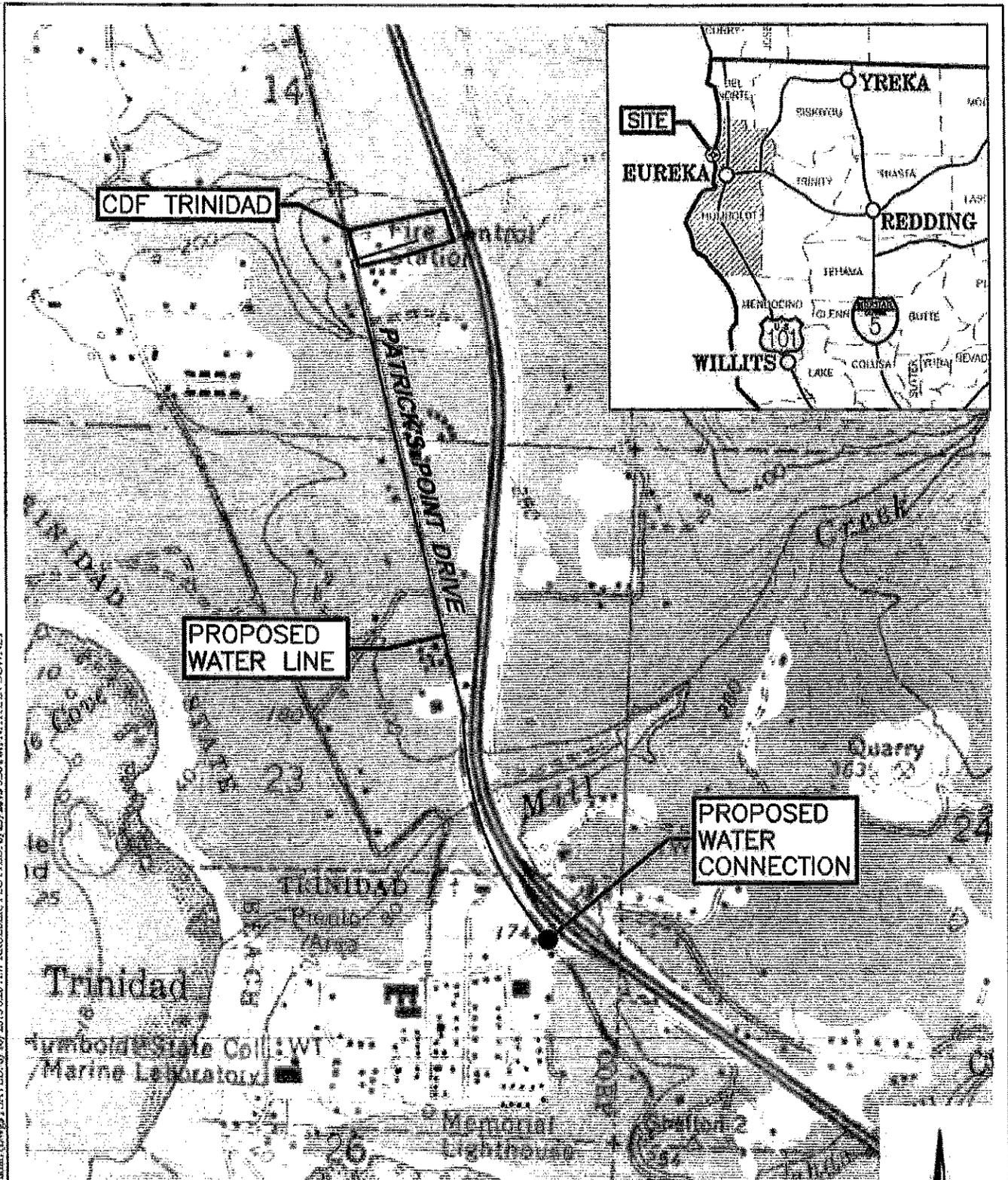
Plans will include subsurface characterization and geotechnical investigations to provide geotechnical analysis and conclusions to aid in the design of the waterline alignment and present recommendations and design criteria. SHN will prepare initial permitting documents for review by the City of Trinidad and the County of Humboldt, including grading and encroachment permits.

CAL FIRE would like to explore the possibility of amending the LCPs to allow the extension of water service to just this project, potentially a targeted exception for this project without extending the service area boundary. With the right conditions incorporated into the LCP amendment to

prevent growth inducement concerns, this could limit the scope of necessary special studies. Potential controversy might also be lessened because the fire station is an essential public service facility and the proposed water line will serve only the fire station.

- Attachments: Figure 1: Site Location Map
Figures 2a and 2b: Trinidad FFS: Topographic Survey
Figure 3: Trinidad General Plan Land Use
Figure 4: Trinidad Area Plan Land Use Designations

1 Figures



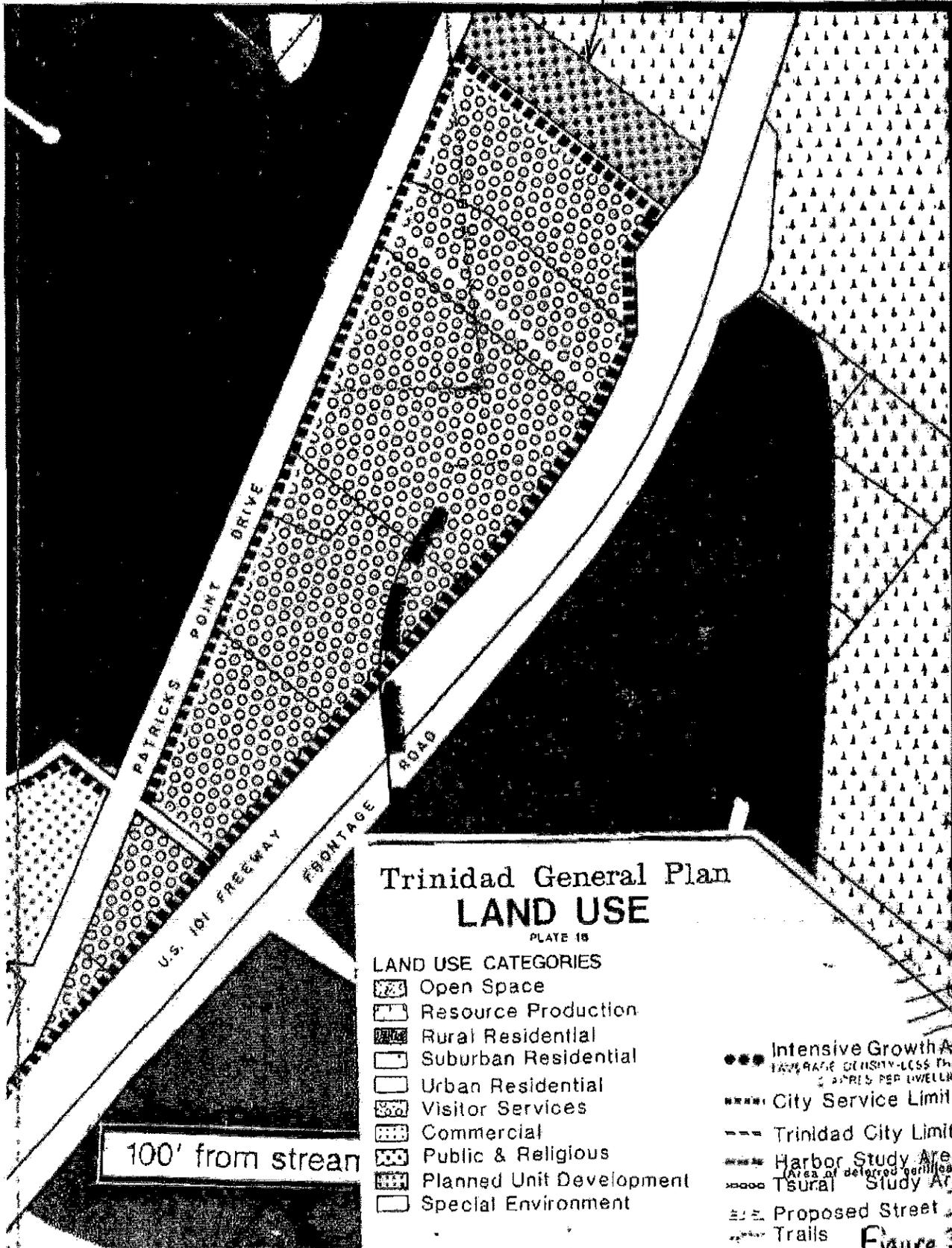
SOURCE: TRINIDAD
USGS 7.5 MINUTE QUADRANGLE



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| | | | |
|---|---|-------------------------------------|----------|
|  Consulting Engineers & Geologists, Inc. | CDF Trinidad Fire Station Trinidad, California | Site Location Map SHN 015070 | |
| | August 2015 | 015070-I.CTN | Figure 1 |

project parcel



Trinidad General Plan LAND USE

PLATE 18

LAND USE CATEGORIES

- Open Space
- Resource Production
- Rural Residential
- Suburban Residential
- Urban Residential
- Visitor Services
- Commercial
- Public & Religious
- Planned Unit Development
- Special Environment

- Intensive Growth Area
AVERAGE DENSITY-LESS THAN 2 UNITS PER LOT/ACRE
- City Service Limit
- Trinidad City Limit
- Harbor Study Area
(Area of detritus accumulation)
- Tsurai Study Area
- Proposed Street
- Trails

100' from stream

Figure 3

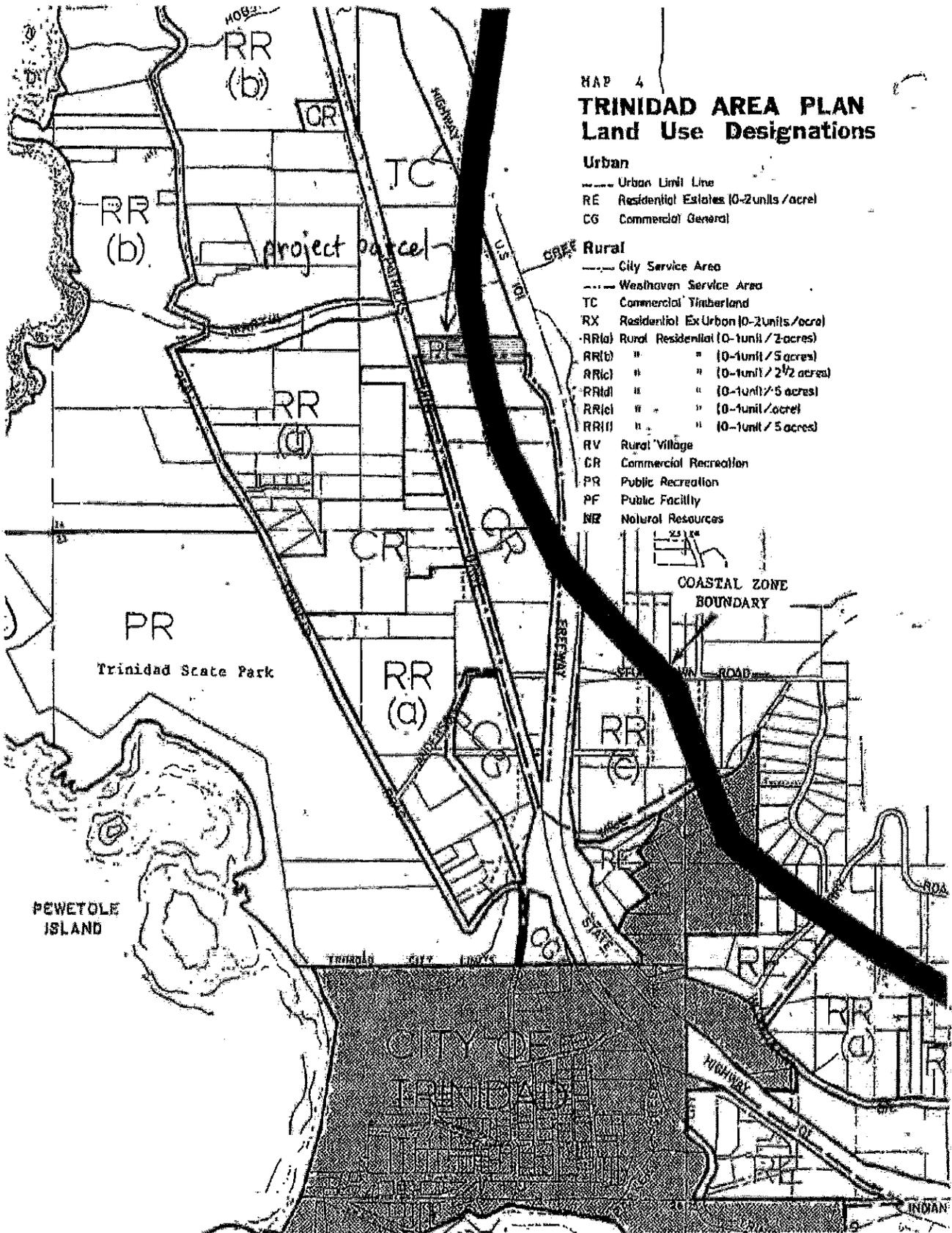
MAP 4
**TRINIDAD AREA PLAN
 Land Use Designations**

Urban

- Urban Limit Line
- RE Residential Estates (0-2units/acre)
- CG Commercial General

Rural

- City Service Area
- Westhaven Service Area
- TC Commercial Timberland
- RX Residential Ex Urban (0-2units/acre)
- RR(a) Rural Residential (0-1unit / 2 acres)
- RR(b) " " (0-1unit / 5 acres)
- RR(c) " " (0-1unit / 2 1/2 acres)
- RR(d) " " (0-1unit / 5 acres)
- RR(e) " " (0-1unit / acre)
- RR(f) " " (0-1unit / 5 acres)
- RV Rural Village
- CR Commercial Recreation
- PR Public Recreation
- PF Public Facility
- NR Natural Resources



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-7772
Website: www.fire.ca.gov



September 28th, 2016

In regards to the information requested by the City of Trinidad,

The Trinidad State Fire Station is considered an essential services building per the California Health and Safety Code Section 16007 which states "Essential services building" means any building, including buildings designed and constructed, for public agencies used, or designed to be used, or any building a portion of which is used or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff's office, or emergency communication dispatch center. The Trinidad State Fire Station has an initial attack direct protection area of over 375,000 acres and interfaces with three national forests, one national park, a California State Park District, The Bureau of Land Management Area Office, the United States Fish and Wildlife Service Area Office, United States Coast Guard Group Humboldt Bay and McKinleyville Air Station, Humboldt State University, several Native American Tribes including Hoopa Valley Indian reservation, Yurok Indian Reservation, Trinidad Rancheria, Karuk Indian Reservation, Big Lagoon Rancheria, Blue Lake Rancheria and numerous local government fire departments. The Trinidad State Fire Station is the only "Amador" station in the Humboldt Del Norte Unit, which requires it to be open year round. The station is contracted to serve as the primary fire department for Humboldt County Service Area 4, the station also provides emergency services to the City of Trinidad and the Trinidad Rancheria properties at no cost. In the last five years to date the Cal Fire Trinidad Station has responded into the City of Trinidad a total of 227 times for a variety of call types, 88 of those calls have been since January 1st of 2015. The Trinidad area has experienced a large increase to its transient and homeless population which has been a factor in the spike in calls for service. The CSA4 contract has produced 918 calls in those five years and the Trinidad Rancheria has produced 87, for a combined total of 1196 calls for service between the three areas in the five year span which equates to approximately 240 calls a year. This does not take into account any responses out of the immediate CSA, City of Trinidad or Rancheria area which increases the requests for service dramatically. The Cal Fire Engine is routinely at scene first, often by several minutes to calls in the City of Trinidad due to its close proximity and being staffed. The facility has 3 staff members working Monday-Friday on a 40 hour/week schedule. In addition, there are 6-8 staff members working 24 hours/day, 7 days/week. Several times through the summer the 24/7 staff increases to 10-14 members due to fire activity levels. The water system has had several upgrades in the last several years in an attempt to make the water potable and sustainable and remove the heavy silt. In 2009 attempts were made to drill for water on the state

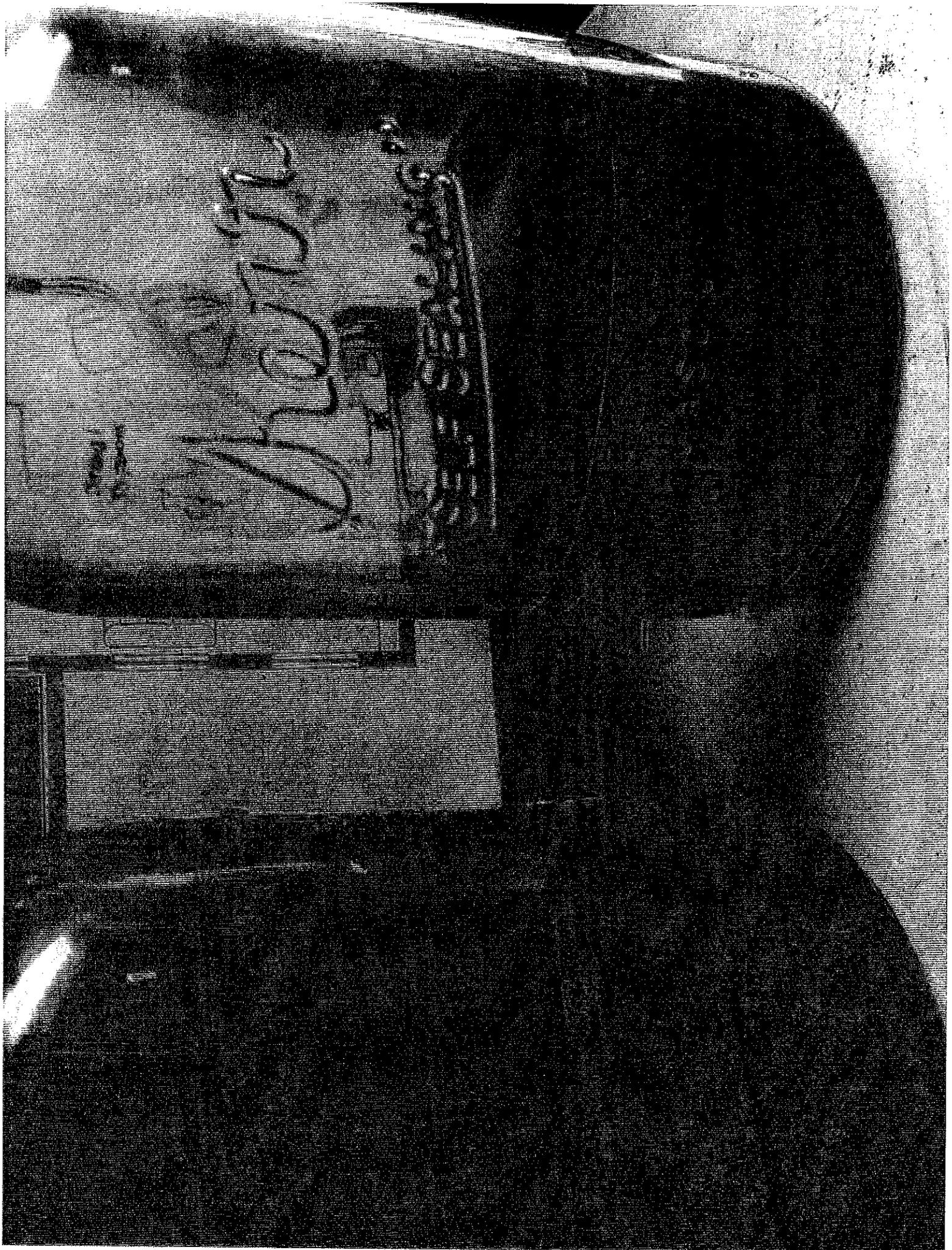
CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

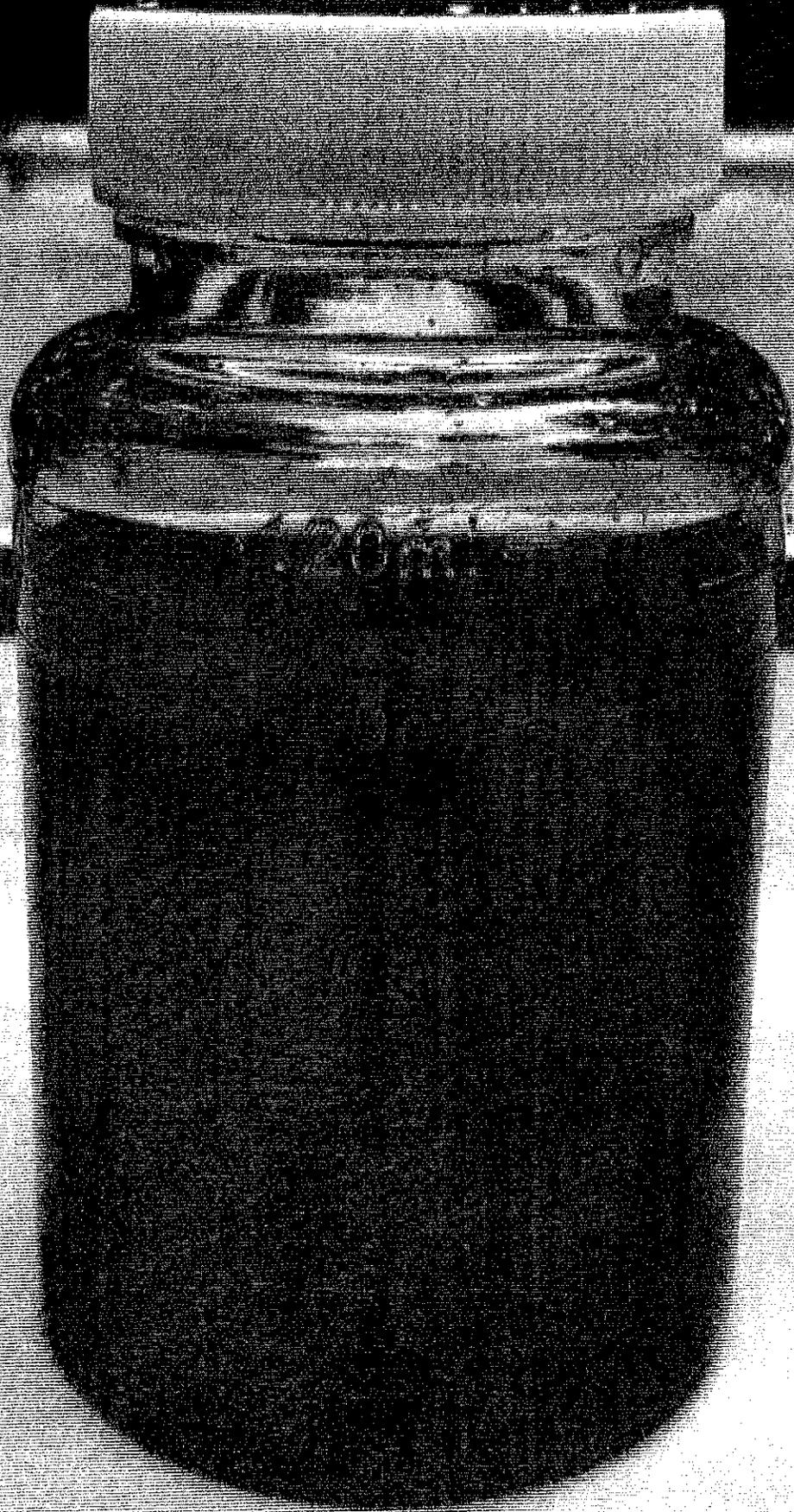
PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

property at 923 Patrick's Point Drive but were unsuccessful. The location of our cistern in Martin Creek on property we do not physically own went through an in-depth overhaul. This included a complete dig out of the area with expansion to the water gathering area, extension of the culverts utilized to capture the water allowing for greater storage capacity and additional gravel to assist with natural filtration. An extensive filtration system was implemented with two commercial woven pre filters and a sand filter in place prior to the water entering the main concrete storage tank, this tank allows some of the silt to settle to the bottom before the water is pumped through three additional filters. These three filters are 5, 1 and .35 microns, despite all of the efforts the water still retains a brown tint to it similar to weak tea. An automatic liquid chlorinator (bactacide) was added on top of the concrete storage tank to replace an old pellet style one. The chlorinator has had a variety of issues, it has occasionally dispensed a large volume into the tank causing a heavy "chlorine" smell and some irritated skin. One of the largest challenges with the system is the complexity of its operation, this makes it very difficult to maintain continuity of its maintenance especially during the summer months when the normal crews are gone on assignment. The lack of knowledge of the system by covering resources was a direct factor in the failure of the main creek pump this last summer. The station had to use a portable pump to supply water to the station for just over a week while a new one was in transit. We also have an increasing issue with the cleanliness of where our water is collected due to a large increase in transient and homeless population camping in that area. We have located large piles of trash and human excrement in the very spot we draw water from, numerous times drug making paraphernalia has been found including expended butane canisters and needles. The water has routinely failed testing to determine if it is potable with the most recent tests attached which determined it is currently not safe for human consumption. Through rudimentary testing by the station personnel our rough estimate of daily summertime water use when we are at peak staffing ranged between 700 to 1000 gallons on average.

Respectfully,

Joshua Bennett
Battalion Chief Trinidad
Cal Fire
Cell 707-599-4704
Office 707-677-9502
Humboldt Del Norte
josh.bennett@fire.ca.gov





NO STATE RESULTS

NORTH COAST LABORATORIES LTD
 5680 West End Rd, Arcata, California 95521 (707)822-4649

Please complete the following sample information:

POTABLE WATER SOURCE WATER WASTEWATER
 System # N/A Sampling Time 0830
 Location TANJIS Sampled By RL
 Sampling Date 8-22-16 Phone # 499-2955
 Routine Sample Repeat Replacement Special

Payment is due at time of service. We are pleased to accept the following (please check one):
 Check \$ _____ # _____ Cash \$ _____
 Visa Mastercard Am. Express Discover \$ _____

If you are paying by credit card and are not submitting samples in person please use the enclosed form to provide credit card information

Attn./email: LOANIE.LEV@fire.ca.gov
 Name CALFIRE TEJNIDAD
 Address PO BOX 749
 City/State/Zip TEJNIDAD, CA 95570

DATE CLIENT NOTIFIED 8/24/16 INITIALS RL
 DATE REGULATOR NOTIFIED _____ INITIALS _____

For Office Use Only

SAMPLE TEMP (°C) 0.8 ON ICE? Y N H/1
 REC'D BY AD TIME REC'D 9:15
 DATE REC'D 8-22-16 INOC 1159 8/24/16 MT
 SAMPLE # 1008437-1 READ 1151 8/24/16 MT

TESTS REQUESTED:
 Presence / Absence
 QUANTI-TRAY
 3 X 5 MTF
 HPC
 1x10

RESULTS: (MPN/100mL)
 Total Coliform 223.0
 Fecal Coliform 223.0
 E.coli 223.0

Analyst Notes:
MSOJ 8/24/16

Quanti-Tray/2000: Total coliform _____ E. coli _____
 (large/small) (large/small)

| Bacterial Examination Report | | All microbiology data will be destroyed after 6 years | | | | | | | | | | | | | | |
|------------------------------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|--|
| Hrs | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | |
| 24 | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | |
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SCS



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

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.

ACTION AGENDA ITEM

Wednesday, September 13, 2017

Item: Discussion and Possible First Reading of a City of Trinidad Cannabis Ordinance

Summary:

Staff have drafted a City of Trinidad Cannabis Ordinance, 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 are 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 are continuing 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 are 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

Staff Recommendation:

*Provide direction to staff regarding the draft Trinidad Cannabis Ordinance.
If Council is satisfied, conduct the first reading of the Ordinance by title.*

Attachments:

Draft Ordinance 2017-01



ORDINANCE 2017-02

**AN ORDINANCE OF THE CITY OF TRINIDAD
PROHIBITING COMMERCIAL CANNABIS ACTIVITIES (BOTH MEDICAL AND NON-
MEDICAL) AND REGULATING CANNABIS CULTIVATION FOR PERSONAL USE**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2017-02, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Chapter, 5.28, replacing the existing Chapter 5.28, which shall read as follows:

Chapter 5.28 Regulations for Commercial and Personal Cannabis Activities

Sections:

- 5.28.01 Short Title
- 5.28.02 Findings
- 5.28.03 Purpose
- 5.28.04 Definitions
- 5.28.05 Prohibited uses and activities.
- 5.28.06 Exceptions
- 5.28.07 Penalties
- 5.28.08 Severability
- 5.28.09 Effective Date

5.28.01 Short Title.

This Chapter shall be known and may be cited as "City of Trinidad Cannabis Ordinance."

5.28.02 Findings

Proposition 64, the Adult Use of Marijuana Act (AUMA) was approved by the voters and became effective November 9, 2016.

AUMA legalizes the use of recreational cannabis and creates a State regulatory and licensing system for commercial cultivation, testing, manufacturing and distribution of nonmedical cannabis.

AUMA allows local jurisdictions to ban the sale of recreational cannabis.

AUMA requires that local jurisdictions who choose to ban the sales of recreational cannabis, adopt such regulations prohibiting the sale of recreational cannabis prior to January 1, 2018.

On June 27, 2017, the Governor signed into law Senate Bill 94 which created a single regulatory scheme for both medical and non-medical cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). The MAUCRSA grants local jurisdictions control over whether medical and commercial cannabis activity could occur in a particular jurisdiction. The MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a business to engage in

commercial cannabis activity if approval of the State license will violate the provisions of any local ordinance or regulation. The MAUCRSA requires that a State licensing authority begin issuing licenses to marijuana businesses beginning January 1, 2018.

On August 9, 2017, the City Council of the City of Trinidad, at a duly noticed regular meeting, discussed and took public comment on the development of this proposed Ordinance, at which time all persons interested in the proposed Ordinance had the opportunity and did address the City Council on these matters.

At the conclusion of the August 9th discussion of this proposed Ordinance, and after due consideration of the public testimony, the City Council directed staff to develop the proposed Ordinance to prohibit all commercial cannabis activity, and to prohibit outdoor cultivation of cannabis for personal use.

The proposed Ordinance has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), and the City has determined that the proposed Ordinance is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

5.28.03 Purpose.

A. The purpose of this Ordinance is to expressly prohibit all commercial cannabis activities in the City of Trinidad, and to reasonably regulate cannabis cultivation for personal use in the City of Trinidad.

B. The city council finds that prohibitions on commercial cannabis activity and regulation of personal cannabis cultivation are necessary for the preservation and protection of the public health, safety, and welfare of the city. The prohibition and regulation of such uses is within the authority conferred upon the city council by State law and is an exercise of its police powers to enact and enforce regulations for the public health, safety and welfare of the city.

5.28.04 Definitions.

A. "Cannabis" means all parts of the plant *Cannabis sativa* linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" includes cannabis that is used for medical, non-medical, or other purposes. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code section 11018.5.

B. "Cannabis accessories" means any equipment, products or materials of any kind which is intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body..

C. "Cannabis product" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

D. "Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis product for medical, non-medical, or any other purpose and includes the activities of any

business licensed by the State or other government entity under Division 10 of the California Business and Professions Code, or any provision of State law that regulates the licensing of cannabis businesses.

E. "Concentrated cannabis" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

F. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

G. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

H. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under Division 10 of the California Business and Professions Code, as they may be amended from time to time.

I. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

J. "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in Division 10 of the Business and Professions Code, as the same may be amended from time to time.

K. "Private residence" means a house, an apartment unit, condominium, or other similar dwelling that is lawfully used as a residence.

5.28.05 Prohibited uses and activities

A. Commercial cannabis activity, whether for profit or not-for profit, is prohibited in the City of Trinidad. No person shall establish, operate, maintain, conduct, allow, or engage in commercial cannabis activity anywhere within the city. To the extent that this prohibition conflicts with any other provision of this Municipal Code, this prohibition will control.

B. A property owner shall not rent, lease or otherwise permit any person or business that engages in commercial cannabis activity to occupy real property in the city. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial cannabis activity on any real property owned or controlled by that property owner that is located in the city.

C. Subsection A above shall prohibit all cannabis activities for which a State license is required pursuant to the MAUCRSA, as the same may be amended from time to time. Accordingly, the city shall not issue any permit, license or other entitlement for any activity for which a State license is required under the MAUCRSA, as the same may be amended from time to time.

D. Outdoor cultivation of cannabis plants for personal use is prohibited in the City of Trinidad.

5.28.06 Exceptions

A. Notwithstanding Subsection 5.28.05 above, the delivery of medical cannabis from a business located outside the city and licensed under the MAUCRSA, or any other provision of law that permits State licenses for medical cannabis businesses, shall be permitted into the city.

b. As allowed under the AUMA, persons over 21 years of age may engage in the cultivation of six or fewer live cannabis plants either within a single private residence, or inside an accessory structure located upon the grounds of a private residence. Where such cultivation involves installation or

modification of electrical systems, hi wattage lights, plumbing, or other building modifications, a Building Permit may be required to ensure personal and public safety.

5.28.07 Violations

It is unlawful to violate the provisions of this Section. Any person who violates any provision of this chapter is guilty of a misdemeanor and shall, upon conviction thereof, be punished in the manner provided in Trinidad Municipal Code Section 1.08.010. The City of Trinidad can also enforce these regulations by way of nuisance abatement action. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

5.28.08 Severability

Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

5.28.09 Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

PASSED, APPROVED, AND ADOPTED by the Trinidad City Council on _____ by the following vote:

- Ayes:
- Noes:
- Abstain:
- Absent:

Attest:

Approved:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

First Reading:

Second Reading: