



Posted: Friday, September 09, 2011

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

The Trinidad City Council will hold its first regular monthly meeting on
WEDNESDAY, OCTOBER 12, 2011 at 7:00 PM
in the Town Hall at 409 Trinity Street

No Closed Session

- I. CALL TO ORDER/ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES - August 10, 2011 cc, September 14, 2011 cc, September 28, 2011 cc2
- V. COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS
- VI. ORAL STAFF REPORTS - Specific Department Reports, Planning Commission
- VII. ITEMS FROM THE FLOOR
(Three (3) minute limit per Speaker unless Council approves request for extended time.)

- VIII. CONSENT AGENDA
 1. Staff Activities Report through September 2011
 2. Financial Status Reports for August 2011
 3. PG&E Contract for Relocation of Streetlight
 4. Acceptance of Bid and Project Award from Whitson, Inc. for the Water Treatment Plant Monitoring Upgrade Project.

- X. DISCUSSION/ACTION AGENDA ITEMS
 1. Discussion/Decision regarding Draft Water Rate Structure Proposals
 2. Discussion/Decision regarding Agreement Between City and Winzler & Kelly for Water System Upgrade Design, Permitting, and Technical, Managerial, and Financial Assessment.
 3. Discussion/Decision regarding Agreement Between City and Winzler & Kelly for Assistance with Trinidad Head ASBS Stormwater Management Improvement Project.
 4. Discussion/Decision regarding Draft Ordinance 2011-03; State Video Service Franchises.
 5. Discussion/Decision regarding updated Draft Town Hall rental Rates and Application Procedure
 6. Discussion/Decision regarding Purchase of Fire Truck from Blue Lake Fire Department
 7. Discussion/Decision regarding request to waive fees for design review of the banners intended to celebrate the commercial fishing fleet.

- IX. COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS
- XII. ADJOURNMENT

APPROVAL OF MINUTES FOR:

August 10, 2011CC:
September 14, 2011CC:
September 28, 2011CC2

Supporting Documentation follows with: 15 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 10, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller Bhardwaj, Fulkerson. **Davies - Absent**,
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Planner Trever Parker, City Engineer Rebecca Crow.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation

IV. RECONVENE TO OPEN SESSION

Mayor Bhardwaj announced that the Council authorized the City Manager to approach Freeman Architects with a settlement proposal of \$46,000 in lieu of lost grant revenue..

V. APPROVAL OF AGENDA

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

VI. APPROVAL OF MINUTES – No minutes to approve.

VII. COMMISSIONERS REPORTS

Bhardwaj: Thanked the public for helping run such a smooth meeting in July.

Morgan: Nothing to report.

Fulkerson: Pier ribbon cutting announcement, highlights.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet.

IX. ITEMS FROM THE FLOOR

Patti Fleschner – Trinidad Area Resident

Expressed concern and support for Freeman Architects for work done at Saunders Park. Urged the City to go after the agencies responsible for withholding grant commitment for the project. Also, presented the 1983 edition of Trinidad News and Views with Trinidad Head dedication headline and reminded the city how important scenic views on Trinidad Head are to preserve.

Mareva Russo – Trinidad

Reported 2 new wires installed at the cell site on Trinidad Head by an unknown operator. Reminded the Council that no improvements are allowed to the facility without Council approval. Asked the City to investigate and report back with answers.

Brad Twoomey – Trinidad

Reported a new CFN sign installed at Chevron. Reminded the Council that no signs could be installed without City approval. Redwood Oil should be contacted. Supplied the Clerk with photo evidence.

X. CONSENT AGENDA

1. Staff Activities Report through July 2011
2. Financial Status Reports for June 2011
3. Present Certificates of Recognition to Josh Casqueria and Connor Woods.
4. Second Reading of Ordinance 2011-02; Vacation Dwelling Units.
5. Second Reading of Ordinance 2011-01; Qualifications of Planning Commissioners

Motion (Davies/Fulkerson) to approve the consent agenda as submitted. **Passed 4-0.**

XI. AGENDA ITEMS

1. Discussion/Decision regarding Tsunami Siren Test.

City Manager Suiker explained that the tsunami siren was tested on July 19, and although the sound could be heard in the intended locations, there is significant concern over the decibel meter readings in the immediate vicinity of the siren, including the vacation rental residence and the road leading to Trinidad Head trails. Due to those concerns, the level of the siren was subsequently turned down, and this has a corresponding negative impact on sound propagation to provide adequate warning to the areas as intended. A report from Building Inspector John Roberts detailing the results and findings was included in the packet.

The siren was installed to its present height to mitigate citizen concerns expressed at the time of consideration by the Planning Commission, and there was the need to move rapidly to meet the grant expenditure deadline. Since this expedited installation, additional funds have become available due to savings from other county allocations (specifically Del Norte), and the expenditure deadline has now been extended to September 2011. Because of concerns with the potentially injurious sound levels, the Planning Commission will be asked to reconsider the height of the siren at their next meeting on August 17.

Suiker further explained that it is recommended that the Council consider a waiver of the use permit and design review fee and direct staff to refund the \$750 paid by the Rancheria in February of this year. This would help to demonstrate the City's willingness and commitment to partner with the Rancheria on this important public safety project.

Public comment included:

Dan Larkin - County Office of Emergency Services
Provided a brief overview of the results of the siren test.

Shirley Laos – Trinidad Rancheria Tribal VP
Appreciated support and cooperation of all agencies involved with testing.

Brad Twoomey – Trinidad
Unsatisfied with the process. Felt that local government is getting pushed around. Warned the city that if a taller siren is raised, the City should be prepared for a legal battle.

City Manager Suiker explained that it is recommended that the Council consider a waiver of the use permit and design review fee and direct staff to refund the \$750 paid by the Rancheria in February of this year. This would help to demonstrate the City's willingness and commitment to partner with the Rancheria on this important public safety project.

Council comment included:

Morgan: Supports whatever course of action ensures public safety.

Motion (Fulkerson/Morgan) to direct staff to issue a \$750 permit fee refund to the Trinidad Rancheria.
Passed 4-0.

2. Discussion/Decision regarding Public Education for OWTS Ordinance.

City Manager Suiker explained that the Council adopted the On-Site Waste Water Treatment Ordinance on December 10, 2008. This Ordinance requires a process of permitting and inspecting septic systems in the City, with the goal to increase public health and safety and to improve water quality. A key component of that program is the adoption of "Program Guidelines" to establish the steps and processes necessary to properly implement. Draft guidelines were presented to the Council in October, 2010 for review and comments, and the final Guidelines were endorsed by the Council at their meeting in November, 2010.

At the request of the City, Streamline Planning submitted the attached proposal to conduct a public education program to reacquaint residents with this Ordinance prior to commencement of enforcement action. A proposal was also solicited by PlanWest; however, given their unfamiliarity with the City's Ordinance and its provisions, they respectfully declined to submit a proposal. The same situation would seemingly apply to other firms.

The proposal from Streamline appears reasonable and recommendation is recommended. City Planner Trevor Parker explained that the proposal includes a brochure to be mailed to all property owners describing how the ordinance will affect them, why it was adopted, how it benefits the City, and why its being implemented the way it is.

Council comments included:

Fulkerson: I support the proposal, but it has to be easy for an ordinary citizen to read and understand.

Miller: A cost comparison of onsite septic vs. a public system might be a useful selling point for the fees associated with implementing this program.

There was no public comment.

*Motion (Fulkerson/Miller) to approve the Public Education Proposal from Streamline Planning in the amount of \$1,570. **Passed 4-0.***

3. Discussion/Decision regarding Moss Subdivision EIR.

City Manager Suiker explained that the Draft Supplemental EIR for the Moss Subdivision was initially published in mid-2010. The City of Trinidad has a long history of commenting on this subdivision and last did so in August of 2010. The City's comments made at the time have been incorporated in the Final Report. Public input at the Council meeting may result in additional areas of comment or clarification or direction of the Council to staff.

City Planner Trevor Parker explained that there are 2 major issues that the City is focused on. 1) Impacts to the City's Water Supply, and 2) Impact to the endangered cutthroat trout species. The City requested that an SEIR be completed by the applicant.

Public comment included:

Sungnome Madrone – Trinidad Area Resident

Submitted a 3 page letter in advance of the meeting summarizing comments and concerns the City should address regarding impacts of the proposed subdivision. The document was added to the packet, and is on record in the City Clerk's office.

Patti Fleschner – Trinidad Area Resident

I've lived on Luffenholz Creek for 32 years. I've experienced no substantial evidence that the water conditions have changed due to development upstream.

Sonya Roseth – Trinidad Area Resident

I agree with Sungnome, and would like to add that potential traffic impacts be addressed.

Council comments included:

Morgan: The Council should review all comments that the Planning Commission sends to the County before they are sent. **Miller** agreed.

Fulkerson: Protecting the City's water supply is a priority. Let's pass this to the Planning Commission for review. If a special meeting is required, make it happen.

By consensus, the Council agreed to send the report to the Planning Commission for review and comment.

4. Discussion/Decision regarding Water Rate Analysis.

City Manager Suiker explained that the current year budget includes funding to support a water rate analysis to consider rate adjustments to improve the financial integrity of the City's water system fund. That analysis is

underway by Winzler & Kelly, and this will provide the opportunity to update the Council on the status of that analysis as well as seek direction in terms of the general configuration of the rates to be proposed. Key points being considered that the Council will be asked to provide direction on are:

- Should some water be provided with the base rate?
- Should the City keep a rate differential between inside and outside connections?
- Should water consumption charges increase with more water used?
- Should the annual CPI increase be kept as part of the rate structure?

City Engineer Rebecca Crow and Brett Vivian gave a preliminary water rate analysis presentation. The following outline was presented:

1. Need for water rate study?
2. Trinidad Water System Statistics
3. Types of Water Rates
4. Current Water Rates
5. Recent Rate Discussion
6. Revenues vs. Expenditures
7. Other Water Rate Considerations
8. Discussion/Recommendations

Public comment included:

Shirley Laos – Trinidad Rancheria Tribal VP

Asked the City to remember and consider the significant contributions the Rancheria has made to the City's infrastructure. We realize it will be a tough decision, but please keep this in mind.

Sungnome Madrone – Trinidad Area Resident

Before restructuring rates to fit the current system, the City should dedicate resources to finishing alternative water source studies that were proposed last year.

Richard Johnson – Trinidad Area Resident

Have we looked at how efficient its own consumption is?

Council comment included:

Miller: Ready to authorize the City Engineer to provide new rate alternatives, but also to evaluate Sungnome Madrone's source water proposal.

By consensus, the Council directed the City Engineer to proceed with the analysis based upon clarification given on differentials, rate blocks, annual CPI increases, and report back at a future meeting with a draft rate structure.

5. Discuss/Consider Selection of Trinidad Head Advisory Committee.

At the last meeting the Council authorized city staff to post notification of the Trinidad Head Advisory Committee and seek applicants for the volunteer positions. The notices were posted and 8 applications were received as of August 10. The following individuals have applied:

1. Ben Moorhead
2. Virginia Waters
3. Sarah Lindgren-Akana
4. Shirley Laos
5. Mareva Russo
6. Ali Lindgren
7. Stan Binnie
8. Victoria Sackville

Council comment included:

Fulkerson: We should appoint them all.

Bhardwaj: Should we have a staff liaison? If there's not going to be a Council member on the committee, there needs to be either a staff or Planning Commissioner.

Fulkerson: I support appointing Stan Binnie to organize and coordinate the first meeting.

Public comment included:

Mareva Russo – Trinidad

Read a statement from Stan Binnie who was unable to attend the meeting, requesting to be on the committee.

Shirley Laos – Trinidad Rancheria Tribal VP

The Council shouldn't rely on a committee member to keep the meetings in order and abide by the brown act. A city staff member should be given that responsibility.

*Motion (Fulkerson/Morgan) to nominate all applicants to the committee and appoint Stan Binnie to coordinate the first meeting. **Passed 4-0.***

6. Discussion/Decision regarding Supplemental Budget to Pay for New Recycling Containers.

City Clerk Adams explained that the Trinidad Community Recycling Facility is funded through various sources. Annual grants from the Department of Conservation, tipping fees from Humboldt Waste Management Authority, and material buy-back and redemption values calculated by the ton at Humboldt Sanitation – the city's waste hauler.

The bins are located at the recycling center are property of the City of Trinidad. The containers are over 20 years old. The one used to collect steel and aluminum has deteriorated. Hum San had to replace the (2) containers with new custom bins. The cost was approximately \$4,500.

This expense was not anticipated when preparing the 2011-2012 budget. Staff requests authorization from Council to amend the IWM budget for 2011-2012 to include allocating \$4500 in Capital Outlay for the purchase of the new bins.

There were no comments from the public or Council.

*Motion (Fulkerson/Miller) to authorize \$4,800 in capital outlay from IWM budget reserves for the purchase of 2 new bins for the Community Recycling Center. **Passed 4-0.***

7. Discussion/Decision regarding Trinity & Edwards Street Signage.

City Manager Suiker explained that with the removal of the pole mounted street light at the intersection of Trinity and Edwards Streets, Winzler & Kelly was requested to provide recommendations regarding the possible need for additional traffic control and signage at that location. In response to that request, the City received the attached technical memo prepared by Traffic Engineer Frank Penry. That memo offers two possible alternative recommendations, one of which is to consider all-way stop control controls in concert with a number of improvements (see section 3.2 of Technical Memo). If this alternative were to be considered, further engineering study is recommended given the regulatory setting and potential risk claims issue with the installation of official traffic control devices."

The alternative recommendation (see section 3.1 of Technical Memo) retains the existing side-street stop control and increases visibility of roadway markings and signage as follows:

- The existing marked crosswalks would be improved with white wide longitudinal strips ("ladder" style crosswalk).
- The existing centerline would be replaced with double yellow thermoplastic centerline with reflective markers.
- The existing red object marker would be replaced with one direction large arrow sign and yellow object marker

Council comments included:

Fulkerson: This is too scenic of a location to clutter up with signage.

Morgan: Support one stop-sign, no road markings.

Public comments included:

Mareva Russo: Read statement from Binnie.

Brad Twoomey – Trinidad

No more clutter. Supports the least amount of signage and markings as possible.

No decision was made. Item continued to a future meeting.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 10:15 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller Davies, Fulkerson. **Mayor Bhardwaj – Absent.**
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Engineer Josh Wolf.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation
2. Government Code section 54956.95: Liability Claims for Damages, etc. against the City of Trinidad, submitted by the following individuals:
 - o Tsurai Ancestral Society, Axel Lindgren III, Kelly Jean Lindgren, Christine Williams, Kris K.C. Lindgren, Tanna Lindgren-Tripp, Sarah Lindgren-Akana, George E. Nelson, Patricia Bailey, Gary Nelson, Parris Lindgren, Chet Jarboe.

IV. RECONVENE TO OPEN SESSION

No action taken in closed session.

V. APPROVAL OF AGENDA

- Move Consent item 3 to regular agenda item 1.
Motion (Miller/Davies) to approve the agenda as amended. Passed 4-0.

VI. APPROVAL OF MINUTES – July 13, 2011 CC

Motion (Morgan/Davies) to approve minutes as submitted. Passed 4-0

VII. COMMISSIONERS REPORTS

Morgan: Support Humboldt Pride. Proclamation arrived too late to make the agenda. Advised Pride organizers to submit Proclamation early next year for Council consideration. Baton Rouge benefit event at Crabs baseball field was success.

Fulkerson: HTA is prepared to hire an interim director for a 6 month period.

Miller: Attended the Trinidad Gateway BLM meeting.

Davies: Nothing to report.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet. Announced the special Council meeting on September 28 to discuss draft water rate proposal.

Gabriel Adams – City Clerk

- Announced that the annual waste diversion report to Cal-Recycle has been submitted and the City has reported a diversion rate in the 60% range. This rate meets the state mandate and the City is once again in good standing from a waste diversion perspective.

Bryan Buckman – Water Treatment Plant / Public Works Director

- The Van Wycke Trail is still passable. TPW Maintenance Workers Troy and Ryan have met their certification requirements to operate the treatment plant.

IX. ITEMS FROM THE FLOOR

Shirley Laos – Trinidad Rancheria VP

Recent article in Sunset Magazine features the Trinidad Pier and Seascape Restaurant as a scenic destination. Also announced that the Rancheria has been offered 4 mobile hospital packs and the equipment received will be shared with neighboring emergency service agencies.

Sungnome Madrone – Trinidad Area Resident

Thanked the City for partnering with Green Diamond on the Watershed Coordinator grant.

Dawne Davis – Trinidad Chamber of Commerce President

Announced developments in I-5 corridor advertisement project, discussing options for Discover Trinidad signs on 101, and encouraged the public to attend the Taste of Trinidad on Tuesday, September 30 at Patrick's Point State Park.

X. CONSENT AGENDA

1. Staff Activities Report through August 2011
2. Financial Status Reports for July 2011
3. Proclamation 2011-04: North Coast Stand Down
4. Donation for Trinidad Head Trail Maintenance
5. City Checking Account Transition
6. PG&E Contract for Relocation of Streetlight

Motion (Morgan/Miller) to approve the consent agenda as amended.

XI. AGENDA ITEMS

1. Presentation of Quality Community Design Awards

Mayor Pro-Tem Fulkerson presented photo slides of the properties in Trinidad that won "best of" categories as outlined by the committee charged with nominating individuals for exemplary designs. The properties and categories listed were presented with award certificates:

- Outstanding Landscaping: WindanSea
- Outstanding Residential Landscaping: Caroline Malaugh, Carla Powell
- Best Exterior Remodel: John Davis, Cottage Construction
- Outstanding Second Unit: Kathy Bhardwaj, Alice Foster
- Outstanding Commercial Signage: Trinidad Trading Co.
- Outstanding Energy Efficient Remodel: Stan & Kim Binnie
- Outstanding Vacation Rental: Crow's Nest
- Best Coastal Landscaping: Trinidad Museum

Fulkerson thanked committee members Richard Johnson, Susan Ayers, Jason Richie, Patti Fleschner, Ben Hawkins, Ned Simmons.

2. Discussion/Decision regarding Signing at Trinity & Edwards

City Manager Karen Suiker explained that at last month's meeting, the Council discussed Traffic Engineer Frank Penry's 7/24/2011 Technical Memo regarding improved visibility markings and signage at Trinity and Edwards Streets and requested additional information. The additional information requested and the response from the Traffic Engineer included:

- **Consider a single stop sign addition on Edwards (as opposed to an all way stop sign):** A single stop sign on Edwards is not appropriate nor recommended. If any new stop controls are added to the intersection, they should be added to both Edwards and Trinity Street to form an all-way stop intersection as described in the 7/24/2011 memo.
- **Identify the minimum type and size end of roadway marker(s) so as not to obstruct viewshed, but still provide for appropriate end of roadway alert.** Three (3) Chevron Alignment Signs (W 1-8R – 18"

x 24" each, for a total size of 54" x 24" width x height). The pavement striping (centerline and crosswalk) identified in the 7/24/2011 memo should also be installed with the signs for increased visibility/safety (the signs by themselves are not enough).

- **Advise what it would cost to study the feasibility of a roundabout at that location.** The very nature of a roundabout is to have a "terminating vista", or block the view of proceeding straight. Additionally because of the "newness" of roundabouts in general, they have exhaustive signage and striping recommendations. I'm not sure a roundabout is appropriate for this location but we could prepare a brief study to determine if a roundabout would physically fit in the available right of way (or if additional R/W is needed) and meet the current FHWA design guidelines for approximately \$3,500.

City Manager Suiker noted that should the Council wish to continue the discussion/consideration of a roundabout at this or any other location, it is recommended this be referred to the budget process to consider the expense in concert with other street/road improvement priorities.

City Engineer Josh Wolf noted that the Traffic Engineer's 7/24/2011 Technical Memo offers two possible alternative recommendations for improved visibility markings at that intersection, one of which is to consider all-way stop control in concert with a number of improvements (see section 3.2 of Technical Memo). With the recommendation of all-way stop control, further engineering study is recommended given the regulatory setting and potential risk claims issue with the installation of official traffic control devices."

The alternative recommendation (see section 3.1 of Technical Memo) retains the existing side-street stop control and increases visibility of roadway markings and signage as follows.

- The existing marked crosswalks would be improved with white wide longitudinal strips ("ladder" style crosswalk).
- The existing centerline would be replaced with double yellow thermoplastic centerline with reflective markers.
- The existing red object marker would be replaced with one direction large arrow sign (48"x 24") and yellow object marker (18"x 18") or, alternately, three (3) Chevron Alignment Signs (18" x 24" each).

Break for 40 minutes due to 911 emergency call that set off fire department siren. TVFD members Davies and Morgan returned at 8:15 and meeting continued.

Public comment included:

Stan Binnie – Trinidad

Visitors and residents who approach the lighthouse want to experience the scenic view. Any signs considered for that location should meet legal requirements but be as minimal as possible to reduce view obstruction.

Kim Binnie – Trinidad

The removal of the light pole was a huge success for the viewshed a few months ago. Why would the city consider adding more clutter to that location? A two-directional arrow would be more appropriate so motorists wouldn't be confused thinking that they aren't allowed to turn left. A single arrow sign directing traffic to the Harbor only would be misleading. A small group of residents are working tirelessly to protect the scenic views throughout town. We suggest allowing us time to do mock-ups of possible options and review the long-term impacts of installing unnecessarily large, ugly signage.

Jason Richie – Trinidad Bay B&B manager

I support a right arrow sign. People turning left at the lighthouse often cut the corner and speed by the B&B. It is unsafe. Council should consider making upper Edwards a one-way street.

Council comment included:

Morgan: The safest alternative is my priority.

Miller: The arrow pointing toward the Harbor would only suggest a recommendation to the motorists, not a requirement. I support meeting traffic codes, but as minimally as possible.

Davies: Any signs installed should be as low as possible. Triple Chevron sign option is preferred. Parking on the North side of Edwards Street compromises the safety of oncoming traffic as well as pedestrians. I support installing the signs. They can always be removed.

Fulkerson: I don't care for the Chevron sign option, and I don't like the arrow either. We should wait for a mock-up as suggested by Kim Binnie. We should also define "dead-end" road before we conclude that the location in questions is one. That may change the technical requirements. There's got to be a better, more appropriate solution for this area.

Motion 1 (Morgan/Miller) to immediately purchase & install the chevron sign option and investigate other alternative signage options. Motion passed 3-1. No – Fulkerson.

City Manager Suiker further explained that improvements suggested to improve pedestrian safety at the intersection include adding stopsigns, painting crosswalks, or do nothing. The improvements are recommended risk management solutions.

Motion 2 (Morgan/Miller) to install 2 stop signs and install thermoplastic double yellow lines and crosswalks. Motion failed by the following vote: 1 yes – Morgan. 3 No – Miller, Fulkerson, Davies.

3. Discussion/Decision regarding Prioritization of Proposition 1B Projects

City Manager Suiker explained that the City received \$400,000 in proposition 1B funds in 2008 as part of a state-wide bond issue that provided funding for a variety of transportation-related projects. The allocation that was previously approved by the Council and the expenditures as of the end of the last fiscal year in each of the categories follows:

<u>Project</u>	<u>Approved Allocation</u>	<u>Expenditures to 6.30.2011</u>
Maintenance, pavement repairs various locations, signage, ADA, street light relocation, Van Wycke Trail	\$184,700	\$50,242
Construction of Janis Court	\$100,000	\$100,744
Gateway Project Match, Augment HRO Utilities	\$114,300	\$39,850
Total	\$400,000	\$190,836

Suiker also explained that there is a June 30, 2012 spending deadline to complete all projects, and the city currently has a remaining balance of \$209,164 from this funding source. A field review was recently conducted by Public Works Director Bryan Buckman and City Engineer Steve Allen to develop maintenance priorities and associated costs, and Council approval is sought to authorize staff to proceed accordingly. Possible projects and the recommended priority for use of these funds is as follows:

• Backfill loss of ARRA funding	\$ 46,000
• Street light relocation	\$ 10,000
• Local Match for Gateway construction	\$ 33,775
• Grinding and Overlay on Main Street	\$164,066
Total	\$ 253,841

This total exceeds the amount of remaining proposition 1B funds by about \$45,000. The project funding can be supplemented by some \$14,500 in Indian Gaming funds allocated for road/street repairs as well as approximately \$20,000 in Transportation Development Act funds that must be used for road/street related purposes. That still leaves a projected shortfall, and the Main Street grind and overlay will be reduced in scope to balance to available funds.

Other possible projects in priority order include:

Should unanticipated delays hamper the ability to complete a specific project within the expenditure deadline, we will proceed to work our way down the list to assure maximum use of available funds. Development of this priority listing will not only provide for direction to expend proposition 1B funds, but will be helpful in the event other funding sources become available in the future.

Council comments included:

Davies and **Miller** both expressed support for the Van Wycke Trail repair option.

Public comment included:

Sungnome Madrone – Trinidad Area Resident

Is Edwards Street overlay really necessary? I have offered advise on repairing the Van Wycke Trail for years and believe it is the priority. The Council should consider my advise to stabilize the trail on a much lower budget. I am available for consultation and support this option.

Julie Fulkerson – Trinidad Resident (*reccused herself from the discussion as a Councilmember*)

Hundreds of people walk the trail daily. The trail should be closed. It's my liability as a property owner. It should be fixed, or closed.

Council comments included:

Miller: Van Wycke Trail is my priority. It should be preserved as long as possible. **Davies** agreed.

Motion (Miller/Davies) to allocate \$20-25,000 for Van Wycke Trail improvements and expedite the repairs as quickly as possible. Passed 3-0-1. Fulkerson abstained.

4. Discussion/Decision regarding Updated Draft Investment Policy

City Manager Suiker explained that the City Council adopted its investment policy on July 13, 2005 that allows for investments in repurchase agreements which are extremely complicated and are what bankrupted Orange County. Trinidad has no such investments, but a review and update of the city's investment policy is in order and was recommended by the external auditor, Mr. Ralph Marcello. A much simpler version has been prepared in concert with discussion and review by Mr. Marcello and the attached is recommended to replace the more complicated policy adopted in 2005.

The earlier policy was plagiarized from a policy used by a larger entity and provided for, among other things, quarterly reports to be submitted by the City's Financial Advisor, and annual reports be prepared to compare the City's return to the Benchmark Index return. This has not been followed, and in reality, the City has no staff qualified for such concentrated and active portfolio management and recommends joining over 290 other local governments that participate in the State of California Local Agency Investment Fund (LAIF) program.

The proposed policy has substantially fewer allowable investment options than the current policy and requires that any investments other than to LAIF be subject to Council approval. Investment in Local Agency Obligations continues to be necessary inasmuch as the County is the recipient of property tax revenues and there needs to be an approved mechanism to hold those funds prior to disbursement to the receiving entity.

The city currently has a number of federal home loan and mortgage bonds invested through Morgan Stanley Smith Barney, that upon maturity, will be invested in LAIF in accordance with the new policy. Those maturity dates vary, with the longest out maturing October 15, 2014.

There were no public or Council comments.

Motion (Miller/Davies) to approve and adopt the updated Investment Policy as submitted. Passed 4-0.

5. Discussion/Decision regarding Grand Jury Recommendations.
City Manager Suiker summarized the discussion item and explained that the following outline represents the City of Trinidad's response to the Grand Jury Report 2011-PW-01:

Recommendation 1: Provide greater education opportunities in the school system through community service and fraternal organization involvement.

Response to Recommendation 1: While the City of Trinidad supports efforts to encourage bicycle safety awareness, the City does not control nor direct educational offerings in the school system.

Recommendation 2: Establish an incentive program involving local law enforcement throughout Humboldt County encouraging safe bicycling by our youth to establish safe habits they can carry on into their adulthood.

Response to Recommendation 2: While the City of Trinidad supports efforts to encourage bicycle safety awareness, establishing such an incentive program cannot be undertaken due to insufficient staffing levels in the City. Additionally, Trinidad contracts with its law enforcement services with the Humboldt County Sheriff's Department and defers to that entity for law enforcement-related programs.

Recommendation 3: Encourage the fast-tracking of infrastructure improvements to make safe routes to schools and throughout individual communities safer for biking.

Response to Recommendation 3: The City of Trinidad, through its contracted Engineer, will aggressively seek funding for bicycle-related infrastructure improvements as opportunities become available.

Recommendation 4: Law enforcement agencies throughout Humboldt County should re-evaluate how bicycling laws are enforced.

Response to Recommendation 4: The City of Trinidad contracts with its law enforcement services with the Humboldt County Sheriff's Department and defers to that entity for enforcement of bicycle laws.

There were no comments from the public or Council.

Motion (Miller/Davies) to approve the response to the Grand Jury report and authorize the Mayor to sign and submit on behalf of the City. Passed 4-0.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 10:00 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor Pro-Tem

MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller Bhardwaj, Fulkerson, Davies.
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Engineer Rebecca Crow.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed Session.

IV. APPROVAL OF AGENDA

The Council approved the agenda by consensus.

V. APPROVAL OF MINUTES – No minutes to approve.

VI. COMMISSIONER REPORTS

Bhardwaj: HTA has agreed to reinstitute the Sunday bus service in Trinidad. HCAOG discussed tribal representation.

Morgan: HCAOG Mayor City Selection Committee report.

Fulkerson: Nothing to report.

Miller: Nothing to report.

Davies: RCEA energy audit, wind energy generation project review.

VII. STAFF REPORTS

Karen Suiker – City Manager: Nothing to report.

IX. ITEMS FROM THE FLOOR

Stan Binnie – Trinidad

Trinidad Head Advisory Committee held their first meeting today. I was appointed as Chairman of the Committee. Trinidad area resident Rocky Wallflow expressed interest in joining the committee. Next meeting will be held in October and the committee will walk the Head. The City Manager should verify the number of Councilmembers that can legally attend based on the number of committee members.

X. AGENDA ITEMS

1. Discussion/Decision Regarding Draft Water Rate Presentation by the City Engineer.
City Engineer Rebecca Crow explained that the presentation is based on the preliminary results of the water rate analysis being conducted for the City by Winzler & Kelly. Questions and discussion from the August 8, 2011 meeting were taken into account when rate scenarios were being developed. Fourteen rate scenarios were run and four alternatives are included in the presentation. Tables 1, 2, and 3 included in the packet provide the results of all the scenarios run.

All alternatives eliminated the minimum volume of water (currently 300 cubic feet) being included with the base rate. Also alternatives evaluated both a 25 % and 10% differential between the in-City and out-of-City customers. As expected as the percentage difference decreased, costs were shifted to in-City customers. Several types of consumption rates were also evaluated, and included a uniform rate for all water, rate blocks that increased by 5%, and rate blocks that increased by 10%. As the difference between the low-end rate blocks and the high end rate blocks increase, costs are shifted to higher volume users.

Crow also explained that different base rates were considered. The higher the base rate, the more stable rates are and less susceptible to decreases in water use decreasing revenues. However if the base rate is too high, there is less incentive to conserve. In general, as more of the system costs are recovered through the base rate, costs for the lower end users increases, while high volume users see a small reduction. There is little information available to predict the exact impact of increased rates on water use, but experience in other communities has shown over time that as rates increase people will use less water. One item for Council's consideration is to increase the revenue requirement to account for potential 5 – 10% reduction in water use.

Once the presentation has been reviewed with council and questions answered, the next steps will be to select a final rate scenario and then to complete the Proposition 218 public noticing and protect hearing process.

Council comments included:

Miller: The City shouldn't plan on getting more money through interest. Also expressed support for funding the infrastructure and capital improvements. The reserves should be robust. Supports the 5% annual increase due to low interest rate projections.

Morgan: How much would it take to raise everyone's rates to pay for the annual system operating costs? **Crow** explained that based on the number of accounts, a flat rate cost for everyone on the system would be approximately \$86.00/month.

Public comment included:

Shirley Laos – Trinidad Rancheria VP

Asked questions about Prop 218 requirements and how many protest votes would keep the Council from moving forward with the rate changes. The Rancheria is very concerned with the rate structure changes to high-volume users. We need time to understand the impacts. The Rancheria has contributed hundreds of thousands of dollars to improve the city's infrastructure. The rates proposed will trigger a major discussion on the Rancheria and may compromise the tribe's ability to contribute funds to the City for future needs to offset high rate costs.

Jim Cuthbertson – Trinidad

Let the people vote on this. Rates throughout the State are high for water. We should all pay our share to keep our water system healthy. The simpler the structure – the better.

Stan Binnie – Trinidad

Suggested that the City look at its operating budget and cut costs before passing higher rates on to the consumer.

Chi-Wei Lin – Trinidad

The basis for the rate estimates are last year's budget. Some years may require more maintenance than others. Finding the average would be the best approach. Three years ago the budget was balanced. Why have the costs increased significantly? We have to pay higher prices to keep our system healthy and robust. High users should pay more, and water conservation should be a key element included in the structure design. 10% reduction in water use should be accounted for once the new rates are in place.

Janine Volkmar – Trinidad Area Resident

100 families connected to the system outside the city pay a much higher rate. I appreciate the consideration that the Council has made to reduce this difference. I've been arguing this for many years. Water is a basic need. It is not optional like cable tv. A more equitable solution is best. Trinidad School should consider reduction methods to curb costs. There is much room for improvement there.

Council comments included:

Mayor Bhardwaj: Suggested that each Councilmember explain their preferences based on the proposed options.

Miller: Supports authorizing the City Engineer to review the following scenario:
\$40.00 base rate. 20% differential. 10% block increase. 5% annual increase.

Morgan: *\$45 base rate. 0% differential. 5% block increase. 2.5% annual increase.*

Fulkerson: We need mechanisms built into the structure that encourage conservation and not punish fixed low income users. \$40.00 base rate. 20% differential. 10% block increase. 5% annual increase.

Davies: Supports a rate structure that encourages conservation. \$40.00 base rate. 20% differential. 10% block increase. 5% annual increase.

*Motion (Miller/Fulkerson) to authorize the City Engineer to review the following rate scenario and report back to the Council at the next meeting: \$40.00 base rate. 20% differential. 10% block increase. 5% annual increase. Staff should also closely review the operating expenditures and revenues of the Water Fund to determine the basis for setting rates, and be able to explain how and when the fund started operating in deficit. **Passed unanimously.***

Fulkerson requested that a second scenario be reviewed that require further analysis of the current rate structure.

** City Manager Suiker will contact Trinidad School and alert them of the proposed rate structure and possible impacts.*

XI. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 9:40 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor

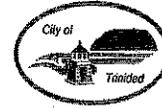
DRAFT



CONSENT AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 15 PAGES

1. Staff Activities Report through September 2011



STAFF ACTIVITIES REPORT

Through September 2011

A Staff Activities Report is provided to the City Council on a monthly basis, with additions to the previous report indicated in **bold type face**. Old information will be left on this report for a period of time and then removed or updated.

City Administration:

1. Town Hall Rental. **A report on procedures and new rate structure is presented as a separate agenda item for this meeting.**
2. On-Site Waste Water Treatment (OWTS) Ordinance. A public education proposal from Streamline Planning to implement this ordinance was approved by the Council at its August meeting. Previous public education documents have been compiled and are being updated. Research into current sewer fees and septic maintenance costs has occurred. Local sewer fees have risen substantially in the past few years, making septic maintenance even more economical. Work will continue with a goal of having materials ready for Council review in November.
3. Library Lease. **It is staff's understanding that a geological study has been conducted on the proposed footprint for the new library, and Winzler & Kelly is proceeding with the foundation design based on that study. It is anticipated that permitting for the new structure could be complete by the end of this calendar year.**
4. Water Rates. **Presentations on this subject have been made to the Council on August 8 and September 21, and data continues to be collected and will be presented as a separate agenda item for this meeting in order for the Council to consider selecting a proposed rate scenario. This will be followed by the Proposition 218 public noticing and public hearing process.**
5. American Recovery Reinvestment Act Funding. **Letters were sent September 29, 2011 to United States Senators Boxer and Feinstein concerning the funding denial for the museum landscaping project (copy attached) and its impact on the city.**

PLANNING ISSUES

1. General Plan. The Planning Commission continues to work on the Circulation Element, which is one of the more complex of the seven state required elements, and the fourth reviewed by the Planning Commission so far. The Circulation Element not only includes transportation and streets, but also public services and energy use. General Plan work was put on hold for a few months due to other planning issues and permits; however, the Circulation Element is near completion and should come before the Council in the next few months.
2. Accessory Dwelling Unit (ADU) Code. This Ordinance was adopted by the City Council in August, 2010. Streamline is of the opinion this needs to be approved by the Coastal Commission and will be submitted in conjunction with the Vacation Dwelling Unit (VDU) regulations. The next step will be putting together an application package that will include an analysis of how the new regulations fit within the Local Coastal Plan and Coastal Act regulations as well as any environmental impacts of new rules. The local Coastal Commission staff could not get to it until September, 2011 at the earliest as they are currently working on the Arcata general plan and zoning LCP amendment.
3. Vacation Units Regulations. The second reading of the Vacation Dwelling Unit Ordinance was presented to the Council at the August meeting. As a land use ordinance, this will need to be approved by the Coastal Commission, and it could be submitted in conjunction with the ADU ordinance. Insofar as the ordinance does not conflict with existing land use regulations, it may be able to be implemented prior to Coastal Commission approval.
4. Moss Subdivision. This subdivision will be considered at the November 2011 meeting of the County's Planning Commission. The City will be represented at that meeting in order to clarify the city's position and concerns and/or respond to County Planning Commissioner questions, as may be needed.

Status of Grant Funded Programs

1. Project Name: Gateway Project

Source of Funds: Combination of Transportation Enhancement Funds, Federal High Risk Rural Roads Funds and local Proposition 1B funds

Status: PG&E is scheduling five of the six street light replacements with the sixth to be coordinated with the gateway project construction project. The project plans are complete and finding under the Transportation Enhancement Program has been completed for submittal to Caltrans. Although the Gateway Committee discussed an artistic element, this has yet to be defined, and without further specifics,

cannot be included in the proposed funding agreement. Once the funding agreement is approved, the plans will be submitted to the Council for approval to bid.

2. Project Name: Town Hall Heating System

Source of Funds: Energy Efficiency Block Grant (\$25,000)

Status: The Redwood Coast Energy Authority is handling this project on behalf of the City, and the Request for Proposals will be issued shortly, with installation contractor(s) expected to be selected by the end of October.

3. Project Name: Turbidity Monitoring (SCADA upgrade)

Source of Funding: CA State Proposition (\$113,628)

Status: Winzler & Kelly is acting as the project manager. Bids were opened on September 16, 2011 and award of this project is included as a consent agenda item for this meeting.

4. Project Name: Water Plant Improvement Project

Source of Funding: Safe Drinking Water Revolving Fund (\$193,100)

Status: An agreement with Winzler & Kelly to commence work on this project for the design of a water system upgrade is included as a separate agenda item for this meeting.

5. Project Name: Luffenholtz Creek Sediment Reduction

Source of Funding: California Department of Public Health (up to \$1.875 million)

Status: Staff is working out details of the long term access and maintenance agreement between the City and Green Diamond, after which it will be reviewed by the funding agency. Such an agreement is necessary before we receive a letter of commitment for funding. Until we receive a letter of commitment for funding, costs incurred will be limited to minimal internal staff charges only.

6. Project Name: Trinidad Pier Reconstruction (ASBS Project)

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: Construction of the pier is underway with completion anticipated in May 2012.

7. Project Name: Storm Water Management Improvement

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: **The grant agreement has been signed by the City and the State. An agreement with Winzler & Kelly to act as the project manager for this project to design a system to enhance the capture and treatment of stormwater runoff is presented as a separate agenda item for this meeting.**

8. Project Name: Trinidad to Humboldt Bay Coastal Watershed Program

Source of Funding: Department of Conservation Water Coordinator Grant (\$293,910)

Status: **The Grant agreement was signed in June, 2011. A meeting of the Trinidad Bay Watershed Council is scheduled for October to begin planning activity for the upcoming year. A multi-day conference for local, state and federal agencies was recently held to discuss adapting to the rise in sea levels and other climate changing effects, and was well-attended and well-received. This is a three year program with the outcome anticipated to be improved coordination among watershed entities to avoid duplication of effort and to promote improved management of water resources.**

Police Department

1. Sale of Assets. The Council authorized staff to dispose of police department assets in recognition of the long term arrangement for law enforcement services provided by the Humboldt County Sheriff. Staff prepared a listing of all assets and bids were solicited from local law enforcement entities. One vehicle was sold to the City of Rio Dell and other supplies and equipment were sold to the College of the Redwoods Policy Academy. **Sealed bids are currently being solicited for other surplus equipment which will be opened on October 27th. For disposition of any items remaining after the sealed bid process, staff will work with a firm from Mission Viejo that specializes in the auction of police department property.**

Public Works Department

1. Van Wycke Trail. **Busch Geotechnical was retaining by the City in January 2011 to evaluate the failing section of this trail. As recommended in their report, and in consideration of Council-approved Proposition 1B funds allocated to this project, a site-specific geotechnical investigation has now been authorized to determine the depth to undisturbed competent materials and design parameters necessary for specific design of a trail stabilization project. Weather permitting, that investigation is anticipated to take place within the week.**

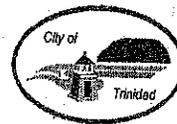
2. Trinidad Head Maintenance. The City continues to perform trail maintenance to within the limitations identified in the July 1, 2011 letter from the Coastal Commission (to no more than one foot on either side of the existing roads and to a total width of 4 feet along the trails). **In order to maintain beyond these limitations, Coastal Commission staff has recently indicated the City would need to provide proof of what they had historically been maintaining. Rather than attempt to locate and compile photos of historical maintenance activity throughout the entire trail, roads and view sites, it would appear to be a much simpler process to apply for a Coastal Development Permit for what has historically been considered routine maintenance. Consideration of such a permit is anticipated to be heard by the Planning Commission at their meeting in October.**

3. Traffic Issues Trinity and Edwards Streets. Staff is gathering traffic data on this intersection and has learned that there is no history of traffic incidents at that location that would require urgent action to be taken. Based on Council interest, Winzler & Kelly has submitted a request to HCAOG for consideration of \$5,500 in planning funds for preliminary engineering and development of a project study report to consider a possible mini-roundabout at this location.

CITY OF TRINIDAD

P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223
Fax: (707) 677-3759

Kathy Bhardwaj, Mayor



September 29, 2011

The Honorable Barbara Boxer
United States Senator
112 Hart Senate Office Building
Washington, D.E. 20510

COPY

Re: City of Trinidad and the American Recovery Reinvestment Act of 2009

Dear Senator Boxer:

With a population of 368 citizens, the City of Trinidad is the fourth smallest city in the State of California. Its General Fund revenues for fiscal year 2011-2012 are budgeted at \$466,000. The entire city staff consists of three public works employees to manage water treatment and distribution and other public works functions, a city clerk, a part time manager, a part time records clerk and a temporary grant-funded watershed coordinator. Services are contracted for engineering, planning, building inspection, legal counsel, accounting and law enforcement services. This background information is intended to set the stage for the **enormity** of a financial problem facing the City as a result of its participation in a project through the American Recovery Reinvestment Act of 2009 (ARRA). Due to the manner in which this program was administered, this Act, which was originally intended to jumpstart the economy and create or save jobs, has instead caused very serious financial problems for the City of Trinidad, and we are certain you would want this injustice brought to your attention.

In 2009 the City applied for and received notification of ARRA funding approval in the amount of \$186,000 for a project to construct pedestrian access sidewalks, handicapped access to public spaces, bicycle access, landscaping, lighting, drainage, fencing and signage to serve a city center containing the Trinidad Museum, the new Trinidad Library and a new (and first ever) public park.

The City contracted with the same architectural firm that designed the project to perform construction management services. Contract documents and specifications were prepared for the project by the Architect, the project was advertised, sealed bids were received and the contract was awarded to the lowest bidder. Construction took place during the summer of 2010 and the project was satisfactorily completed with a very fine end result.

In August 2010, following completion of the project, a program audit was conducted by representatives of CalTrans and the Federal Highway Administration. The result of this audit identified twenty issues related to project management, and a Resolution Plan was subsequently prepared that detailed the deficiencies together with the proposed resolution (Attachment I). The City spent significant efforts working in close conjunction with the CalTrans Office of Local Assistance to respond and was able to satisfactorily address and correct a number of reported deficiencies. Some issues could not be corrected after-the-fact because there was no way to change

what had already occurred. The then-City Manager left office in good standing in early 2011 with the impression that the city's response was satisfactory, and the city would be reimbursed its expenditures under the approved ARRA grant program.

Our new City Manager assumed office in March, 2011, and was soon thereafter contacted by staff from CalTrans Office of Local Assistance who indicated for the first time that two of the reported deficiencies were "unrecoverable", meaning there was no remedy for the error and "some sort of sanction against the agency" was in order. The two unrecoverable deficiencies were:

(1) The Architect's failure to physically include Form FHWA-1273 (Required Contract Provisions Federal-Aid Construction Contracts) in the bid documents. This Form 1273 was listed in the Table of Contents in the bid documents and was physically included in its entirety in early versions of the bid documents, but due to an apparent clerical error on the part of the Architect, was inadvertently omitted from the final version. The successful bidder can attest that the Form 1273 was received by them at some point during the project, and as far as the city knows, there was no known violation of any of the provisions described in said Form 1273. The successful bidder as well as one of the unsuccessful bidders contacted by the city indicated the absence of Form 1273 in the bidding package had no bearing whatsoever on their bid, but it was indeed missing in the final product, and there is no remedy to correct this deficiency after-the-fact.

(2) Allegation of failure to competitively bid. Plans and specifications were publicly advertised in the newspaper as well as provided to the local builders' exchange. The bid documents as prepared by the Architect requested unit costs, and expected bidders to scale out the quantities based on the specifications. The unit costs were for the purpose of change order computations, not for the lowest bid tabulation. There were a number of firms picking up the plans, and eventually three proposals were received via a sealed bid process. A bid tabulation was prepared and was considered as a lump sum and awarded to the bidder with the lowest lump sum bid. The city believes this does in fact represent a competitive bid process and has verified that this method is how architects routinely prepare bid documents, but CalTrans advises that further discussion on this issue is moot given the first listed deficiency and the fact that there is no possible remedy after-the-fact.

The sanction as determined by CalTrans Local Assistance is complete denial of any ARRA funds. Prior to this determination the City had received \$20,000 of the \$186,000 approved grant, which we are now told might have to be returned. This determination has an immediate financial impact of \$166,000 and possibly \$186,000, or an impact of between 35% and 40% of the city's entire budgeted general fund revenue. Additionally, Caltrans has further outlined a five step required action plan (Attachment II) that must be adhered to in order to be eligible for future Federal funds. This action plan would require a substantial staff effort in any large organization; for the city of Trinidad and its limited resources, this additional effort above and beyond what would normally be required of an agency receiving federal funds is not possible without the hiring of additional staff.

The City has repeatedly met with CalTrans Office of Local Assistance to plead for a less costly sanction, perhaps withholding or deducting funds related to construction management. We have agreed to contract for future construction management services with a pre-approved engineering firm that has an established successful track record in managing federal projects. We have pleaded our case to Congressman Mike Thompson's District Representative and to Assemblyman Wesley Chesbro's District Representative. We have conferenced with all levels of CalTrans staff including the District Director, as well as the Local Programs Acting Director for FHWA. Despite these efforts, CalTrans continues to hold firm to their position of 100% funding denial plus satisfactory

completion of an action plan that cannot possibly be completed by the city's minimal staffing complement. Apparently FHWA can't process payment without a pass through by CalTrans, and CalTrans is not able to process a request for reimbursement due to the unrecoverable deficiencies.

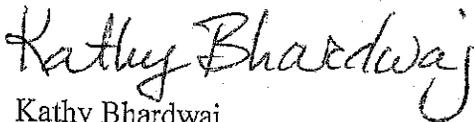
The city strongly feels it carried out the spirit and intent of the ARRA program. The project was properly designed, was competitively bid and produced a very satisfactory end result. There was no fraud; there was no misappropriation or improper expenditure of funds. The city carried out a project in good faith, and in retrospect, the city now knows it should have hired an experienced and pre-approved engineer familiar with federal projects and has committed to doing so in the future.

We have been told that the Federal Office of Inspector General audited multiple projects in four states and found paperwork issues in 88% of the audits, but found no waste, fraud or abuse of program funds. We have made inquiries throughout the state and have not heard of 100% denial of project funds in other cases, and, universally, we are told that our experience is grossly unfair and contrary to the goals and objectives and intent of the ARRA program.

Our interest in bringing this to your attention is twofold: (1) to seek assurance that the consequences for paperwork issues such as we have experienced are being universally and consistently applied, and (2) to respectfully request your support and assistance to enable CalTrans to consider flexible penalties given the impact of the deficiencies on the project itself and the goals of the ARRA program.

Thank you for your consideration.

Very truly yours,



Kathy Bhardwaj
Mayor

Attachment I: Resolution Plan

Attachment II: City of Trinidad Action Plan

City of Trinidad Resolution Plan

Caltrans

Suzanne Theiss, District Local Assistance Engineer _____ Date _____

City of Trinidad

Steve Albright, City Manager _____ Date _____

OVERVIEW

The California Department of Transportation (Caltrans) Division of Local Assistance, through delegation from the Federal Highway Administration (FHWA), is responsible for administering and managing the Federal and State highway programs, such as the American Recovery and Reinvestment Act (ARRA), to local agencies. The local agencies are responsible and accountable for conformance with the applicable Federal requirements. Caltrans and FHWA conduct process reviews of projects to determine if local agencies are in compliance with Federal laws, regulations, and executive orders.

During a process review, errors and deficiencies could jeopardize the Federal and/or State funding on completed or ongoing projects. A procedural deficiency is a finding that a local agency's practices and procedures fail to demonstrate sufficient familiarity for acceptable levels of conformance with procedures and required certifications defined in the Local Assistance Procedures Manual. A major project deficiency is an error of commission or omission, which violates federal or state law or regulation. An unrecoverable project deficiency is defined as "a deficiency of such magnitude as to create doubt that the policies and objectives of Title 23 of the USC (or other applicable federal codes) will be accomplished by the project," and the project has proceeded to the point that the deficiency cannot be corrected.

OBJECTIVE

The purpose of the City of Trinidad's Resolution Plan is to address the twenty issues identified during the FHWA project review on August 25, 2010 and outlined in the Local Agency Project Management Review (PMR) Checklist for the Trinidad Museum Access Project, ESPL-5036(010), as well as for any future Federally funded project with the agency.

DEFICIENCIES RECOGNIZED

1. **No written approval for design and PS&E.**

Caltrans recommends that the City of Trinidad formalize a process for approval of final design, plans, specifications, and estimates (PS&E) from the city council, and on future projects keep documentation of PS&E decisions made.

✓ 2. **Support documentation for progress payment was deficient.**

Progress payments were submitted by the prime contractor to the consultant, who reviewed them, signed the approval, and submitted them to the City for payment. They were then reviewed by the City Manager prior to issuing a check. The progress payment submittals included a cover form signed by the prime contractor and notarized; an ongoing valuation of the project by work item; and daily work report logs from the prime contractor. The City should obtain support information for the progress payments from the consultant and place in the project records. On future projects, all support documentation and verifications for progress and final payments should be kept in the project files.

3. **Project files were not together and incomplete.**

The City of Trinidad should organize the project files as outlined in Chapter 16 of the Local Assistance Procedures Manual or Chapter 5 of the Caltrans Construction Manual, in an indexed category system for all future projects.

4. **Selection criteria/process for consultant not on file.**
The City Council agreed to a sole source contract for the consultant on this project, rather than advertising a Request for Proposals or a Request for Qualifications. Caltrans recommends that the selection process be documented and kept in the project files for any future projects.
5. **UDBE goal not stated in bid documents.**
The construction authorization package submitted to Caltrans for approval contained the UDBE goal of 0.051. The bid package that was advertised and used for the project contract was not the same one submitted to Caltrans. On all future projects, the City must use the bid documents reviewed and approved by Caltrans and must specify UDBE goals for bidders.
- ✓ 6. **Bid tabulations for all bidders for comparison of item costs were missing.**
Four qualified bids were received for the project, so the City will supply bid tabulations for all bidders for comparison of item costs and place in project file. On all future projects, tabulations such as this will be used in the evaluation and selection of bids.
7. **Discrepancies with contract time.**
The City shall ensure that the bid documents, Notice to Proceed, and any other project documents are all consistent with the same contract time for all future projects.
8. **Form FHWA-1273 missing from contract.**
The bid package approved by the District 1 Office of Local Assistance on 12/16/2009 contained the form FHWA-1273, Required Contract Provisions for Federal-Aid Construction Contracts. On future projects the City of Trinidad must always use the bid package approved by Local Assistance when administering construction contracts.
- ✓ 9. **Contract time was not administered.**
The consultant kept a calendar of working days and days lost to weather. The City will use this calendar to reconstruct contract time and document it in the project records. Caltrans recommends the use of the weekly statement of working days form for administering contract time on any future projects.
- ? 10. **No Resident Engineer (RE) daily diaries.**
The City shall obtain any records regarding daily activities by the consultant and contractor and place in the project files. Any future projects must conform to daily diary requirements that are outlined in the Local Assistance Procedures Manual, Chapter 16.
11. **Preconstruction meeting documentation not available.**
The project had two informal preconstruction meetings held. On any future projects, these meetings should be documented so that any decisions made are verified in the project files.
- ✓ 12. **Quantities not monitored by RE.**
The consultant and the City Manager have verified, to the extent feasible due to the project's completion, quantities constructed at the project site. These include the length of sidewalks at certain width and depth, the number and types of plant materials, the approximate square footage of hydro seed lawn, the number and location of drip irrigation heads, the number of feet and type of materials used for the fences, and verification of the general location of these items in accordance with the plans. These quantity verifications should be placed in the project files. The City should use the quantity sheets in the Construction Manual on future projects.

- 13. Contract Change Order (CCO) #2 was not issued and incorporated into records.**
Both the contractor and the resident engineer shall sign contract change orders on approval and keep copies to retain in the project records. The City needs to formally issue CCO #2, incorporate it into the project records.
- 14. Materials documentation (certificates of compliance) not on file.**
All projects must follow what is outlined in the City's Quality Assurance Plan. Any documentation from materials suppliers need to be included in the project records. All acceptance tests, certificates of compliance, certifications for laboratory, equipment and personnel should be incorporated into future projects.
- 15. No daily work reports received from prime contractor.**
The prime contractor did provide certified daily work reports to the consultant as back-up documentation for progress payments. These reports stated the general type of work that was done each day, the number of hours worked by the principals and the sub-contractors, and the equipment that was used, including transportation time. The City needs to obtain these reports and place them in the project files.
- 16. Independent cost analysis was not included for fence.**
The City needs to include an independent cost analysis for support or additive cost for fence with the execution of CCO #2. All future change orders shall include a complete cost analysis to determine the justification for the work and reasonableness of the compensation.
- 17. Wage rates not included in contract.**
The bid package approved by the District 1 Office of Local Assistance on 12/16/2009 contained wage rates. On future projects the City of Trinidad must always use the bid package approved by Local Assistance when administering construction contracts.
- 18. No certified payrolls on file.**
The prime contractor is a general contractor who is organized as a sole proprietor business. It is wholly owned by two individuals as equal partners without employees. This project had three sub-contractors, and each of them are owned and operated by individuals without employees. If applicable, the City of Trinidad shall keep records of certified payrolls for construction contracts in future project files.
- 19. No contractor employee interviews conducted.**
There were not any employees working on this project. If applicable, the City of Trinidad shall keep records of employee interviews for labor compliance and equal employment opportunity in future project files. A minimum of one interview per contractor per trade per month is preferred.
- 20. Equal Employment Opportunity (EEO) policy was not visibly posted at job site.**
There were not any employees working on this project. If applicable, the City of Trinidad shall ensure that the contractor has posted the company's EEO policy and "Equal Employment is the Law" poster in a prominent location for all employees to review during the duration of the contract.

SANCTIONS

All major project deficiencies, until they are corrected, and unrecoverable project deficiencies require sanctions by Caltrans. Until these deficiencies are corrected and the City of Trinidad complies with the Federal Regulations outlined in Title 23, Caltrans will not process any requests for reimbursement of Federal funds. The department will impose a freeze on all future programming of Federal or State funds until corrective action is implemented. A percentage or all of Federal funds may be withdrawn

from this project. Failure to correct the deficiencies in a timely manner shall be grounds for imposing additional sanctions.

RESOLUTION

It is strongly recommended by Caltrans that a person in responsible charge from the City of Trinidad attend future training opportunities including the U.C. Berkeley Tech Transfer 2011 Resident Engineer Academy and the 2010/2011 Federal Aid Series. Training is also offered online and the City may complete and verify this to Caltrans with a certificate of completion. Caltrans will also require that the City must use the City Engineer from the retained consultant firm, Winzler & Kelly, for work on federal projects and will verify this with documentation of a task order before authorization is approved. No requests for reimbursement will be paid or authorizations on future projects will be approved until each of the follow-up items outlined in this resolution plan are submitted by the City and reviewed by both Caltrans and FHWA.

REFERENCES

Local Assistance Procedures Manual (LAPM): <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>
American Recovery and Reinvestment Act (ARRA): www.recovery.gov
Federal Highway Administration (FHWA): www.fhwa.dot.gov
CFR Title 23: <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=201023>
Caltrans Construction Manual: <http://www.dot.ca.gov/hq/construc/constmanual/>
FHWA Contract Administration Core Curriculum Participant's Manual and Reference Guide: <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>
Berkeley Tech Transfer: www.techtransfer.berkeley.edu

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 445-6399
FAX (707) 441-2048
CITY, 711



*Flex your power!
Be energy efficient!*

August 8, 2011

Ms. Karen B. Suiker
City Manager
City of Trinidad
P.O. Box 390
Trinidad, CA 95570

Dear Ms. Suiker,

It is our sincere desire to continue working with the City of Trinidad and support the use of any future Federal funds on projects overseen by the Office of Local Assistance. Per Ch. 20 Deficiencies and Sanctions of the Local Assistance Procedures Manual (LAPM), once unrecoverable project deficiencies are identified on a project, corrective action must be implemented for the future programming and use of Federal or State funds.

As part of Caltrans' commitment to the City, we have developed an action plan for your agency to follow to ensure adequate project administration and compliance with all applicable Federal laws, regulations, and policies. The purpose of this action plan is to avoid problems before they arise, particularly any unrecoverable deficiencies that would make a project ineligible for reimbursement. The action plan also assures the Federal Highway Administration (FHWA) that the Federal-aid process will be adhered to and any program requirements will be followed, therefore keeping the City eligible to receive Federal funds.

Attachment 1 lists the five actions needed for the City to receive Federal funds, and Attachment 2 is a checklist to help monitor these actions as they are completed. As the actions are completed, Caltrans will update the status on the checklist and provide a copy to the City for your files. Both attachments are intended to be useful tools for the City and Caltrans to work together on your future Federal-aid projects.

With this plan in place, we are confident that future Federal-aid projects administered by the City of Trinidad will be successful. Thank you for working with us on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Theiss".

SUZANNE THEISS

District Local Assistance Engineer

Attachment 1: City of Trinidad Action Plan

ACTIONS

1. Action Needed: **City of Trinidad to adopt a uniform filing system and standard operating procedures (SOP) for construction contract administration of all Federal-aid projects for the City.** The SOP for the administration of Federal-aid projects should include items such as the level of construction oversight by resident engineers and inspectors as well as a process for approving contract change orders. The uniform filing system and SOP shall follow the references and instructions in Chapter 16 of the Local Assistance Procedures Manual (LAPM) as a minimum, with the recommendation of using the methods outlined in Section 5-102 of the Caltrans Construction Manual for larger projects. The City will provide these to Caltrans for approval before construction for a Federal funded project can be authorized.
2. Action Needed: **Person in responsible charge from the City to complete Federal-aid training.** Through the programs offered by the National Highway Institute, a City representative shall complete the online course "Introducing Highway Federal-Aid" and provide a certificate of completion to Caltrans. This training will be repeated every five years or as needed when there is staff turnover. It is also strongly recommended that a representative for the City of Trinidad attend future in-person training opportunities such as the Resident Engineer Academy and the complete Federal Aid Series.
3. Action Needed: **City to provide additional project delivery oversight for Federal funded projects.** The City shall use an engineer from a retained consultant firm for work on Federal-aid projects and will verify this with documentation of a task order or consultant contract before project authorization is approved. An employee of the City of Trinidad will also be designated as in responsible charge of the project and will oversee the consultant contract. Adequate construction personnel shall be provided to ensure sufficient field control, conformance with contract specifications, accurate contract payments to the contractor, and that the Quality Assurance Program is followed. To verify this, the Resident Engineer's (RE) Construction Contract Administration Checklist, Exhibit 15-B in the LAPM, will be submitted signed by both the RE and the City employee in charge before construction authorization (not with the award package).
4. Action Needed: **City to obtain Caltrans approval prior to proceeding with key project milestones.** Caltrans will perform additional project delivery oversight for Federal funded projects. On requests for Authorization for Construction, the District Local Assistance Engineer (DLAE), Caltrans HQ, and FHWA will review the Plans, Specifications, and Estimates (PS&E). All comments must be resolved and PS&E updated with changes prior to authorization approval. Copies of contract advertisement and bid documents, including all addenda, will be submitted to DLAE prior to contract award. DLAE and Caltrans HQ will review to ensure that any revisions that have occurred since authorization to proceed for construction was received are reviewed and that all issues are addressed prior to contract award. City will provide bid tabulations for comparison of bidders to DLAE staff prior to award to ensure the contract is awarded to the lowest responsive responsible bidder. DLAE staff will attend pre-construction conferences between the City and the contractor(s) for a project. DLAE staff and/or Caltrans HQ will conduct a pre-construction review with the City before any work begins. DLAE staff will meet with City staff prior to City's acceptance of all completed contract work to ensure City will have all documents needed to close out the project.
5. Action Needed: **City will retain adequate records for Federal funded projects.** For three years following the receipt of a project's final voucher, the City will maintain documentation including correspondence, weekly record of working days, materials data (sampling and testing, certificates of compliance, etc), resident engineer's daily reports, contractor daily work reports, contract item pay quantity documents, contract change orders, extra work reports, progress pay estimates and support documentation, labor compliance and Equal Employment Opportunity (EEO) records, contractor's payrolls, and Disadvantaged Business Enterprise (DBE) records per 49CFR18.42.

REFERENCES

- Local Assistance Procedures Manual (LAPM): <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>
Caltrans Construction Manual: <http://www.dot.ca.gov/hq/construc/constmanual/>
FHWA Contract Administration Core Curriculum Participant's Manual and Reference Guide:
<http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>
National Highway Institute: <http://www.nhi.fhwa.dot.gov/default.aspx>
Code of Federal Regulations: <http://www.gpoaccess.gov/cfr/index.html>

Attachment 2: City of Trinidad Action Plan Checklist

Action	Frequency	Responsibility	Schedule	Status
1 Develop Standard Operating Procedures (SOP)	One time	City	Prior to Construction Authorization	
2 Develop Uniform Filing System	Once per project	City	Prior to beginning construction	
3 Complete "Introducing Highway Federal Aid" training	Once every 5 years	City	Prior to Construction Authorization of first future project and with staff turnover	
4 Provide task order or consultant contract for construction oversight	Once per project	City to Caltrans	Prior to Construction Authorization	
5 Designate employee in responsible charge and submit Exhibit 15-B	Once per project	City to Caltrans	Prior to Construction Authorization (NOT after award)	
6 Designate RE and any other construction personnel and submit Exhibit 15-B	Once per project	City to Caltrans	Prior to Construction Authorization (NOT after award)	
7 PS&E approval by DLAE	Once per project	Caltrans D1 to City	Prior to Construction Authorization	
8 PS&E approval by Caltrans HQ	Once per project	Caltrans HQ to Caltrans D1	Prior to Construction Authorization	
9 PS&E approval by FHWA	Once per project	FHWA to Caltrans HQ	Prior to Construction Authorization	
10 Provide AS-Advertised bid documents	Once per project	City	Prior to contract award	
11 Provide construction bid tabulations	Once per project	City	Prior to contract award	
12 Conduct pre-construction meeting with contractor, Caltrans to attend	Once per project	City and Caltrans	Prior to beginning construction	
13 Conduct pre-construction review with Caltrans	Once per project	City and Caltrans	Prior to beginning construction	
14 Meet with Caltrans to review documents for completed construction	Continuous/ongoing	City and Caltrans	Prior to acceptance of contract	
15 Maintain adequate project documentation	Continuous/ongoing	City	For three years after final voucher	



CONSENT AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

2. Financial Status Reports for August 2011

City of Trinidad
Statement of Revenues and Expenditures
From 8/1/2011 Through 8/31/2011

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	115,000.00	100.00)%
42000	SALES & USE TAX	16,500.00	29,240.59	180,000.00	(83.76)%
43000	TRANSIENT LODGING TAX	659.25	659.25	80,000.00	(99.18)%
47350	MOTOR VEHICLE LICENSE FEE GAP	0.00	704.32	0.00	0.00)%
49080	MOTOR VEHICLE FINES	0.00	0.00	3,500.00	100.00)%
53010	COPY MACHINE FEE	3.00	12.00	100.00	(88.00)%
53020	INTEREST INCOME	2,345.15	3,233.65	15,000.00	(78.44)%
53090	OTHER MISCELLANEOUS INCOME	359.62	533.62	2,500.00	(78.66)%
54020	PLANNER- APPLICATION PROCESSIN	900.00	2,400.00	8,500.00	(71.76)%
54040	ENGINEER-APPLICATION PROCESSIN	0.00	0.00	500.00	100.00)%
54050	BLDG.INSPECTION APPLICATION PROCESSI	285.88	686.34	10,000.00	(93.14)%
54100	ANIMAL LICENSE FEES	0.00	15.00	100.00	(85.00)%
54130	FARMERS MARKET BUSINESS LICENS	0.00	30.00	0.00	0.00)%
54150	BUSINESS LICENSE TAX	2,677.50	6,616.00	7,500.00	(11.79)%
54300	ENCROACHMENT PERMIT FEES	0.00	0.00	400.00	100.00)%
56400	RENT - VERIZON	1,680.68	3,361.36	19,620.00	(82.87)%
56500	RENT - HARBOR LEASE	0.00	5,000.00	5,000.00	0.00)%
56650	RENT - SUDDENLINK	995.22	995.22	4,200.00	(76.30)%
56700	RENT - TOWN HALL	1,110.00	3,055.00	8,500.00	(64.06)%
56800	RENT - MISC	0.00	0.00	500.00	100.00)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	5,000.00	100.00)%
Total Revenue		<u>27,516.30</u>	<u>56,542.35</u>	<u>465,920.00</u>	<u>(87.86)%</u>

City of Trinidad
Statement of Revenues and Expenditures
201 - GAdmin
From 8/1/2011 Through 8/31/2011

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Expense					
60900	HONORARIUMS	250.00	500.00	3,000.00	83.33%
61000	EMPLOYEE GROSS WAGE	5,543.74	12,084.15	72,615.00	83.36%
61250	OVERTIME	0.00	0.00	1,500.00	100.00%
61470	FRINGE BENEFITS	46.16	92.32	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFIT	0.00	0.00	8,746.00	100.00%
65100	DEFERRED RETIREMENT	209.46	418.10	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	401.15	727.20	6,384.00	88.61%
65300	WORKMEN'S COMP INSURANCE	0.00	3,788.00	0.00	0.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	82.00	152.50	1,200.00	87.29%
65600	PAYROLL TAX	442.77	961.72	0.00	0.00%
68090	CRIME BOND	0.00	700.00	0.00	0.00%
68100	FIDELITY BOND	0.00	0.00	770.00	100.00%
68200	INSURANCE - LIABILITY	0.00	4,448.95	10,908.00	59.21%
68300	PROPERTY & CASUALTY	0.00	3,747.60	4,387.00	14.57%
71100	ATTORNEY-MEETINGS	676.50	676.50	15,000.00	95.49%
71110	ATTORNEY-ADMINISTRATIVE TASKS	419.46	419.46	8,000.00	94.76%
71130	ATTORNEY-LITIGATION	1,787.50	1,787.50	10,000.00	82.13%
71210	CITY ENGINEER-ADMIN. TASKS	3,342.25	4,642.75	7,000.00	33.67%
71220	CITY ENG-APPLICATION PROCESS	0.00	0.00	2,000.00	100.00%
71300	CITY PLANNER-MEETINGS	1,206.00	1,206.00	4,200.00	71.29%
71310	CITY PLANNER-ADMIN. TASKS	4,410.40	4,410.40	7,000.00	36.99%
71320	CITY PLANNER-APPL. PROCESS	2,073.00	2,073.00	7,000.00	70.39%
71340	CITY PLANNER - SPECIAL PROJECT	1,128.00	1,128.00	20,000.00	94.36%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	1.75	0.00	0.00%
71420	BLDG INSPECTOR-PERMIT PROCESS	3,096.00	11,132.02	5,000.00	(122.64)%
71510	ACCOUNTANT-ADMIN TASKS	616.44	1,050.88	20,000.00	94.75%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	11,913.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	4,000.00	4,500.00	11.11%
75110	FINANCIAL ADVISOR/TECH SUPPORT	45.00	45.00	1,200.00	96.25%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	1,500.00	100.00%
75170	RENT	0.00	0.00	7,800.00	100.00%
75180	UTILITIES	137.19	284.05	4,000.00	92.90%
75190	DUES & MEMBERSHIP	0.00	0.00	1,000.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	7,500.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	214.58	1,284.94	4,500.00	71.45%
75240	BANK CHARGES	0.00	55.00	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	1,900.00	100.00%
76110	TELEPHONE	177.68	392.35	2,500.00	84.31%
76130	CABLE & INTERNET SERVICE	160.95	321.90	2,000.00	83.91%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	3,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	233.15	461.32	5,000.00	90.77%
92200	UNREALIZED INVEST. GAINS/LOSSE	41.70	287.05	0.00	0.00%
	Total Expense	26,741.08	63,280.41	275,023.00	76.99%

City of Trinidad
Statement of Revenues and Expenditures
301 - Police
From 8/1/2011 Through 8/31/2011

	<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>	
Expense					
61000	EMPLOYEE GROSS WAGE	1,506.66	3,008.27	19,585.00	84.64%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	2,359.00	100.00%
65300	WORKMEN'S COMP INSURANCE	0.00	521.00	0.00	0.00%
65600	PAYROLL TAX	115.44	230.49	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	528.37	900.74	0.00	0.00%
75170	RENT	1,300.00	2,600.00	7,800.00	66.67%
75180	UTILITIES	221.76	356.01	1,200.00	70.33%
75190	DUES & MEMBERSHIP	0.00	122.00	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	300.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	82,745.00	100.00%
75350	ANIMAL CONTROL	113.00	226.00	1,396.00	83.81%
76110	TELEPHONE	78.42	157.35	1,800.00	91.26%
92100	UNREALIZED GAINS/LOSSES	0.00	(8,815.00)	0.00	0.00%
	Total Expense	<u>3,863.65</u>	<u>(693.14)</u>	<u>117,185.00</u>	<u>100.59%</u>

City of Trinidad
Statement of Revenues and Expenditures
401 - Fire
From 8/1/2011 Through 8/31/2011

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	150.00	300.00	1,800.00	83.33%
75180	UTILITIES	1,838.19	1,877.85	800.00	(134.73)%
75190	DUES & MEMBERSHIP	0.00	0.00	10.00	100.00%
75260	BACKGROUNDS / EDUCATION	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	122.00	122.00	175.00	30.29%
76110	TELEPHONE	6.50	9.56	175.00	94.54%
76140	RADIO & DISPATCH	0.00	163.26	0.00	0.00%
78140	VEHICLE FUEL & OIL	0.00	0.00	750.00	100.00%
78150	VEHICLE REPAIRS	0.00	0.00	3,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	285.47	285.47	500.00	42.91%
78190	MATERIALS, SUPPLIES & EQUIPMEN	5,960.00	5,960.00	7,500.00	20.53%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,500.00	100.00%
90000	Capital Reserves	0.00	0.00	50,000.00	100.00%
Total Expense		<u>8,362.16</u>	<u>8,718.14</u>	<u>67,210.00</u>	<u>87.03%</u>

City of Trinidad
Statement of Revenues and Expenditures
 501 - PW (Public Works)
 From 8/1/2011 Through 8/31/2011

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	3,014.31	6,039.06	39,180.00	84.59%
61250	OVERTIME	0.00	0.00	3,000.00	100.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	4,720.00	100.00%
65100	DEFERRED RETIREMENT	88.84	282.78	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	1,462.56	2,853.90	21,113.00	86.48%
65300	WORKMEN'S COMP INSURANCE	0.00	1,553.00	0.00	0.00%
65600	PAYROLL TAX	237.74	484.30	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	404.45	992.00	59.23%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	2,500.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	1,100.00	100.00%
75180	UTILITIES	35.52	35.52	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	1,500.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	442.79	442.79	114,700.00	99.61%
78120	STREET LIGHTING	310.85	620.94	4,800.00	87.06%
78125	Street Lighting - Improvements	0.00	0.00	40,000.00	100.00%
78130	TRAIL MAINTENANCE	39.67	39.67	1,000.00	96.03%
78140	VEHICLE FUEL & OIL	246.11	507.54	3,000.00	83.08%
78150	VEHICLE REPAIRS	0.00	0.00	2,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	772.52	1,667.84	2,500.00	33.29%
Total Expense		<u>6,650.91</u>	<u>14,931.79</u>	<u>242,105.00</u>	<u>93.83%</u>

City of Trinidad
Statement of Revenues and Expenditures
 204 - IWM
 From 8/1/2011 Through 8/31/2011

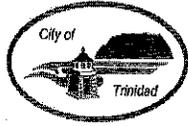
	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
46000				
		5,000.00	5,000.00	0.00%
47600		384.00	3,500.00	(82.17)%
47650		5,403.22	32,000.00	(83.11)%
		<u>10,787.22</u>	<u>40,500.00</u>	<u>(72.77)%</u>
Expense				
61000		1,020.48	13,265.00	84.59%
65000		0.00	1,598.00	100.00%
65100		65.11	0.00	0.00%
65200		417.95	6,461.00	87.34%
65300		0.00	509.00	0.00%
65600		83.04	168.62	0.00%
75120		1,440.00	2,880.00	16,000.00
75130		556.99	556.99	0.00%
75140		795.00	795.00	3,500.00
78100		0.00	428.20	7,000.00
78190		0.00	0.00	77.29%
85000		0.00	1,000.00	93.88%
		<u>4,378.57</u>	<u>4,800.00</u>	<u>1.68%</u>
		<u>4,378.57</u>	<u>13,079.61</u>	<u>53,624.00</u>
		<u>6,408.65</u>	<u>(2,052.39)</u>	<u>(13,124.00)</u>
				<u>(84.36)%</u>

City of Trinidad
Statement of Revenues and Expenditures
601 - Water
From 8/1/2011 Through 8/31/2011

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget	
Revenue					
53020	INTEREST INCOME	0.00	0.00	20,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	0.00	1,000.00	(100.00)%
57100	WATER SALES	18,034.80	38,280.11	221,000.00	(82.68)%
57300	NEW WATER HOOK UPS	0.00	0.00	9,000.00	(100.00)%
57500	WATER A/R PENALTIES	1,757.11	2,919.91	6,000.00	(51.33)%
	Total Revenue	<u>19,791.91</u>	<u>41,200.02</u>	<u>257,000.00</u>	<u>(83.97)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	6,412.15	12,835.15	83,354.00	84.60%
61250	OVERTIME	0.00	0.00	5,000.00	100.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	10,040.00	100.00%
65100	DEFERRED RETIREMENT	453.78	1,044.27	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	2,854.59	5,637.96	43,590.00	87.07%
65300	WORKMEN'S COMP INSURANCE	0.00	3,272.00	0.00	0.00%
65600	PAYROLL TAX	525.62	1,062.54	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	3,235.60	7,933.00	59.21%
68300	PROPERTY & CASUALTY	0.00	2,498.40	2,925.00	14.58%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	4,500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	5,638.25	6,044.00	43,620.00	86.14%
71230	ENGINEER-SPECIAL PROJECTS	0.00	0.00	14,848.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	616.44	1,050.88	9,000.00	88.32%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	9,000.00	100.00%
75180	UTILITIES	1,287.63	2,614.50	14,000.00	81.33%
75190	DUES & MEMBERSHIP	124.00	124.00	900.00	86.22%
75220	OFFICE SUPPLIES & EXPENSE	0.00	87.00	2,000.00	95.65%
75230	INTEREST EXPENSE	0.00	0.00	1,935.00	100.00%
75280	TRAINING / EDUCATION	315.00	315.00	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	58.00	138.00	1,500.00	90.80%
76130	CABLE & INTERNET SERVICE	49.00	98.00	588.00	83.33%
76160	LICENSES & FEES	0.00	0.00	2,200.00	100.00%
78140	VEHICLE FUEL & OIL	246.11	296.54	3,000.00	90.12%
78150	VEHICLE REPAIRS	1.39	1.39	1,500.00	99.91%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	2,000.00	100.00%
78170	SECURITY SYSTEM	69.00	69.00	276.00	75.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	2,986.23	3,136.21	5,000.00	37.28%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	500.00	100.00%
79100	WATER LAB FEES	0.00	815.00	5,500.00	85.18%
79120	WATER PLANT CHEMICALS	0.00	1,474.78	16,000.00	90.78%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00	100.00%
79150	WATER LINE REPAIR	0.00	0.00	20,000.00	100.00%
79160	WATER PLANT REPAIR	0.00	0.00	10,000.00	100.00%
	Total Expense	<u>21,637.19</u>	<u>45,850.22</u>	<u>324,959.00</u>	<u>85.89%</u>
	Net Income	<u>(1,845.28)</u>	<u>(4,650.20)</u>	<u>(67,959.00)</u>	<u>(93.16)%</u>

City of Trinidad
Statement of Revenues and Expenditures
701 - Cemetary
From 8/1/2011 Through 8/31/2011

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	3,000.00	(100.00)%
58100	CEMETERY PLOT SALES	820.00	1,570.00	9,000.00	(82.56)%
58150	Cemetary Plot Refunds	(2,820.00)	(2,820.00)	0.00	0.00%
	Total Revenue	<u>(2,000.00)</u>	<u>(1,250.00)</u>	<u>12,000.00</u>	<u>(110.42)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	671.38	1,346.96	8,727.00	84.57%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	1,051.00	100.00%
65100	DEFERRED RETIREMENT	23.18	76.78	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	352.70	687.60	5,184.00	86.74%
65300	WORKMEN'S COMP INSURANCE	0.00	357.00	0.00	0.00%
65600	PAYROLL TAX	53.12	108.86	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	500.00	100.00%
78180	OTHER REPAIR & MAINTENENCE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	<u>1,100.38</u>	<u>2,577.20</u>	<u>16,462.00</u>	<u>84.34%</u>
	Net Income	<u>(3,100.38)</u>	<u>(3,827.20)</u>	<u>(4,462.00)</u>	<u>(14.23)%</u>



CONSENT AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

3. PG&E Contract for Relocation of Streetlight

CONSENT AGENDA ITEM # _____

Date: October 12, 2011

Item: Contract with PG&E for relocation of streetlight at Main Street & View Avenue

Background: This Spring, the City applied to PG&E to replace streetlights on Trinity Street and on Main Street. PG&E will pay all costs except when the City chooses a location different from PG&E's preferred location. Last month, the City approved a payment on a contract for one light on Trinity Street (of 3 total to be replaced). The City will pay for relocation of one streetlight on Main Street, with PG&E paying for the other two replacements.

The attached contract for \$4,069.86 will allow PG&E to proceed with relocation of the street light at Main Street & View Avenue approximately 10 feet east of the current location. This is in keeping with Gateway Committee recommendation to relocate the light out from under the cherry tree at the current location.

The relocation work will be done approximately 3-4 weeks after PG&E's receipt of the executed contract and payment.

Proposed Action: Authorize the City Manager to execute the contract for electrical distribution and service extension for street lighting at Main Street & View Avenue.

Attachment: Contract ID 1132973: Main Street



September 21, 2011

Karen Suiker
Karen Suiker, A Government Agency
PO Box 390
TRINIDAD , CA 95570

RE: Contract ID: 1132973: Main Street

Dear Karen Suiker ,

Enclosed are gas and/or electric agreements for your project located at:

MAIN STREET & VIEW AVENUE, TRINIDAD, 95570

This letter summarizes the agreements for this project.

	Non-Refundable Payment	Refundable Option*	50% Discount Option*
Relocation / Rearrangement Costs	\$4,069.86	\$0.00	\$0.00
Less Credit (Engineering Advance, etc.)	\$0.00	\$0.00	\$0.00
TOTAL **	\$4,069.86	\$0.00	\$0.00
TOTAL PAYMENT DUE	\$4,069.86	OR	\$4,069.86

* Only applies to Rule 15 Refundable Amounts. Amount shown is less credit for associated Applicant work.

** The Income Tax Component of Contribution (ITCC) is included in the above charges when applicable.

Please sign both copies of the agreement and return one copy of the agreement to the address below along with your payment and retain one copy for your records. If the agreement is not returned to PG&E within 90 days of the date of this letter, the proposed agreement is canceled and PG&E may need to re-estimate the job.

Changes to the agreement, either to any of the terms or to the amount owing, are not permitted, and any change or interlineations voids the agreement. The payment of any amount less than the full amount shown will be deposited by PG&E, but PG&E will not begin any work on this contract until the amount is paid in full. The contract shall be deemed effective the date a fully executed copy is received by PG&E. Please allow 45 days from PG&E's receipt of the Agreement for construction to commence.

PG&E is committed to providing timely and efficient service and we look forward to continuing to work with you on this and future projects.

Should you have any questions regarding these contracts, please contact your project manager Paula M. Forthuber at 707-445-5541 or PMF1@pge.com.

Please send the executed Agreements and payment to:

PG&E CFM/PPC DEPARTMENT
PO BOX 997340
Sacramento, CA 95899-7340

Sincerely,

Andrea Price

Andrea Price

SERVICE PLANNING SUPERVISOR



105427520E

Ref: Contract ID: 1132973: MAIN STREET & VIEW AVENUE, TRINIDAD, 95570



**Pacific Gas and Electric Company
Agreement to Perform
Tariff Schedule Related Work**

DISTRIBUTION:
 APPLICANT (Original)
 DIVISION (Original)
 ACCTG. SVCS.

REFERENCES:
 Notification # 105427520
 Contract # 1132973
 ERR-PM # 30876460
 GRR-PM #

Karen Suiker, A Government Agency (Applicant) has requested PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (PG&E), to perform the tariff schedule related work as located and described in paragraph 3 herein. PG&E agrees to perform the requested work and furnish all necessary labor, equipment, materials and related facilities required therefor, subject to the following conditions:

1. Whenever part or all of the requested work is to be furnished or performed upon property other than that of Applicant, Applicant shall first procure from such owners all necessary rights-of-way and/or permits in a form satisfactory to PG&E and without cost to it.
2. Applicant shall indemnify and hold harmless PG&E, its officers, agents and employees, against all loss, damage, expense and liability resulting from injury to or death of any person, including but not limited to, employees of PG&E, Applicant or any third party, or for the loss, destruction or damage to property, including, but not limited to property of PG&E, Applicant or any third party, arising out of or in any way connected with the performance of this agreement, however caused, except to the extent caused by the active negligence or willful misconduct of PG&E, its officers, agents and employees. Applicant will, on PG&E's request, defend any suit asserting a claim covered by this indemnity. Applicant will pay all costs that may be incurred by PG&E in enforcing this indemnity, including reasonable attorneys' fees.
3. The location and requested work are described as follows: (Describe in detail the materials and facilities to be furnished and/or work to be performed by PG&E. If more space is required, use other side and attach any necessary drawings as Exhibits A, B, C, etc):

LOCATION: MAIN STREET & VIEW AVENUE TRINIDAD, 95570

DESCRIPTION OF WORK: Replace/relocate streetlight at Main Street & View Avenue, Trinidad

		Electric	Gas
Engineering & Administrative Cost		\$884.15	\$0.00
Value of Applicant Design Work	(+)	\$0.00	\$0.00
Additional Applicant Design Plan Checks	(+)	\$0.00	\$0.00
Facilities (Cable, Transformers / Gas Pipe)	(+)	\$1,231.27	\$0.00
Trench, Conduits & Substructures	(+)	\$1,652.97	\$0.00
Tie-In / Meters	(+)	\$0.00	\$0.00
Trench Permits & Land Rights	(+)	\$0.00	\$0.00
Inspection Fees	(+)	\$0.00	\$0.00
Sub Total	(=)	\$3,768.39	\$0.00
plus ITCC @ <u>8.0%</u> Electric <u>0.0%</u> Gas	(+)	\$301.47	\$0.00
plus Non Taxable Work	(+)	\$0.00	\$0.00
D.0405055 Line Extension Costs - Residential	(+)	\$0.00	\$0.00
D.0405055 Line Extension Costs - Non-Residential	(+)	\$0.00	\$0.00
less Value of Relocation Applicant Design Work	(-)	\$0.00	\$0.00
less Work Provide by Applicant	(-)	\$0.00	\$0.00
less Salvage	(-)	\$0.00	\$0.00
Total Payment	(=)	\$4,069.86	\$0.00



105427520E

4. Applicant shall pay to PG&E, promptly upon demand by PG&E, as the complete contract price hereunder, the sum of Four Thousand Sixty-Nine Dollars And Eighty-Six Cents (\$4,069.86)

Upon completion of requested work, ownership shall vest in: PG&E Applicant

Executed this _____ day of _____

Karen Suiker, A Government Agency

PACIFIC GAS & ELECTRIC COMPANY

Applicant

By: _____

By: Andrea Price

Karen Suiker
Print/Type/Name

Andrea Price

Title: City Manager

Title: SERVICE PLANNING SUPERVISOR

Mailing Address: PO Box 390
TRINIDAD, CA 95570



105427520E



CONSENT AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

4. Acceptance of Bid and Project Award from Whitson, Inc. for the Water Treatment Plant Monitoring Upgrade Project.

CONSENT AGENDA

Date: October 12, 2011

Item: Acceptance of Bid and Project Award from Whitson Inc. for the Water Treatment Plant Monitoring Upgrade Project

Background: Sealed bids were solicited for the project to install three turbidimeters, two controller units, one streaming current monitor and one control system to operate the turbidity meters and current flow monitor at the Trinidad Water Treatment Plant. One bid was received and opened on September 16, 2011 from Whitson Inc. in the amount of \$56,602, which is within the initial cost estimate.

This project is funded by the California Department of Public Health and that Department has reviewed and supports award of the project to Whitson Inc. This project was incorporated in the budget adopted by the Council in June 2011.

Proposed Action:

Accept the bid of \$56,602 and award the project to Whitson Inc.



AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

1. Discussion/Decision regarding Draft Water Rate Structure Proposals



MEMORANDUM

TO: Trinidad City Council
FROM: Rebecca Crow, P.E.
DATE: October 6, 2011
RE: Water Rate Analysis Preliminary Results
W&K JOB #: 01063-11004-11005

This memo presents information that is a follow up to the Special Water Rate Meeting held on September 28, 2011. The memo is divided up into the four areas of discussion.

Capital Improvement Plan

The Council requested information on what capital improvements were planned for in the water rate study. A detailed capital improvement plan was not part of Winzler & Kelly's scope of service with the City for the water rate analysis, however basic capital improvements were accounted for in the development of the revenue target for the water rates.

The FY 2011-2012 budget includes approximately \$43,000 dollars for professional services, which is the required match for the \$200,000 grant from California Department of Public Health to complete the design and environmental documents for the improvements needed at the water treatment plant for the water treatment plant. This \$43,000 was kept in the annual system costs to be recovered with rate revenue. In subsequent years, these funds are then apportioned between capital projects and reserves. Approximately \$20,000 would go towards improvements at the water treatment plant to repay loans to replenish reserves if reserves are used to pay project costs, \$20,000 would go toward annual replacement of distribution system pipe, and anything remaining would be added to the system reserve for future larger projects and component replacement.

Under the Capital Improvement Planning discussion, the topic of distribution system water losses came up. Table 1 below shows the City's unaccounted for water losses over the last 4 years. As can be seen the City has reduced water losses by over 15% in the last 4 years, which means the city staff efforts in finding and repairing leaks has resulted in system improvements.

Year	Pumped (MG)	Sold (MG)	Lost (MG)	% Lost
2007	37.3	21.5	15.9	43%
2008	37.0	21.4	15.6	42%
2009	29.1	20.4	8.7	30%
2010	28.3	20.6	7.6	27%



MEMORANDUM

October 6, 2011

Page 2

Budget Breakdown/ Reserves

Attached to this memo is Table 1, a summary of the revenues and expenses over the last 5 fiscal years. For fiscal years 07-08, 08-09, and 09-10, audited financial information was available and for fiscal year 10-11 and 11-12 only budget information was available. At the time this memo was prepared the table was still being reviewed by the City's accounting consultant to assure numbers were taken correctly from the audits and budgets and that costs are being compared on the same basis.

Table 2: City of Trinidad Annual Water Fund Revenues/ Expenditures 2007 - 2011					
	Audit	Audit	Audit	Budget	Budget
	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
REVENUES					
Operating Revenues					
Charges for Service	\$205,820	\$211,370	\$213,558	\$214,600	\$221,000
Connection Fees and other charges		\$13,950	\$5,024	\$9,000	\$9,000
Late Charges	\$8,745	\$5,870	\$4,294	\$4,000	\$7,000
Non operating Revenue	\$38,317	\$18,886	\$16,326	\$30,000	\$20,000
TOTAL REVENUE	\$252,882	\$250,076	\$239,202	\$257,600	\$257,000
EXPENSES					
Operating Expenses					
Salaries and Benefits	\$104,169	\$101,187	\$99,935	\$132,424	\$145,000
Repairs, Maintenance, & Professional services	\$105,677	\$84,155	\$103,993	\$153,276	\$184,100
Depreciation	\$32,500	\$32,375	\$28,097	\$30,000	\$30,000
Non-Operating Expense	\$4,238	\$34,824	\$26,769	\$20,950	\$29,000
TOTAL EXPENSE	\$246,584	\$252,541	\$258,794	\$336,650	\$388,100
BALANCE	\$6,298	-\$2,465	-\$19,592	-\$79,050	-\$131,100



Preferred Scenario

Of the water rate scenarios presented at the City Council meeting on the 28th. The one that seemed to be preferred by all council members included a \$40 base rate, conservation consumption block rate with 10% increases between blocks, a 10% differential between inside and outside city customers, and a 5% annual CPI adjustment. This scenario is summarized in the Table below.

Table 2: Preferred Water Rate Scenario		
10% Block Increases, 10% Out of City, No water in base rate		
	Inside City	Outside City
Base Rate	\$40.00	\$44.00
Consumption (Cubic Feet)	(\$/100 Cubic Feet)	(\$/100 Cubic Feet)
1-100	\$4.97	\$5.47
101-300	\$5.47	\$6.01
301-500	\$6.01	\$6.62
501-1000	\$6.62	\$7.28
1001-5000	\$7.28	\$8.00
5001	\$8.00	\$8.80
Sample Monthly Billing		
Usage (Cf)	Inside City	Outside City
100	\$44.97	\$49.47
300	\$55.90	\$61.49
700	\$81.16	\$89.28
10,000	\$792.28	\$871.51

Continuation of Existing Rate Structure

The question was raised at the City Council Meeting, what if the current rate structure was modified to collect water rate revenue requirement. Two additional scenarios were run to answer this question. The first kept the rate structure as similar as possible to the existing structure only the consumption rate was changed, and the second removed the first 300 cubic feet of water included with the base rate. These scenarios are shown in Tables 3 and 4.



Table 3: Existing Rate Structure with Increased Consumption Charges		
Uniform Rate Blocks, 50% Out of City, 300 cubic feet of water in base rate		
	Inside City	Outside City
Base Rate	\$34.98	\$52.43
Consumption (Cubic Feet)	\$8.75/100 Cubic Feet	\$13.13/100 Cubic Feet)
Sample Monthly Billing		
Usage (Cf)	Inside City	Outside City
100	\$34.98	\$52.43
300	\$34.98	\$52.43
700	\$69.98	\$104.93
10,000	\$883.73	\$1,325.56

Table 4: Existing Rate Structure with Increased Consumption Charges and no water in base rate		
Uniform Rate Blocks, 50% Out of City, No water in base rate		
	Inside City	Outside City
Base Rate	\$34.98	\$52.43
Consumption (Cubic Feet)	\$5.75/100 Cubic Feet	\$8.63/100 Cubic Feet)
Sample Monthly Billing		
Usage (Cf)	Inside City	Outside City
100	\$40.73	\$61.06
300	\$52.23	\$78.32
700	\$75.23	\$112.84
10,000	\$592.73	\$889.54

The memo presented information requested by Council to continue to move forward on changing water rates. Rebecca Crow will be at the October 12, 2011 City council meeting to respond to questions and take input on next steps.

By Email
 c: Karen Suiker, Trinidad City Manager



AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES

2. Discussion/Decision regarding Agreement Between City and Winzler & Kelly for Water System Upgrade Design, Permitting, and Technical, Managerial, and Financial Assessment.

DISCUSSION/ACTION AGENDA

Date: October 12, 2011

Item: Agreement Between the City of Trinidad and Winzler & Kelly for Water System Upgrade Design, Permitting and Technical, Managerial and Financial Assessment

Background: Winzler & Kelly has been working with the City and California Department of Public Health since late 2008 on a funding proposal for the design of a water system upgrade project, and as a result of those efforts, the City has obtained an 80% grant toward the \$193,100 project to prepare the design, permit application and technical, managerial and financial assessment. The attached Agreement provides for Winzler & Kelly to commence such work for an estimated task fee of \$179,600. Funds were included in the budget adopted in June 2011.

Proposed Action: Authorize the City Manager to execute the Agreement

Attachment: Agreement Between City of Trinidad and Winzler & Kelly

**SCOPE OF SERVICES
FOR
CITY OF TRINIDAD**

**WATER SYSTEM UPGRADE
DESIGN, PERMITTING, CEQA/ NEPA, & TMF**

INTRODUCTION

This scope of work is to finalize the design, complete permit applications and environmental documentation, and provide a Technical, Managerial, and Financial (TMF) Assessment for the City of Trinidad Water System Improvement Project. This agreement relates to the prime agreement between the City of Trinidad and Winzler & Kelly dated May 20, 2008. All provisions of the prime agreement apply to this scope unless noted otherwise in this scope.

Winzler & Kelly has been working with the City and California Department of Public Health (CDPH) since fall of 2008 on a funding package to move the Water System Upgrade project from planning to a design package ready to put out to bid. With Winzler & Kelly's assistance, the City has obtained an 80 % grant to complete the planning and design for this project. The scope of services below covers the effort needed to prepare the design, permit application, and the TMF assessment.

SCOPE OF SERVICES

TASK 1: PROJECT MANAGEMENT

Under this Task Winzler & Kelly will manage the project, which entails providing monthly updates to the State and City Council, coordination with the California Department of Public Health (CDPH), and development of information requested by the State as included in this scope to keep the project moving forward. Winzler & Kelly will attend up to eight (8) project status and review meetings to facilitate the work under Task 4 as required to coordinate the final design. The City will be responsible for preparation of regular reimbursement requests to the State, using information provided by Winzler & Kelly.

TASK 2: PRELIMINARY DESIGN AND ENVIRONMENTAL COMPLIANCE REPORT

2.1 Review Existing Information

Winzler & Kelly will review existing information applicable to the City's treatment, storage and distribution system as it pertains to the goals of the water system upgrades. Design and record drawings on file at Winzler & Kelly and the City will be reviewed. Information identified in this review will be used as the basis for developing preliminary designs and aid in determining what further work will be necessary to complete a final bid package (design plans and specifications and probable opinion of cost) and environmental and permitting documents. Tasks 2, 4, and 5 outline the anticipated level of effort to complete the bid package. If it is determined that additional effort will be required, this will be identified in the concept design technical memorandum and appropriate scope and budget amendments will be made to provide any needed additional services.

2.2 Evaluation and Selection of Preferred Treatment System

Based on the results of the June 2008 Preliminary Engineering Report (PER) and March, 2009 Addendum to the PER, several potentially feasible alternatives have been identified to improve treatment and address current violations to the Safe Drinking Water Act for exceedance of filter loading rates, exceedance of disinfection by-product limits, and insufficient chlorine contact time. In 2009, membrane treatment was selected by the City as the preferred improvement alternate in addition to other minor system modifications. Since that time, the City and Winzler & Kelly have conducted additional research on membrane systems and completed a series of polymer tests on the raw water supply. Recent increased success with polymers has lead City staff to want to further explore potentially less complex alternatives that might be implemented to bring the City into full compliance with the Safe Drinking Water Act. Thus, under this task, Winzler & Kelly will conduct an evaluation of an alternative that considers the following elements: new variable frequency drives for the wet well pumps, additional filter units, and new polymer contact pipe. This alternative will be compared to the membrane treatment alternative previously evaluated. The comparison will be presented to City staff and Council so a final preferred alternative can be selected by the City for final design and implementation. Common elements of both systems would be protection of the wet well from the 100-year flood, development of a backwash recovery system, a dedicated feed line, and a chlorine booster pump station. The preliminary design of these items will be conducted under Task 2.3.

Preliminary Design of Treatment System

After the preferred system has been selected, Winzler & Kelly will prepare schematic drawings of system components including configuration and tie-in locations to existing infrastructure based on existing drawings of the City's drinking water treatment plant and surrounding area as outlined below. The preliminary design of the treatment system will include a comparison of different technology options for the preferred alternative and a relative comparison of capital costs, operations and maintenance costs, warranties and customer support, and operational complexity. This will be used to select the final components and configuration for the design.

2.3 Preliminary Design of Supplemental Project Elements

After the preferred treatment system has been selected, Winzler & Kelly will prepare the preliminary design of the supplemental project elements described below.

Preliminary Design of Backwash Water Management

Winzler & Kelly will develop a strategy for handling backwash from the City's preferred treatment system. Strategies will be developed to a level sufficient for developing budget level cost estimates for construction and preliminary design layouts. To complete this task, Winzler & Kelly will:

- Analyze existing influent water quality data to determine design concentrations of contaminants of concern.
- Consider alternative backwash recycle strategies.
- Calculate design chemical use and backwash volumes.
- Complete preliminary hydraulic calculations for backwash treatment system components.
- Identify tie-in point(s) to the existing water system.
- Prepare schematic drawing of system components and configuration.
- Prepare opinion of probable cost.

Preliminary Design of "Direct-Fill" Pipeline

Based on the existing available information as identified in Task 2.1, and with attention to pertinent environmental regulations, Winzler & Kelly will:

- Verify the direct fill line is the best option to satisfy the chlorine contact requirements.
- Establish preliminary pipeline alignment and tie-in point for the direct fill line/ chlorine contact pipe that will connect the water treatment plant to the existing storage facilities.
- Perform baseline hydraulic calculations required for pipe, appurtenance and pumping equipment specification.
- Prepare a schematic drawing of the pipeline alignment.
- Prepare a preliminary estimate of probable cost.

Preliminary Design of Chlorine Booster Station

Based on the existing available information as identified in Task 2.1, and with attention to pertinent environmental regulations, Winzler & Kelly will:

- Establish a preliminary location for the chlorine booster station.
- Compile a booster station infrastructure and equipment list.
- Prepare a schematic drawing of the booster station and its connection to existing water distribution system infrastructure.
- Prepare a preliminary estimate of probable cost.

2.4 Preliminary Environmental and Permitting Document Evaluation

For planning purposes, it is assumed the appropriate CEQA environmental document is a Mitigated Negative Declaration (MND). Under this task Winzler & Kelly will review the CEQA initial study checklist to verify the document type and data needs. This task also includes the preliminary evaluation of Federal environmental cross cutting requirements that need to be met as a condition of federal funding. As part of this task field studies that need to be conducted will be identified, and may include a biological survey and archeological survey. If it is determined that field studies are needed, this will be identified in the concept design technical memorandum and appropriate scope and budget amendments will be made to provide any needed additional services not included in this scope.

The improvement project includes components within Humboldt County's right of way along Westhaven Drive and within the Coastal Zone. Under this task a preliminary permitting evaluation will be completed to identify the permits necessary to complete the selected project and the timeline for obtaining the permits which may affect the final components incorporated into the project. Project permits may include a Humboldt County Encroachment permit, Coastal Development Permit, and potentially permits from the following agencies Army Corps of Engineers, Department of Fish and Game, Regional Water Quality Control Board, State Lands Commission. As part of this scope, options to modify the project design to avoid the need for permits will be considered in Tasks 2.2 and 2.3.

Task 5 outlines the anticipated level of effort to complete the environmental documents. If it is determined that additional effort will be required, this will be identified in the concept design technical memorandum prepared for CDPH project approval, as described in the deliverable for Task 2 below.

Task 2 Deliverable

The deliverable for this task will be a concept design technical memorandum for submission to CDPH for final project approval per the requirement in the City's funding agreement with the CDPH. The technical memorandum will also include a list of applicable permit requirements.

TASK 3: TOPOGRAPHIC SURVEY AND GEOTECHNICAL EVALUATION

Under this task, additional survey data will be collected to supplement existing topographic information, as identified in the concept design technical memorandum. Survey data, including topography, the location of above and below ground utility structures, approximate locations of adjacent property lines and easements will be collected at the water treatment plant site and along the new fill line route.

A geotechnical evaluation will be conducted along the proposed new fill line route and at the water plant. The geotechnical evaluation at the water treatment plant will be used to determine foundation design recommendations as necessary for the proposed modification. Along the transmission route back hoe pits or borings to a maximum depth of 10 feet will be conducted to visually characterize the sub soils. As part of the geotechnical evaluation, USA will be called to mark utilities. A Preliminary Geotechnical Report will be prepared documenting the following:

- Geologic setting
- Surface and Subsurface conditions
- Groundwater conditions
- Potential geologic hazards and ground motions in accordance with section 21.2.1. of ASCE 7 (a site-specific supplemental ground-response report is not included as part of this scope)
- Ground improvements and mitigation measures to minimize the effects of adverse subsurface conditions
- Requirements of proposed fill materials
- Earthwork and grading requirements
- Estimated structural settlements
- Active and passive lateral earth pressures
- Construction shoring and dewatering considerations
- Foundation design recommendations for shallow spread and continuous footings, mat foundations, and concrete slabs on grade

TASK 4: DESIGN

Task 4.1 60% Working Drawings Plans and Specifications and Opinion of Probable Cost

Based on the approved Preliminary Design Report and additional project specific information developed, Winzler & Kelly will prepare 60% working drawings plans and specifications. plans and specifications shall include civil, structural, mechanical, electrical, survey and geotechnical work associated with the project. Surveying and geotechnical investigations (if needed) directly related to the design of improvements will be completed under Task 3.

Winzler & Kelly will prepare an Opinion of Probable Cost based on the 60% Working Drawings identifying quantities, unit costs, and total construction costs. The opinion shall be based on the

draft Bid Schedule and Measurement and Payment sections of the specifications. All labor costs estimated shall be based upon State prevailing wage rates.

Task 4.1 60% Working Drawings Plans and Specifications and Opinion of Probable Cost Deliverables

All drawings shall be prepared in AutoCAD and plotted in 11" x 17" . All specifications shall be CSI format, 8½" x 11" size. Winzler & Kelly shall provide (2) sets of Construction Documents including plans, specifications, cost estimate, and project schedule to the City and one set to the CDPH for review and comment.

Task 4.2 95% Plans and Specifications and Opinion of Probable Cost

Based on the review of the 60% working drawings plans and specifications, Winzler & Kelly will prepare 95% plans and specifications. The 95% plans and specifications will include civil, structural, mechanical, and electrical, work necessary to complete the construction work.

Winzler & Kelly will prepare an updated Opinion of Probable Cost for the 95% plans and specifications identifying quantities, unit costs, and total construction costs. The opinion shall be based on the draft Bid Schedule and Measurement and Payment sections of the specifications. All labor costs estimated shall be based upon State prevailing wage rates.

Task 4.2 95% Plans and Specifications and Opinion of Probable Cost All drawings shall be prepared in AutoCAD, and plotted in 11" x 17" . All specifications shall be CSI format, 8½" x 11" size. Winzler & Kelly shall provide (2) sets of the 95% plans and specifications , cost estimate, and project schedule to the City for review. Winzler & Kelly will provide one (1) set of 11" x 17" drawings to the CDPH for review. Comments will be received and incorporated into the final bid package.

Task 4.3 Final Bid Package

Based on the review of the 95% submittal, Winzler & Kelly will prepare the Final Bid package, which will include the final plans, specifications and opinion of probable cost ready for the City to issue to bidders. The final bid package plans and specifications shall include: the civil, structural, mechanical, and electrical work necessary to complete the construction work.

Final Bid Package Deliverables

All drawings shall be prepared as AutoCAD, and plotted in 11" x 17" . All specifications shall be CSI format, 8½" x 11" size. Winzler & Kelly will provide (3) sets of the Final Bid Package including plans, specifications, and cost estimate.

TASK 5: FINAL PERMITTING AND ENVIRONMENTAL COMPLIANCE

For planning purposes, it is assumed the appropriate CEQA environmental document is a Mitigated Negative Declaration (MND). If it is determined that an Environmental Impact Report is necessary for the project a separate scope and budget to complete that effort would be developed. Under this task, the Draft Initial Study will be prepared and provided to the City for review and comments. City comments will be incorporated into the Initial Study. Next, front end MND text and a cover page will be added to the Initial Study. This package and text for a public notice will be provided to the City for formal public review and CEQA document circulation. Winzler & Kelly will attend up to one public meeting (organized and run by the City) during the

public comment period to answer questions. Based on input received during the public comment period, responses will be prepared for the City's use. This task does not include producing CEQA copies, circulating the document to appropriate agencies, preparing or filing the Notice of Preparation or Notice of Determination, and producing the final resolutions and CEQA findings.

The permit applications for the permits identified under Task 2.4 will be completed as part of this task for City submission to the appropriate agencies with the appropriate fee. For this task it is assumed the following permit application will be completed:

- Humboldt County Encroachment permit
- Coastal Development Permit

Preparation of other permits/ approvals identified in the concept design technical memorandum prepared under Task 2 are not included in this task and would need to be covered under a separate scope. Other permit would relate to project components not investigated in detail previously, such as improvements to the wet well and backwash system. Other agencies which may require permits include Army Corps of Engineers, Department of Fish and Game, Regional Water Quality Control Board, State Lands Commission.

TASK 6: TECHNICAL, MANAGERIAL, & FINANCIAL ASSESSMENT

Under this task, the Winzler & Kelly will complete a Technical, Managerial, and Financial (TMF) Assessment per CDPH requirements for small systems. This assessment, required by CDPH, provides the City with information regarding obligations associated with payback of potential loans from the state. The City will assist in the development of the TMF by providing the following items:

- Budget Projections
- Copy of Water Operators Certificates
- Water System Operations Plan
- Training Program Documentation
- Emergency Response Plan

These items will be combined with data on the City's system ownership, water rights, system description, source assessment, and other required TMF small system information and submitted to CDPH for approval. The completion of the TMF Assessment is a required by CDPH as part of the funding agreement.

GENERAL ASSUMPTIONS/ EXCLUSIONS

The Following are not included in this Scope of Services

- This scope assumes the appropriate environmental document is a mitigated negative declaration. If an EIR is required, additional budget will need to be authorized under a separate agreement.
- This scope assumes no special studies for cultural resources, plants, or endangered species are required.
- This scope assumes the following CEQA tasks will be the responsibility of the City and are excluded from this scope: producing CEQA copies, circulating the CEQA document to appropriate agencies, preparing or filing the Notice of Preparation or Notice of Determination, and producing the final resolutions and CEQA findings.

- A Humboldt County encroachment permit and coastal development permit are the only permits applications to be prepared for City submission under this scope of service.
- City will pay all permit and agency fees
- Other items not specifically included in this scope

SCHEDULE

Tasks 1 and 2 will be completed by June 2012, 12 months from the City's signed contract with CDPH per the City's agreement with CDPH. The remainder of the tasks will be completed by December 2012, 18 months from the City's signed contract with CDPH per the City's agreement with CDPH.

COMPENSATION

Winzler & Kelly will complete this scope of services on a lump sum basis. The fee for this scope is \$179,600. We will work with the City to provide the above defined tasks within the budget available. The total project budget is \$193,100 of which \$13,500 is allocated for City costs. Should additional services be requested or required by third parties (such as agencies, contractors, etc), we will work with the City to resolve the issue by preparing additional scope and fee estimate for approval or to clarify our role to fit within the existing defined tasks and budget. We will not exceed the contract amount without prior written authorization from the City. Invoices will be prepared approximately monthly and are due and payable by the City within 30 days of the date of the invoice. Interest at the rate of 1-1/2% per month will be charged on all outstanding balances. The budget estimate is broken down as follows:

Task	Description	Task Fee
1	Project Management	\$8,500
2	Preliminary Design and Environmental Compliance Report	\$35,100
3	Topographic Survey and Geotechnical Analysis	\$42,000
4	Design	\$64,500
5	Final permitting and Environmental Compliance	\$27,000
6	Technical, Managerial, and Financial Assessment	\$2,500
	TOTAL	\$179,600*

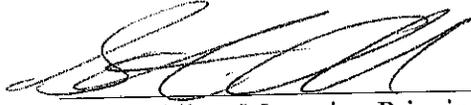
*Total Fee could increase should additional services be requested by client. Additional services will not be performed unless agreed to in writing prior to the work being performed.

AGREED

City of Trinidad

Winzler & Kelly

_____, Date

 9/26/11
 Steven Allen, Managing Principal, Date

Trinidad Accounting Tracking Number



AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 16 PAGES

3. Discussion/Decision regarding Agreement Between City and Winzler & Kelly for Assistance with Trinidad Head ASBS Stormwater Management Improvement Project.

DISCUSSION/ACTION AGENDA

Date: October 12, 2011

Item: Agreement Between the City of Trinidad and Winzler & Kelly for Assistance with the Trinidad Head Areas of Special Biological Significance Stormwater Management Improvement Project

Background: In 2009, Trinidad was approved for a State Proposition 84 grant for \$2,500,000 for major design and construction of improvements to the stormwater drainage system. The Council adopted a resolution in August 2010 authorizing the City Manager to enter into a financial assistance agreement with the State Water Board to begin planning for this project. The attached Agreement provides for Winzler & Kelly to commence such work on the Trinidad Head Areas of Special Biological Significance Stormwater Management Improvement Project that will be funded by the Proposition 84 Grant Program. The purpose of this improvement project is to implement enhancements to the existing stormwater system to capture and treat stormwater runoff from most rainfall events. Much of the runoff from the city currently discharges to the Trinidad Head Area of Special Biological Significance.

Proposed Action:

- (1) Authorize the City Manager to execute the Agreement
- (2) Adopt the following corresponding budget in Fund 513 – ASBS Stormwater Project

Revenue: Grant Income \$880,900

Expenditure: Contracted Services \$880,900

Attachment: Agreement Between City of Trinidad and Winzler & Kelly

Agreement Between
The City of Trinidad
And
Winzler & Kelly
For

DRAFT
9-26-2011

Assistance with the Trinidad Head Areas of Special Biological Significance (ASBS)
Stormwater Management Improvement Project

INTRODUCTION

This agreement is between the City of Trinidad and Winzler & Kelly to provide assistance with the Trinidad Head Areas of Special Biological Significance (ASBS) Stormwater Management Improvement Project being funded by a grant from the State Water Resources Control Board (SWRCB), Proposition 84 ASBS Grant Program. This agreement is based on a prime agreement between the City of Trinidad and Winzler & Kelly dated May 20, 2008. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

The purpose of this stormwater management improvement project is to implement enhancements to the existing stormwater system to capture and treat stormwater runoff from most rainfall events. Much of the runoff from the City currently discharges to the Trinidad Head Area of Special Biological Significance (ASBS).

The proposed project encompasses two areas of the City, defined as the upper and lower area. This scope of work is to complete the concept development, geotechnical work, and groundwater modeling for both the upper and lower areas to serve as the basis of design for the project, as described in the grant agreement between the City and the SWRCB. Although the final design and construction will only be completed for the upper area, the lower area must be included in the concept development as the upper and lower areas are hydrologically connected and it is important to have the concept for the entire project worked out before commencing with design and construction on the upper area. The concept development of the entire project will also serve as the basis for the CEQA document. The upper area was chosen as the priority for the final design and implementation, because improvements to the lower area cannot be effective without the upper area improvements due to limitations in the capacity to manage the entire volume of stormwater collected.

The scope of service is broken up into several tasks described below. These tasks align with those included in the City's grant Agreement with the SWRCB.

SCOPE OF WORK

PLANNING/DESIGN/ENGINEERING/ENVIRONMENTAL DOCUMENTATION

Task 1: Preparation of CEQA Document

Under this task an environmental document meeting the requirements of the California Environmental Quality Act will be prepared. It is anticipated that the City of Trinidad will be the Lead Agency. Collection of site data necessary to perform the analysis will be coordinated with the site hydrogeologic data review and collection under Task B5. An Initial Study will be prepared per CEQA Guidelines Section 15063. It is anticipated that the appropriate document

will be a Mitigated Negative Declaration (MND) per CEQA Guidelines Article 6 (Sections 15070 through 15075) and using an Initial Study as the basis.

To proceed with an MND, a Notice of Intent to adopt the proposed MND and Notice of Availability will be circulated. The City will then consider for adoption the Proposed Negative Declaration per CEQA Guidelines Section 15074. If approved, a Mitigation Reporting and Monitoring Program per CEQA Guidelines 15097 will be prepared, and a Notice of Determination would be filed with Humboldt County and the State Clearinghouse. If the appropriate environmental document were determined to be a full Environmental Impact Report (EIR), additional steps required as part of the EIR process would be added to this task, which would necessitate an increase the line item budget allocation for this task and will change the overall project timeline.

The City will oversee the preparation of an Initial Study (IS) using the most current version of the IS checklist (provided by the Governor's Office of Planning and Research). A cultural resources investigation will be conducted and the report recommendations used in the IS.

Research items are described in the following approach for the CEQA checklist categories, to be included in the IS/Mitigated Negative Declaration (MND):

- *Aesthetics* – The existing visual setting of the project site will be described. Visual elements of the proposed project components will be analyzed. *It is assumed that visual simulations will not be required.*
- *Air Quality* – Potential air quality impacts associated with the project may include emissions from construction vehicles and equipment. A qualitative discussion of impacts and avoidance measures will be included, as necessary.
- *Biological Resources* – Detail the Biological Resource Surveys to be conducted. Potential biological resource impacts will be discussed and, if appropriate, mitigation measures will be identified. It is anticipated that no biological resources will be impacted by the project, including, but not limited to: Wetlands, Environmentally Sensitive Habitat Areas, Special-Status plant or animal species and their habitats, or other aquatic habitats.
- *Cultural Resources* – Detail the Cultural Resource Surveys to be conducted. The IS will discuss the findings and recommendations of the Cultural Resources Survey. Potential cultural resource impacts will be discussed, if appropriate, mitigation measures will be identified.
- *Geology/Soils* – Geologic and soil impacts will be analyzed. *The geotechnical report conducted as part of the Task 5 will be utilized and recommendations used in the IS.*
- *Hazards and Hazardous Materials* – A qualitative description of potential hazards and hazardous materials impacts will be provided. The City will conduct a database search through Environmental Data Resources, Inc. (EDR) and will access the California Department of Toxics Substances Control (DTSC) Cortese List to assess the proximity of known contaminated sites to the work sites. *It is assumed a Phase I ESA will not be required.*

- *Hydrology/Water Quality* – Potential impacts of the project on water quality and hydrology will be identified. *The data gathered as part of Task 6 will be utilized for this section; however it is assumed additional detailed hydrologic studies will not be required.*
- *Noise* – The existing noise environment at the project sites will be described and nearby sensitive receptors identified. *It is assumed that a detailed noise study will not be required.*
- *Public Services and Utility Systems* – Existing public services and utilities in the vicinity of the project sites will be described based on available City data and mapping.
- *Transportation/Circulation* – Basic analysis of construction traffic impacts will be discussed. *It is assumed a traffic study will not be required.*

It is anticipated that up to three figures will be created for use in the Initial Study. The City will review the Mitigation and Monitoring Plan, CEQA findings and the Notice of Completion. Winzler & Kelly will prepare the CEQA mailing list with input from the City, produce copies of the documents, and circulate the CEQA document. Winzler & Kelly will pay up to \$2,000 in CEQA/ Department of Fish and Game filing fees. Any fees beyond that amount are the responsibility of the City. Winzler & Kelly will prepare and file with the County the project Notice of Determination.

Biological Resources Survey

Winzler & Kelly will review the results of the California Department of Fish and Game's Natural Diversity Database (CNDDDB), the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants, and species lists provided by the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) for the project areas. A site evaluation will be conducted for any sensitive species and habitats which may occur in the project area. The Biological Resources Survey will focus on Threatened, Endangered, and other special-status sensitive plant and animal species and sensitive habitats.

Sensitive Plant and Animal Species Field Survey

A seasonally appropriate sensitive botanical/animal survey will be conducted. The recognized flowering season for most local flowering species is May to July. The species inventory will be conducted by walking the site and recording all rare plant and animal species observed.

Biological Resources Survey Report

A Biological Resources Survey Report will be prepared that will include the following:

- Summary of potential sensitive species that may occur within and adjacent to the project sites based on a review of available information.
- Discussion of the findings of the field survey.

Cultural Resources Survey

A cultural resources investigation will be conducted for the proposed project. The objective of the cultural resources investigation is to identify known or unknown cultural resources located within the project area.

The California Environmental Quality Act (CEQA), as part of the environmental review process, requires that project proponents implement procedures to inventory cultural resources and to assess potential impacts on these resources located within projects footprint. Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800) requires that, prior to an undertaking; federal agencies or projects permitted by federal agencies must take into account the effects of the undertaking on historic properties within the projects APE (i.e. National Register of Historic Places [NRHP] listed or eligible) and afford the Advisory Council on Historic Preservation (ACHP) and other interested parties a reasonable opportunity to comment on how these effects have been considered.

This cultural resources investigation will be designed to satisfy environmental requirements specified in CEQA and its guidelines (Title 14 CCR 15064.5) and Section 106 of NHPA by: (1) identifying and recording significant cultural resources within the project area (2) offering a preliminary significance evaluation of the identified cultural resources in accordance with a Phase I investigation, (3) assessing the potential impacts to cultural resources resulting from the implementation of proposed project activities, and (4) offering recommendations designed to protect resource integrity, as warranted.

Prefield research will include conducting background and archival research at local libraries, historical societies, and any other repositories that might contain information about the project area (s). A formal records check of the entire project area with a 0.25 mile radius will be conducted at the North Coastal Information Center of the California Historical Resources Information System. Consultations will be conducted with the Native American Heritage Commission and local Native American tribes throughout the duration of the survey.

Field investigations will consist of an intensive pedestrian reconnaissance (10 meter transects) of the project area. In locations with heavy vegetation, a trowel or shovel will be used to scrape down to mineral soils to allow for inspection. All previously recorded and newly identified historic period or prehistoric cultural resources will be recorded on standard DPR 523 series archaeological site records to a standard consistent with the Department of the Interior guidelines for recording historic resources. This is a Phase I - Archaeological Investigation; no collecting and no intensive excavation to exceed ten centimeters below ground surface will be conducted. A complete Cultural Resources Survey Report detailing the regional prehistoric synthesis, ethnographic background, historic background, Native American consultation, study findings, and recommendations will be prepared. A set of maps will be provided, showing the cultural resource survey area, ethnographic sites, archaeological site locations, and historic maps.

Deliverables

- Biological Resources Survey Report
- Cultural Resources Survey Report
- Mitigated Negative Declaration, Draft and Final
- Response to Public Comments on MND
- Notice of Determination

Assumptions

- The City of Trinidad will be the CEQA Lead Agency.
- If the appropriate environmental document were determined to be a full Environmental Impact Report (EIR), additional steps required as part of the EIR process would be added to this task, which would necessitate an increase the line item budget allocation for this task and will change the overall project timeline.
- Winzler & Kelly will pay up to \$2,000 in CEQA/ Department of Fish and Game filing fees. Any fees beyond that amount are the responsibility of the City.
- See additional assumption above in text

Task 2: Other Permits/ Approvals

Under this task, other permits necessary for the project will be prepared and submitted to the appropriate agency. No work is proposed to proceed until all required permits have been secured. The project is anticipated to need a Coastal Development Permit. The City of Trinidad has an approved Local Coastal Program and would likely be the lead agency. Some project areas may fall within the Coastal Commission Appeals Jurisdiction.

City of Trinidad Coastal Development Permit (CDP) Application

Winzler & Kelly will gather and review relevant background information related to the project for inclusion in the City Coastal Development Permit (CDP) application. The City will coordinate with stakeholders early in the process to discuss the project description and potential impacts to coastal resources and mitigation strategies, project approval requirements, and processing time frames. A draft CDP application will be prepared and reviewed by staff and stakeholders. A final CDP application will then be prepared and processed through the City planner.

Deliverables

- Coastal Development Permit Application for areas within City Limits only.

Assumptions

- All required information for the CDP application is readily available and complete.
- The CDP application will be approved and will not result in an appeal to the Coastal Commission.
- Payment of CDP Permit fees are excluded from this task.
- Project footprint will be out of primary jurisdiction of the Coastal Commission.
- No wetlands are anticipated to be impacted thus no Corps of Engineers 404 Permit, no RWQCB 401 permit and no Fish & Game 1600 permit.
- This scope does not include Wetlands Mitigation and Monitoring Plan, a Biological Assessment, a formal Wetland Delineation or an Alternatives Analysis.

Task 3: Topographic Survey and Aerial Photography

Under this task a topographic survey of the project area will be completed. The survey data will be collected photogrammetrically at a minimum photo scale of 1 inch equals 300 feet. Control points will be pre-marked in the field. The site will be mapped at a minimum scale of 1 inch equals 40 feet with 1 foot contours. Mapping will include relevant surface feature collection and digital terrain modeling using mass point spot elevations and terrain break lines. A high resolution color orthophoto will be developed. The survey and photos will be tied to the

California Coordinate System NAD 83 NAVD 88. The results of this task will be photos to provide backgrounds as well as topographic mapping in AutoCAD format that can be used for analysis and design of the drainage improvements.

Deliverables

- CD of aerial survey and topographic data

Task 4: Easements and Rights of Way Analysis

An analysis of existing property locations and City rights of way will be completed to determine how proposed improvements relate to actual property lines and easements. This task will document existing City property and easements where project improvements are located to be shown on the project base map. All improvements will be developed and constructed within existing City property and public easements.

Deliverables

- Right of way information adjacent to project improvements incorporated into project plans

Assumptions

- Separate legal services not included in this task may be needed by the City for property research and preparation of easements.

Task 5: Geotechnical Evaluation

Under this task, information needed for completion of the CEQA document and for the evaluation of subsurface geologic and water quality conditions will be compiled.

The objective of the geotechnical evaluation is to determine existing groundwater flow patterns and physical properties of the aquifer to understand where subsurface conditions exist to effectively treat stormwater without negatively affecting the functioning of the numerous existing on-site wastewater treatment systems (OWTS/septic systems).

The first step of the geotechnical evaluation is to compile and evaluate existing data and maps. A series of existing data sources will be researched including DWR records of existing wells, County records for septic design, USDA-NRCS Soil Survey Maps, USGS maps of topography and geology, Humboldt State University studies, past/ongoing runoff water monitoring, and past/ongoing hazardous waste investigation/remediation sites (UST sites), and other sources.

A geophysical analysis will be completed, focusing on profiling subsurface geology in specific key locations to determine depth to groundwater, soil, types and the presence of bedrock. The surface geophysical analysis will be confirmed by soil borings, some of which will be converted to monitoring wells. The installation of monitoring wells will be coordinated with OWTS work in the City to leverage information between both projects.

The geophysical investigation is needed to gain a better understanding of the subsurface conditions to be used for design and operation of stormwater infiltration BMPs. Parameters that will have a direct impact on the design of the infiltration of stormwater include: groundwater flow regime, topography, aquifer thickness, soil type, unsaturated soil thickness, existing

groundwater mounding, bacteria loading, permeability, inter-bedding of marine terrace materials and the presence of bedrock.

Services

- Compile and evaluate existing data and maps regarding geologic conditions, utilizing publicly available documentation in addition to private documentation held by the City (if any). Also review City information and maps on existing septic system locations and septic loading
- Map significant creeks, groundwater seeps and springs in the project area
- Determine locations for geophysical transects
- Contract with a geophysical consultant to perform up to eight north/south oriented geophysical transects (approximately one transect per 250 linear feet of the project area)
- Identify locations for soil borings and complete field work based on results of existing data and map evaluation. Up to 20 soil borings to be installed. Soil samples will be collected at approximately 10 foot intervals within the soil borings and select soil samples to be tested for physical parameters. Soil borings will be electronically logged using downhole geophysics equipment.
- Evaluate soil borings completed and select up to eight to be converted to groundwater monitoring wells, to be used for measuring groundwater elevation and water quality sampling. The elevation of the top of casing will be surveyed.
- Collect depth to groundwater measurements in the monitoring wells using data logging piezometers. Piezometers will be set up upon well installation and monitored through June 2012.

Deliverables

- Geophysical report summarizing the results of the geotechnical and geophysical investigations, one hard copy and one electronic copy on disc to be delivered to the City and the NCRWQCB

Assumptions

- Groundwater monitoring wells to be constructed with a maximum of 20-feet of slotted screen
- Investigation activities to occur on City property and public land, however, if appropriate, investigation activities may occur on private land with owner permission
- Chemical testing of soil and groundwater for hazardous substances will not be required

Task 6: Infiltration Analysis and Concept Design Development

The overall goal is to infiltrate as much storm water as practicable and economically feasible to reduce discharge to the ASBS. The strategy is to infiltrate stormwater and take advantage of treatment through soil in the unsaturated zone and uptake by vegetation. In Trinidad, a highly irregular bedrock surface with a non-uniform cap of sandy terrace deposits results in a highly variable distribution of unsaturated soil thickness, aquifer thickness, and groundwater flow directions. Thus, stormwater infiltration will only be appropriate in some area where it will not negatively impact the functioning of numerous existing OWTS or bluff stability. Therefore the predesign and infiltration analysis will focus on configuring the infiltration areas where the conditions are most appropriate.

The information collected as part of the survey discussed in Task B3 and geotechnical evaluation discussed in task B5 will be used to develop a groundwater flow and transport model. This model will first be developed based on existing pre-infiltration conditions. The results will be used to identify areas where additional infiltration could be feasible. Further modeling of these areas will be used to determine the amount and rates of stormwater infiltration capacity that could be available throughout the study area. The model will focus on areas where disposal of stormwater runoff is most feasible and to simulate the effects of proposed stormwater disposal by infiltration. This analysis will be completed for both the upper and lower areas, because an overall analysis is necessary to support the overall project concept design and final design of the upper area.

Model Selection

The groundwater modeling will be performed using MODFLOW-SURFACT. The model combines hydrologic water quality subsurface flow and transport with GIS capabilities. MODFLOW-SURFACT was specifically designed to simulate stormwater infiltration basins and other applications where there are interactions between surface and groundwater systems. The computer modeling produce results and graphics showing direction and velocity of the groundwater under the influence of stormwater infiltration. These types of results are instrumental in providing guidance in the design and placement of the standalone Low Impact Development (LID) techniques placed through the drainage area, the Inter-network Best Management Practice (BMP)/LID that connect the drainage system, and the Collection Terminus BMP/ LIDs that infiltrate the remaining stormwater at each collection terminus.

Site Conceptual Model

The first step in the modeling process is to assemble the information necessary to simulate groundwater flow. The collection of data is referred to as the site conceptual model and is a database of geographically located information. The site conceptual model may be depicted as a series of figures showing the subsurface geologic formations and hydrogeologic parameters.

Groundwater Model Construction and Calibration

The information is collected as part of the geotechnical evaluation discussed above and will be input into a groundwater flow and transport model. The model will focus on areas where disposal of stormwater runoff is most feasible and to simulate the effects of proposed stormwater disposal by infiltration. The model construction involves inputting the physical locations of the geologic layers, hydrogeologic parameters (hydraulic conductivity, storage, leakance, dispersivity, recharge, and porosity) boundary conditions, initial conditions (initial groundwater elevations), and loading (rainfall and existing OWTS) and stresses (gaining streams and seeps/springs).

Once the groundwater model is assembled it will be calibrated by adjusting model parameters until model output reasonably corresponds to observed conditions. This will be done by utilizing the monitoring wells described in Task B5, the geotechnical evaluation described in Task B5, and actual rainfall events that occur during the monitoring period.

Groundwater Model Summary Technical Memorandum

The results of the modeling and alternative analysis task will be summarized in a Technical Memorandum. This task entails summarizing the groundwater model development, hydrogeologic parameters, calibration, and simulation scenarios used in the stormwater

infiltration design process. The Technical Memorandum will present base conditions and groundwater flows for the various design alternatives. Results will be presented in graphical and tabular formats.

Stormwater Infiltration Concept Design Development

The calibrated model will be used to help develop concept designs by creating various modeled scenarios. The stormwater infiltration areas will be simulated as surface loading to the calibrated groundwater model for the various scenarios. Model results will be generated in the form of plan view maps depicting modeled groundwater elevations. Groundwater flow through boundaries will be presented in tabular form. This is an iterative process involving interaction between modeling and design efforts and assumes a maximum of four stormwater infiltration scenarios.

The concept development and preliminary design will be prepared based on completing preliminary layouts and earthwork calculations, and preliminary design details for the proposed drainage improvements and new retention/ infiltration structures in the upper and lower areas of the watershed. Plans will be prepared using AutoCAD on half size 11" x 17" plan sheets to simplify generation of half size drawings. New retention/ infiltration structures are anticipated to include underground storage and infiltration units, bioswales, bioretention facilities, rain gardens, grassy swales, and similar gravity based low technology facilities, in addition to new drainage inlets and piping to redirect flow. New facilities will be designed with a minimum life expectancy of 20 years. The concept development and preliminary design package and opinion of probable construction costs will be submitted to the City and the Regional Water Quality Control Board for review and comment.

Deliverables

- A Technical Memorandum summarizing the results of the groundwater modeling and providing design parameters and recommendations to be utilized in Task B7, the Project Design. The Technical Memo will also include:
 - Graphical and tabular model outputs
 - Groundwater model input/output files
 - An electronic copy of the conceptual model database
 - A description of the site conceptual model
- Preliminary Design (Upper and Lower Areas):
 - Three (3) half-size (11"x17") sets of drawings
 - Three (3) copies of the opinion of probable construction costs

Task 7: Project Design

As discussed in the introduction, the overall project encompasses two areas of the City, defined as the upper and lower area. The strategy is to complete a concept development and preliminary design of improvements in both the upper and lower areas in Task B6, and then to complete the final design for the upper area only under this task followed by construction of the upper area improvements. It is necessary to complete the concept development and preliminary design of the lower area because it is hydrologically related to the upper area and the analysis of the lower area must be completed to support the final design of the upper area.

The implementation of improvements in the upper portion of the City of Trinidad watershed will reduce the total volume of stormwater flow reaching the City's primary drainage outlet at the

ASBS. The final design and construction of the lower area improvements would be completed at a later time and is not part of this scope or project.

The information gained as part of the site survey, geotechnical evaluation, and pre-design infiltration analysis will be used to develop the project design. An opinion of probable cost will be developed at the concept development and preliminary design stage and it will be refined for the upper portion for the more detailed design.

The design process will focus on treatment and infiltration using various BMP/LID techniques appropriate to the area. The standalone LIDs and Inter-network BMP/LIDs will treat and infiltrate stormwater near its source rather than collecting it in street gutters and storm drains. The amount of stormwater flows remaining near the southern edge of the project area will be diverted in a drainage inlet and piped back to the north to the Upper Collection Terminus BMP/LID which will be designed to handle remaining flows as geologic conditions and grant funding allow.

The upper area plans, specifications, and opinion of probable cost will be prepared for submittals at the 60%, 90%, and 100% design stages. Based on input from the project reviews and quality control review, the project plans, specifications, and contract documents will be finalized for public bidding.

The 60%, 90% and 100% design plans of the upper area will contain the following sheets at a minimum:

- 1) Cover sheet
- 2) Abbreviations and Legend Sheet
- 3) Demolition Sheet(s)
- 4) Site Plan Sheet(s)
- 5) Profile Sheet(s) of new storm drain
- 6) Detail Sheet(s)
- 7) Erosion and Sediment Control Sheet(s)
- 8) Revegetation Sheet(s)

Deliverables

- 60% Submittal (Upper Area Only):
 - Three (3) half-size (11"x17") sets of 60% drawings
 - Three (3) copies of the 60% technical specifications
 - Three (3) copies of the 60% opinion of probable construction costs
- 90% Submittal (Upper Area Only):
 - Three (3) half-size (11"x17") sets of 90% Plans
 - Three (3) copies of the 90% Technical Specifications
 - Three (3) copies of the 90% opinion of probable construction costs
 - Bid Documents
- 100% Final Submittal (Upper Area Only):
 - One (1) signed and stamped reproducible set of full-size (22"x34") drawings
 - One (1) reproducible set of half-size (11"x17") drawings
 - One (1) signed and stamped camera-ready technical specifications
 - One (1) copy of the opinion of probable construction cost

- One (1) CD containing electronic copies of all final bid documents in PDF format

Assumptions

- All review comments on each submittal of draft plans, specifications and opinion of probable construction cost to be compiled into one set of review comments by lead reviewer.

CONSTRUCTION/IMPLEMENTATION

Task 8: Bid Period Services

Once final plans and specifications are complete and approved, the project enters the bid phase. During the bid phase the project will be publically advertised, Builder's Exchanges notified, plans and specifications will be reproduced and distributed, pre-bid meetings and job site walks will be conducted, contractor questions during bidding will be addressed, and bid results will be evaluated. The responsive and responsible contractor with the lowest apparent bid will be recommended to City Council to be awarded the project. The final contract will be prepared and contractor's bonds will be obtained as well as a copy of the contractor insurance certificate. Once all required contract items are in place, the Notice to Proceed will be issued.

Services

- Present bid package to City Council and obtain Council's approval to issue the project for public bid
- Prepare copies of the bid package which details the requirements for public bidders
- Publically advertise the solicitation for bids for the construction portion of the project, with City to cover advertising costs
- Schedule and attend one pre-bid meeting combined with one pre-bid job walk
- Public opening of bids received
- Compile list of bidders and bid results
- Review bids and determine if bidders were responsive to bid requirements
- Verify responsive bidders are licensed
- Submit recommendations for apparent low bidder to City Council, and obtain Council's approval for contract award
- Prepare contract documents and enter into contract with selected bidder

Deliverables

- Compilation of public advertisements, one electronic copy on disc to both the City and the NCRWQCB
- Compilation of bidders information, including determination of responsiveness and qualifications, and recommendations for winning bid, one electronic copy on disc to both the City and the NCRWQCB

Task 9: Construction Management

Construction observers and construction managers will be used to periodically monitor the construction activities in the field and to provide project administration and management support. An engineering construction observer will be on site during significant construction activities during the project. The construction observer will be supported by office staff for submittal review, project management, and record keeping. Records of construction activities

documented during construction observation and significant written communications with the contractor will be maintained in project files. The project schedule, materials supply list, contractor payment requests, contractor log submittals, and payroll and manpower utilization reports will be reviewed and updated periodically. During the review process the construction observer will prepare recommended change orders and maintain accounts of commitments, expenditures, and forecasts of cash flows, and costs to complete. Once the project is complete and participating agencies have signed off, a notice of completion will be recorded with the Humboldt County Clerk.

Services

- Observation of the construction work will occur on a periodic basis during significant construction activities for the duration of the construction phase

Deliverables

- Progress reports
- Pay requests and change orders

Assumptions

- Consultant's licensed engineer(s) will review and respond to contractor submittals within the time frame specified in the bid documents.
- CM personnel have the City's authority to stop contractor's work if significant deviation from the plans and/or specifications are observed, or if serious health and safety concerns are observed.
- CM personnel provided by consultant are observers only, not inspectors. If special inspections and/or approvals are required during construction of the work, qualified personnel, subcontractors or manufacturer's representatives will be utilized.
- Contractor will keep detailed red-line mark up work completed for incorporation into record drawings.
- CM personnel are not responsible for contractor health and safety or security at the construction site.
- CM personnel are not responsible for contractor means and methods.
- The City will contract separately for Labor compliance services required for the grant.

Task 10: Construction Stormwater Monitoring

As part of the project a Stormwater Pollution Prevention Plan (SWPPP) will be prepared. This plan will outline how construction stormwater monitoring should be implemented. Recommended monitoring and analysis will be consistent with the monitoring plan and quality assurance project plan developed for the project by others. Construction activities will occur during summer months only, so the opportunities for sampling stormwater runoff are expected to be infrequent to non-existent. Required monitoring and maintenance of construction BMPs will be performed by the contractor.

A single SWPPP will be prepared for the entire project site. A Notice of Intent (NOI) will also be prepared. The SWPPP will be prepared based on the State of California's General Permit for Construction Activities requirements, which includes performing a Risk Assessment, data entry into the SMARTS database, preparation of the Rain Event Action Plan (REAP) if required, identifying and evaluating sources of pollutants associated with construction activities that may

affect the quality of stormwater discharges from the project site, and identifying site-specific best management practices (BMPs) necessary to reduce pollutants associated with stormwater discharges. The SWPPP will also outline the inspections, sampling and reporting requirements outlined in the General Permit.

A Notice of Intent (NOI) will be submitted electronically through the SMARTS database. The NOI will be updated throughout the construction process and when the construction contractor is selected, they will be added to the NOI/SMARTS database.

The implementation of the SWPPP and required inspections or collection of stormwater samples will be the responsibility of the selected construction contractor and will be part of Task C2.

Deliverables

- Notice of Intent
- Storm Water Pollution Prevention Plan
- Monitoring Data and forms, submitted via SMARTS database

Assumptions

- Contractor will be responsible for SWPPP implementation
- City will pay any required fees

Task 11: Construction Project Close Out

During the close out phase, the observer will establish that all work is substantially complete and prepare a list of any unfinished work. Operations testing will be performed on the facilities. Copies of the record drawings and any other accumulated records and reports will be turned over to the City. Once the project is complete and participating agencies have signed off, a notice of completion will be recorded with the Humboldt County Clerk as detailed under Task 8, and recommendations concerning final payments to contractors and the release of retained percentages will be prepared.

Services

- Determination of substantial completion of work via site review and preparation of punch list for items to be completed before project completion
- Operations testing to be performed by contractor and observed by CM and City representative
- Verify submittal of notice of completion
- Compile records, reports and associated CM materials

Deliverables

- Notice of completion submitted to Humboldt County clerk
- Record Drawings will be submitted to the City within 90 calendar days after completion of the construction phase
- Inspection results and operations testing results will be submitted to the City within 30 calendar days of substantial completion

Assumptions

- Contractor will provide notification of substantial completion

- Contractor to arrange and/or perform operations testing
- The Contractor will be responsible for compiling operations and maintenance manuals on all the equipment installed

ENVIRONMENTAL COMPLIANCE/MITIGATION/ENHANCEMENT

Task 12: Mitigation Monitoring

While the CEQA document for this project has not been completed, several mitigation monitoring activities are anticipated to be identified in the CEQA document. In particular, this task includes onsite archeological monitoring for cultural resource detection during construction excavation in certain areas. The areas to be monitored will be identified in the CEQA document, and will be based on an archeological evaluation and discussions with local Indian tribes.

Exclusions

This scope of services is based on the tasks described above which are anticipated for the project. The City may need additional services during the process of the project due to increased regulatory issues, unusual resident interest, project redesign or rebidding, or the characteristics of the contractor. Items not included in this scope include the following:

- Attorney assistance with rights of way and easements
- Project rebidding
- Project redesign
- Construction materials testing
- Warranty assistance
- Funding coordination or reimbursement requests
- Other services not specifically included in the tasks above

These additional services may or may not be required and if required can be provided on a time and materials as needed basis.

Project Budget

Winzler & Kelly will complete this scope of services on a lump sum basis. We will work with the City to provide the above defined tasks within the budget available. Should additional services be requested or required by third parties (such as agencies, contractors, etc), we will work with the City to resolve the issue by preparing additional scope and fee estimate for approval or to clarify our role to fit within the existing defined tasks and budget. We will not exceed the contract amount without prior written authorization from the City. Invoices will be prepared approximately monthly and are due and payable by the City within 30 days of the date of the invoice. Interest at the rate of 1-1/2% per month will be charged on all outstanding balances. The budget estimate is broken down as follows:

	Winzler & Kelly	Sub-Consultants	Total Project Fee
Task 1 Preparation of CEQA Document	\$41,500	\$6,500	\$48,000
Task 2 Other Permits/ Approvals	\$24,000	\$0	\$24,000
Task 3 Survey	\$2,300	\$17,700	\$20,000
Task 4 Easements and Right of Way Analysis	\$27,700	\$7,500	\$35,200
Task 5 Geotechnical Evaluation	\$6,000	\$363,000	\$369,000
Task 6 Pre-Design and Infiltration Analysis	\$122,400	\$0	\$122,400
Task 7 Project Design	\$135,300	\$0	\$135,300
Task 8 Bid Period Services	\$6,000	\$0	\$6,000
Task 9 Construction Management	\$88,500	\$0	\$88,500
Task 10 Construction Monitoring	\$18,000	\$0	\$18,000
Task 11 Construction Project Closeout	\$13,000	\$0	\$13,000
Task 12 Mitigation/ Archeological Monitoring	\$1,500	\$0	\$1,500
	\$486,200	\$394,700	\$880,900*

*Total Fee could increase should additional services be requested by client. Additional services will not be performed unless agreed to in writing prior to the work being performed.

Agreed

 Karen Suiker
 Trinidad City Manager

 Date Steve Allen
 Winzler & Kelly

9/26/11
 Date

 City of Trinidad Accounting Tracking Number



AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

4. Discussion/Decision regarding Draft Ordinance 2011-03; State Video Service Franchises.

STAFF REPORT

City Council Agenda

City Council Meeting of October 12, 2011

To: The Honorable Mayor and Members of the City Council

From: Sarah Hauck, City Attorney

Date: October 12, 2011

Re: Ordinance No. 2011-03, for Introduction: Adding Chapter 5.12 (State Video Service Franchises) to Title 5 (Business Taxes, Licenses and Regulations) of the Trinidad Municipal Code, to Implement Provisions of the Digital Infrastructure and Video Competition Act of 2006 (California Public Utilities Code Section 5800 et. Seq.)

RECOMMENDATION:

It is recommended that the Council introduce Ordinance No. 2011-03 adding Chapter 5.12 (State Video Service Franchises) to Title 5 (Business Taxes, Licenses and Regulations) of the Trinidad Municipal Code, to Implement the Provisions of the Digital Infrastructure and Video Competition Act of 2006 (California Public Utilities Code Section 5800 et seq.), waive reading of the text and consent to read by title only.

INTRODUCTION:

Adoption of the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA") by the State Legislature eliminated the ability of local agencies to franchise cable service providers and replaced it with a statewide franchising system through the California Public Utilities Commission. The City's existing franchise with Suddenlink Communications was grandfathered in until its expiration on October 9, 2011. Ordinance 2011-03 implements the DIVCA to allow for implementation of a State level franchise.

DISCUSSION:

The City has had a section of its municipal code, Chapter 5.12, on the books since 1981 that governs how cable service providers supply services in Trinidad. Up until 2006 the City was the sole local franchising authority for those companies wishing to provide cable services using City rights-of-way. With the passage of AB 2987 and the signing of DIVCA into law in September 2006, cable/video service providers can now obtain a franchise to provide video services in a local jurisdiction from the State of California.

On September 29, 2006, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) was enacted, which allows video service providers to obtain a state-issued franchise to provide video services in a local community. The Act became effective on January 1, 2007.

DIVCA was initiated at the request of the telephone companies as a method to advance their entrance into the cable television market. Cable companies have been offering "bundled" service packs to subscribers including cable service, high speed internet and telephone service. Without cable franchises, the telephone companies were unable to provide video service in most locations and could not match this bundling package. They were concerned that negotiating independent franchise agreements with cities would take an inordinate amount of time and would result in further losses to

both the companies and consumers. In response, the Legislature passed and the Governor signed AB 2987 (DIVCA), which established a state-wide franchising scheme for video providers administered by the California Public Utilities Commission (CPUC).

DIVCA largely replaces the ability of local agencies to issue cable service franchises with a system in which cable franchises are issued by the California Public Utilities Commission. DIVCA did not abolish existing cable service provider franchises entered into prior to its adoption but, instead, allows them to expire. The current City franchise expired on October 9, 2011, and Suddenlink has advised that they will soon prepare their application for a statewide Video Service Franchise. The proposed ordinance, No. 2011-__, will put the Trinidad municipal code into compliance with State law.

In order to protect the interests of the Cities and the County of Humboldt when local cable franchises are superseded by State Video Service Franchises, the Buske Group prepared language for a new, DIVCA-compliant ordinance.

The attached Ordinance No. 2011-03 replaces the former City ordinance, which was adopted in 1981 and amended in 1996 (and by its terms expired on October 8, 2011). Ordinance No. 2011-03 includes provisions that address franchise fees, customer service, permits and construction, emergency alert system, public, educational and government (PEG) access channel capacity, support, interconnection, and signal carriage.

BUDGET/FISCAL IMPACT:

Ordinance No. 03 will assure timely payment of the 5% franchise fee and 3% PEG fee as provided by state law. While the franchise fee rate under DIVCA will remain at 5 percent, the definition of the "gross revenues" on which the fee is based will change slightly. It is not anticipated that this change will significantly affect franchise fee revenue. Additionally, cities are entitled to an additional fee of up to three percent of gross revenues for Public, Educational and Government programming (PEG) support, provided the City has enacted an ordinance establishing the fee. The ordinance also authorizes local audit of statewide video franchise holders and establishes a schedule of fines to enforce customer service standards.

Adopting Ordinance No. 03 will assure that City revenues are not eroded due to failing to exercise rights granted to cities under state law.

Attachments: Ordinance No. 2011-03



ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING CHAPTER 5.12 — CABLE TELEVISION FRANCHISES, OF TITLE 5—BUSINESS TAXES, LICENSES AND REGULATIONS OF THE TRINIDAD MUNICIPAL CODE TO IMPLEMENT PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006 (CALIFORNIA PUBLIC UTILITIES CODE, SECTION 5800, ET SEQ.)

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

Section 1: The City Council of the City of Trinidad hereby amends and replaces Chapter 5.12 — Cable Television Franchises with State Video Service Franchises. This ordinance hereby replaces the former Amended and Restated Cable Television Franchise Ordinance & Chapter 5.12 which by its terms expired on October 9, 2011.

ARTICLE 5. STATE VIDEO SERVICE FRANCHISES

SEC. 5.12.010. General Provisions.

- A. **Purpose.** This Section is applicable to video service providers who have been awarded a state video franchise under the California Public Utilities Code section 5800, *et seq.* [the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA")], to provide cable or video services in any location(s) within the incorporated boundaries of the City. It is the purpose of this Section to implement within the incorporated boundaries of the City the provisions of DIVCA and the rules of the California Public Utilities Commission promulgated thereunder that are applicable to a "local franchising entity" or a "local entity" as defined in DIVCA.
- B. **Rights Reserved**
1. The rights reserved to the City under this Article 5 are in addition to all other rights of the City, whether reserved by this Title VI or authorized by law, and no action, proceeding, or exercise of a right shall affect any other rights which may be held by the City.
 2. Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:
 - a. Compliance with applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed for, or providing, non-video services;
 - b. Any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits and street cut permits; and
 - c. Any permit, agreement or authorization for occupying any other property of the City or any private person to which access is not specifically granted by the state franchise.

3. No permit issued by the City to a state franchise holder is itself a franchise, nor shall any permit create a vested right that would prohibit the City from revoking or amending the permit.
- C. Compliance with City Ordinances. Nothing contained in Sections 6560 through 6567 shall be construed so as to exempt a state franchise holder from compliance with all ordinances, rules or regulations of the City now in effect or which may be hereafter adopted which are consistent with these Sections 6560 through 6567 or California Public Utilities Code section 5800, *et seq.*, or any obligations under any franchise issued by the City insofar as those obligations may be enforced under California Public Utilities Code section 5800, *et seq.*
 - D. Compliance with DIVCA. When a video service provider holding a state franchise provides notice to the City pursuant to § 5840(n) of the California Public Utilities Code that it is commencing to provide video service to the City, a holder of a local franchise is entitled to seek a state franchise pursuant to § 5930(c) of the California Public Utilities Code and upon issuance of a state franchise by the California Public Utilities Commission for the franchise area the local franchise shall terminate.

SEC. 05.12.020. Definitions.

- A. Definitions Generally—Interpretation of Language. For purposes of Sections 6560 through 6567 the following terms, phrases, words, and their derivations shall have the meaning given in this Section. Words not defined in this Section shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) the Federal Communications Act of 1934, as amended, 47 USC § 521, *et seq.* and if not defined therein, (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and "including" and "include" are not limiting. The words "shall" and "will" are always mandatory, but the use of those terms grants no private rights to any person with respect to the City. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.
 1. "Gross revenues," means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder's network to provide cable service or video service within the incorporated areas of the City.
 2. "PEG access" or "PEG" means the availability of a cable or state franchise holder's system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the City and its designated access providers, to acquire, create, and distribute programming not under a state franchise holder's editorial control.
 3. "State franchise holder" means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in California Public Utilities Code § 5830, within any portion of the incorporated limits of the City.

SEC. 05.12.030. Franchise Fees.

- A. State Franchise Fees. Any state franchise holder operating within the incorporated areas of the City shall pay to the City a state franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under California Public Utilities Code § 5860.
- B. Payment of Franchise Fees. The state franchise fee required pursuant to this Section 6562 shall be paid quarterly, in a manner consistent with California Public Utilities Code § 5860. The state franchise holder shall deliver to the City, by check or other means, which shall be agreed to by the City, a separate payment for the state franchise fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the City.
- C. Examination of Business Records. The City may examine the business records of the holder of a state franchise in a manner consistent with California Public Utilities Code § 5860(i).
- D. Late Payments. In the event a state franchise holder fails to make payments required by this Section 6562 on or before the due dates specified herein, the City shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

SEC. 05.12.040. Customer Service.

- A. Customer Service Standards. A state franchise holder shall comply with Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; Section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, including any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.
- B. Penalties for Violations of Standards. The City shall enforce the compliance of state franchise holders with respect to the state and federal customer service and consumer protection standards set forth in this Section _____. The City will provide a state franchise holder with a written notice of any alleged material breaches, as defined in California Public Utilities Code § 6900, of applicable customer service or consumer protection standards, and will allow the state franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a state franchise holder within the 30-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the City:
 - 1. For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.
 - 2. For a second material breach of the same nature within 12 months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.
 - 3. For a third material breach of the same nature within 12 months, a fine of \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.

- C. Any penalties imposed by the City shall be imposed in a manner consistent with California Public Utilities Code § 5900.

SEC. 05.12.050. Permits and Construction.

- A. Except as expressly provided in this Section, all provisions of Title 12—Streets, Sidewalks and Public Places, Chapter 12.04—Encroachments of the Trinidad Municipal Code, and all City administrative rules and regulations developed pursuant to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder on any City public rights-of-way, public property, or City easement.
- B. Permits. Prior to commencing any work for which a permit is required by Title 12, Chapter 12.04 of the Trinidad Municipal Code, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of said Chapter 12.04 and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of the California Public Resources Code, section 21000, *et seq.* (the California Environmental Quality Act).
- C. The City Manager or his designee shall either approve or deny state franchise holder's application for any permit required under Title 12, Chapter 12.04 within sixty (60) days of receiving a completed permit application from the state franchise holder.
- D. If the City Manager or his designee denies a state franchise holder's application for a permit, the City Manager or his designee shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.
- E. A state franchise holder that has been denied a permit by final decision of the City Manager or his designee, may appeal the denial to the City Council. Upon receiving a notice of appeal, the City Council shall take one of the following actions:
 - 1. Affirm the action of the City Manager or his designee without any further hearing; or
 - 2. Refer the matter back to the City Manager or his designee for further review, with or without instructions.
- F. In rendering its decision on the appeal, the City Council shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the City Manager or his designee unless the City Council is itself conducting a public hearing on the matter.
- G. The issuance of a permit is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way. Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law.

SEC. 05.12.060. Emergency Alert System.

Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network. As such capability was required under local franchises in effect in the City on January 1 to December 30, 2006, and as consistent with Public Utilities Code § 5880, each state franchise holder shall install and maintain equipment to allow the Humboldt County Emergency Management Office to air audio and video messages on the video system to alert Subscribers to emergency situations. This capability shall be remotely activated without the assistance of the state franchise holder and shall allow a representative of the City to override the audio and video on all channels, except those where Grantee has,

consistent with FCC regulations, agreed with the broadcaster, not to override the channel for EAS messages.

SEC. 05.12.070. Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage

A. PEG Channel Capacity.

1. A state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of Section 5870 of the California Public Utilities Code, within the time limits specified therein.
2. A state franchise holder shall provide an additional PEG channel when the City satisfies the standards set forth in Section 5870(d) of the California Public Utilities Code or any entity designated by the City to manage one or more of the PEG channels.

B. PEG Support.

1. Amount of PEG Support Fee. Any state franchise holder shall pay to the City—or if directed by the City, to the City's designated PEG provider—a PEG fee equal to one percent (1%) of gross revenues, according to Section 5870(n).
2. The PEG support fee shall be used for PEG activities, in a manner that is consistent with the terms of the incumbent cable operator's franchise during the period of January 1, 2006, to December 30, 2006 and settlements.
3. A state franchise holder shall remit the PEG support fee quarterly, within forty-five days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.
4. In the event that a state franchise holder fails to pay the PEG support fee when due, or underpays the proper amount due, the state franchise holder shall pay interest at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law.

C. PEG Carriage and Interconnection.

1. As set forth in Sections 5870(b) and 5870(g)(3) of the California Public Utilities Code, state franchise holders shall ensure that all PEG channels are receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than that needed to receive the lowest-cost tier of service. PEG access capacity provided by a state franchise holder shall be of similar quality and functionality to that offered by commercial channels (unless the PEG signal is provided to the state franchise holder at a lower quality or with less functionality), shall be capable of carrying a National Television System Committee (NTSC) television signal, and shall be carried on the state franchise holder's lowest-cost tier of service. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the lowest-cost tier of service and the channel numbers for the PEG channels shall be the same channel numbers used by any incumbent cable operator, unless prohibited by federal law. After the initial designation of the PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless federal law requires the change.

2. Where technically feasible, each state franchise holder and each incumbent cable operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code § 5870(h). Each state franchise

holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the City may require the incumbent cable operator to allow each state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point of interconnection is available, each state franchise holder shall make interconnection available to each PEG channel originator programming a channel in the City and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each state franchise holder requesting the interconnection unless otherwise agreed to by the parties.

SEC. 05.12.080. Notices.

- A. Each state franchise holder or applicant for a state franchise shall file with the City a copy of all applications or notices that the state franchise holder or applicant are required to file with the California Public Utilities Commission.
- B. Unless otherwise specified in this Section, all notices or other documentation that a state franchise holder is required to provide to the City under this Section or the California Public Utilities Code shall be provided to both the City Manager and the City staff person in charge of cable and telecommunications, or their successors or designees.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE:

ATTEST:

/s/
City Clerk, City of Trinidad

APPROVED:

/s/
Mayor, City of Trinidad

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 2011-03**, passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California on the 11th day of October, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

/s/
City Clerk, City of Trinidad



AGENDA ITEM #5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

5. Discussion/Decision regarding updated Draft Town Hall rental Rates and Application Procedure

Executive Summary of Town Hall and Saunders Park Rental for the City of Trinidad

Research and data collection has lead to conclusions and recommendations for the City of Trinidad's facility rental fees and procedures. Data collection included but was not limited to facility rental fees and procedures from similar facilities in Blue Lake, Arcata and Ferndale.

It was evident from comparing other city's policies that Trinidad would benefit from revising their fee schedule as well as making some changes to the facility rental process. Below you will find recommendations based on such review:

- The Town Hall Rental Application should require renters who are charging admission provide their Non-Profit I.D. as well as a description of what the proceeds will be used for.
- The Local Event rental fee should be raised to \$30/hr.
- Community Groups and Governments should not be using Town Hall for free. Fees should be raised to \$25/hr.
- Classes and Workshops should not be free. Instructors should be hired as independent contractors with a 60/40 revenue split between contractor and City. Contractors should be required to submit a business liscence as well as insurance.
- Saunders Park should be available to reserve for \$200 Non Profit/Youth/School/Senior Group Rate and \$250 for Private/Business Rate.
- The Security Deposit should be referred to as the Security/Clean-Up/Damage Deposit and raised to \$300. Public Works should complete and submit to the City Clerk a completed Clean-Up/Damage Deposit checklist following each rental. City Clerk should mail back deposit within two weeks of the rental.
- The table cloth rental option should be omitted.
- A 20% surcharge should be put towards a Town Hall maintenance fund. The Town Hall maintenance fund would cover: utilities, regular repairs, custodial, capital improvements, staff costs and insurance/risk management.

TRINIDAD TOWN HALL

409 Trinity Street, Trinidad, CA 95570 Mailing Address: P.O. Box 390, Trinidad, CA 95570
Website: www.trinidad.ca.gov Email: cityclerk@trinidad.ca.gov
Phone: 707-677-0223 / Fax 707-677-3759



TRINIDAD TOWN HALL RENTAL APPLICATION

Instructions: A completed rental agreement and security/clean-up/damage deposit received by the Trinidad City Clerk will confirm your reservation. If the Clerk has not received your rental agreement and security/clean-up/damage deposit by 30 days prior to your event, you may lose your reserved date and fees paid and it may become available & scheduled with another renter. Proof of purchase of liability insurance is required prior to your event.

TODAY'S DATE: _____ DATE OF EVENT: _____

TYPE OF EVENT: _____

ESTIMATED TOTAL ATTENDANCE: _____ EVENT TIME: _____

HOURS REQUESTED (including set-up time): _____

AGE RANGE OF THOSE ATTENDING: _____

CONTACT PERSON: _____ PHONE: _____

ADDRESS: _____

EMAIL: _____

ALTERNATE CONTACT PERSON: _____ PHONE: _____

FOOD SERVED: yes / no ALCOHOL SERVED: yes / no ADMISSION CHARGED: yes / no

FOOD SOLD: yes / no ALCOHOL BY DONATION: yes / no ADMISSION CHARGE: _____

Non-Profit ID #: _____ Proceeds will be used for: _____

I acknowledge that, acting as the Renter or Agent of the Renter, I have read, understand and agree to adhere to the terms of this Rental Application .

Signature: _____ Date: _____

~~Fees Waived~~

Rental Fee Paid: _____ Date: _____

Insurance Paid: _____ Date: _____

Deposit Paid: _____ Date: _____

Garbage Paid: _____ Date: _____

Cleaning Paid: _____ Date: _____

Town Hall Maintenance Fund (20% surcharge)

Total Rental Fees Owed: _____

City Official: _____ Date: _____

TOWN HALL & SAUNDERS PARK RENTAL RATE WORKSHEET

Special Event: All day, High Risk, High Impact Uses such as: **\$200.00/day**
 Weddings & Receptions, Birthday Parties, Concerts, Exhibits,
 Amplified Concerts, Parties, Fund Raisers, Crab feeds, Memorials
 etc. with more than 50 people attending, lasting more than 6 hours;
 WITH OR WITHOUT ALCOHOL.

Total Hours: _____ **Total Fee:** _____

Local Event: Small, low impact, minimal set-up events such as: **\$15/hr \$30/hr**
 Kids birthday parties, Mellow acoustic concerts, brief gatherings,
 choirs, rehearsals, recitals, theater performances, tea parties, etc.
 with less than 50 people attending, lasting less than 4 hours;
 NO ALCOHOL.

Total Hours: _____ **Total Fee:** _____

Community Groups & Governments: Depending on the type of event proposed and subsequent risks and **Free \$25/hr**
 impacts associated with each event, community groups and Federal, State or Local
 Governments may be entitled to the use of the Town Hall free-of-charge at the
 discretion of the City Clerk. Such community groups include, but are not limited to:
 Chamber of Commerce, Trinidad Civic Club, Lions Club, Garden Club, Museum
 Society, Library Committee, etc.

Total Hours: _____ **Total Fee:** _____

Classes/Workshops: Brief, 1-2 hour weekly session such as Dance, Yoga, Tai Chi, **Free**
 Health & Fitness related activities, Art courses, civic club meetings,
 lasting 2 hours or less.

Saunders Park Available to reserve for weddings, ceremonies, parties, etc.
Community Groups & Government \$200/day
Local Event \$250/day

Total Fee: _____

Insurance: Special Events Coverage calculated based on event and attendance. \$ _____
 Organizations with insurance must provide valid certificate.

Town Hall Maintenance Fund: A 20% surcharge on total direct rental fees (i.e. not including security/clean-up/damage
 deposit) to cover City indirect costs (i.e., utilities, regular repairs, custodial, capital
 improvements, staff costs and insurance/risk management).

Subtotal All Fees from Above: _____ **Surcharge Fee:** _____

Security/Clean-Up/Damage Deposit: Refundable once check list is completed from City staff and the facility is
 found to be left in the same condition it was rented in. If damages exceed deposit, renter will be charged for
 remaining amount. Deposit will not be returned if rental is cancelled within one week of reservation.

\$200.00 \$300.00/event

Total Deposit: _____

TOTAL COST- FEES (including surcharge) + DEPOSIT: _____

COMPLETED BY: _____

DATE: _____

TRINIDAD TOWN HALL

409 Trinity Street, Trinidad, CA 95570 Mailing Address: P.O. Box 990, Trinidad, CA 95570
Website: www.trinidad-ca.gov Email: cityclerk@trinidad-ca.gov
Phone: 707/437-4023 Fax: 707/437-7359



TRINIDAD TOWN HALL RENTAL AGREEMENT

Welcome to Trinidad Town Hall. We recognize that an active community center which is located in the middle of a residential neighborhood may have certain associated impacts, not the least of which could include additional traffic, litter, noise and parking. Town Hall is surrounded by a school and private homes. Your cooperation is required for us to continue to maintain a good relationship with our neighbors, and to help you to have a successful event.

RENTAL TERMS:

1. Renter and /or Contracting Individual, whose signature below verifies receipt and understands and agrees to comply with all the terms and conditions of the rental package, which consists of all rental agreement terms and the rules and regulations governing the use of facility including the decorating and cleaning of Town Hall.
2. Fees & Insurance: See attached Fee Schedule.
3. **Canceling an event: Notify the City Clerk immediately at the number above if your event is canceled. If event is canceled within one week of the scheduled date, the security/ clean-up/damage deposit will be forfeited.**
4. **General Use Policies:** This is a recently renovated building requiring care and consideration:
 - a. **Town Hall/Stage Floors:** To avoid damage to floor and furniture, do not drop, force, roll or drag furniture across stage or floor area.
 - b. **Decorations and Clean-up:** Follow the guidelines attached.
 - c. **Animals:** No animals are allowed in the building.
 - d. **Litter:** Monitors provided by the Renter will insure that all litter generated by the event (paper, glass, cigarette butts, etc.) is removed from around the Town Hall building, adjacent driveway and parking areas, including the Trinidad School parking lot.
 - e. **Parking:** Park along Main and Trinity Streets or in the Trinidad School parking lot when school is not in session.
 - f. **Handicapped Parking:** No parking is allowed in designated handicapped parking spaces unless the required placard is properly displayed.
 - g. **Trinidad School Parking:** (across from Town Hall) Parking is allowed in school parking lot when school is **NOT** in session. Trinidad School Hours are Monday through Friday from 9:00 A.M. – 5:00 P.M.
 - h. **Fire Department Parking:** No Parking is allowed in fire lanes or designated Fire Department spaces.
 - i. **Curfew:** All events, with the exception of the annual New Year's Eve celebration, must end at 12:00 midnight.
 - j. **Amplified Music: Music must end at 11:30pm. If the volume of your event is such that it impacts neighbors, it is too loud and the Trinidad Police may be called.**
 - k. **Litter and Damages Impacting Neighboring Properties:** The Renter is responsible for all impacts to the neighbors and their property resulting from the misconduct of any person or persons attending the event. Any additional costs for litter clean-up or damage to neighboring property will be taken out of the Renter's security deposit and may be used to compensate impacted neighbors. A claim may be filed with the Renter's insurance carrier to cover their loss. Substantial property damage to private property as a result of this event will be brought to the attention of the Renter first for compensation, and a claim will be filed with the insurance company, if appropriate.
5. **Emergencies: Call 911.**
6. **Smoking & Drugs:** Trinidad Town Hall is a Tobacco-Free and Smoke-Free environment.
 - a. NO SMOKING or burning of any substances (smudging, herbs, etc.) is allowed anywhere inside the Town Hall, or within 10 feet of any of the entrance doors.
 - b. The use of any prohibited substance on City of Trinidad property will forfeit the security deposit and also void the Renter's insurance policy.
7. **Alcoholic Beverages:**
 - a. YOU ARE RESPONSIBLE FOR ANY ALCOHOL SERVED OR CONSUMED AND TO OVERSEE THAT ATTENDEES ACT RESPONSIBLY.
 - b. Insurance coverage for the consumption of alcoholic beverages for public events must be listed on the Certificate of Insurance.

- c. Alcoholic Beverage Control (ABC): A permit is required when alcoholic beverages are sold. It is issued by this state office and a confirmation letter from Trinidad to ABC will be issued.

8. Other Prohibited Activities include:

- a. Illegal activities as defined by City or County ordinance(s) and State or Federal law(s).
- b. There is to be no alteration of Hall furniture, bulletin boards, office furnishings, or landscaping without the expressed written permission of the City Clerk.
- c. No outdoor signage is allowed without prior arrangement with the City Clerk.

9. Fire and Safety:

- a. No barbeques, candles, propane lamps or fires of any kind are allowed without the expressed written permission of the City Clerk.
- b. All hot charcoals must be thoroughly doused with water before they are disposed of.
- c. Fire emergency exits must remain unblocked at all times.

10. Insurance:

- a. User will procure and maintain in force a policy of comprehensive public liability insurance, including other property damage and personal injury, with a combined single limit of no less than \$1,000,000. The Town Hall will be named as additionally insured with respect to such coverage, and shall be provided with a Certificate of Insurance. A Certificate of Insurance must be received by the City of Trinidad prior to receiving the keys to the facility if insurance is not purchased through the City Clerk's office.
- b. Each of the provisions and terms of this agreement shall bind and insure to the benefit of the heirs, successors, representatives and assigns of each of the parties. If legal action be brought to enforce any term of this agreement, or because of any breach of any term of this agreement by any party hereto, the party that prevails in such action or litigation shall be entitled to recover a reasonable attorney's fee in addition to all other damages and costs.
- c. If alcohol is to be served at a public event, it must be specifically covered on the Certificate of Insurance.
- d. ~~For an additional fee, the Clerk's office can provide a Certificate of Insurance to the renter through a contract with Alliant Insurance. Special Events Insurance Coverage calculated based on event and attendance. Please contact the City Clerk at 707-677-0223 for more information.~~
- e. Organizations with insurance must provide valid certificate.

11. The City of Trinidad reserves the right to refuse the rental of its facility to anyone. The City further reserves the right to close down or cancel any event with just cause that it deems to be contrary to the general interests of the community or the City of Trinidad.

12. Responsibilities:

- a. **Hold Harmless Agreement:** The undersigned contracting individual and or organization agrees to hold the City of Trinidad, its agents, servants, employees and members, free and harmless from any and all claims, demands, damages, costs, expenses, loss of services, action and causes of action and or liabilities for damages to property, or for injuries to any person in any way arising out of, related to, or connected with the users rental of the equipment and or premises.
- b. The Renter is held responsible for the negative impacts or illegal activities during the use of the Town Hall upon the neighborhood. If the Renter fails to comply with the terms of this policy, law enforcement authorities may be called to respond to safety, drug and alcohol, traffic and parking concerns, etc. If you have any other questions you may contact the City Clerk.
- c. Violation of any of the Town Hall policies may be cause for forfeiture of all or part of the security deposit. The City Clerk will deduct from the security deposit such amount as is deemed reasonably necessary a) to clean and return the premises to a neat, clean and orderly condition, and b) repair or replace property that is broken, defaced or stolen.
- d. The undersigned, acting as representative of the organization or individual entering into this agreement; certifies that the above information is correct, agrees to pay the required fees in full prior to the event, and assumes full personal and financial responsibility for any damages sustained to the building, grounds, furniture or equipment not covered by the Security Deposit due to misuse, vandalism or misconduct of any person or persons on the premises at the time of the event.

ACTING AS REPRESENTATIVE, I HAVE READ THIS AGREEMENT (and other components of complete rental package), UNDERSTAND AND AGREE TO THE USE POLICIES AND AM RESPONSIBLE FOR THE RENTAL OF TRINIDAD TOWN HALL.

Renter: _____
Contracting Individual/Organization Representative

Date: _____

ACCEPTED AND RECEIVED BY:

TRINIDAD TOWN HALL CLEAN-UP CHECKLIST

Town Hall and Stage

- Sweep floor.
- Mop up any food or drink spills.
- Return chairs and tables to original location.
- Return remaining furniture to original location.
- Empty and dispose of all trash.
- Empty and dispose of all recyclables.
- Pick up any litter generated by the event.
- Remove all decorations, banners, posters, crepe paper, etc.
- ~~Clean restrooms including flushing toilets.~~
- Turn out lights.
- Turn off heat.
- Close all windows.
- Lock all doors.
- Lock trash dumpster when finished.

TRINIDAD TOWN HALL ~~LIST OF DO'S and DON'TS~~ FACILITY RENTAL & USAGE RULES

1. DO treat Town Hall with respect.
2. DO use hooks provided at corners of windows and doors to hang decorations.
3. DO use recycling bins for aluminum cans, glass bottles & plastic bottles.
4. DO use outside receptacles for cigarettes/butts.
5. DO treat all provided furniture, equipment, etc, so as to preserve its appearance and useful life.
6. DO clean up Town Hall at the end of your event – LEAVE TOWN HALL AS YOU FOUND IT.
7. DO NOT use tape, nails, or staples on stage, doors, walls, windows or ceiling to hang decorations (USE hooks provided at top corners of windows and doors).
8. DO NOT hang decorations or other items from glass light fixtures.
9. DO NOT throw recyclables into trash bins. Use recycling bins provided.
10. DO NOT throw hot barbeque charcoals into dumpster.
11. DO NOT play, move or unplug Steinway piano without prior permission from the Civic Club.
12. DO NOT use Redwood serving bar outdoors. It is for indoor use only.
13. DO NOT throw cigarettes/butts on the ground. Use outside receptacles.

Note: *Because Trinidad Public Works employees regularly clean Town Hall, they are familiar with the condition of the facility before it is rented out. If you believe certain damage to Town Hall existed prior to your rental, please contact the City Clerk at 707-677-0223 to address your concerns.*

Hall Rental
Comparison Study

Facility	Rental Fees	Deposit	Liability Insurance Required	Reservations	Set Up / Clean Up	Capacity	Misc Information & Questions Asked
Arcata "D Street"	\$150 < 3 hrs \$380 1/2 day \$500 full day	\$300 refundable cleaning/damage	\$2M liability-name City additional insured Special Event ins. may be purchased through City		sweep floors, wet mop garbage in plastic bags	300 140 seated 14 oblong tables 12 round tables 130 chairs	Alcohol served or sold? Admission fee? Contributions solicited? Amplified sound?
	30% discount non-profit	No reservation w/o deposit					
	50% non-profit serving youth						
Blue Lake	Activity Cntr, game rm only	\$300 Clean up & damage deposit	\$1M liability-name City additional insured Special Event ins. May be purchased through City	Reservation can be penciled in upon request Reservation not confirmed until rental fee, deposit & Certificate of ins received	Set up no earlier than 8:00 a.m. Clean up complete by 10:00 p.m. All garbage must be placed in dumpsters		
Prasch Hall	\$20/hr youth, non-profit, school, senior	refundable					
	\$25/hr private, business, commercial						
	\$55/hr all areas with kitchen: youth, school, senior events			Fees must be paid 30 days prior to event or date will become open Cancellation: at least two weeks prior to event	All equip & supplies must be returned to proper location All tables & counters must be wiped down & cleaned		
	\$70/hr private, business, commercial						
	Additional \$15/hr event host fee						

Hall Rental
Comparison Study

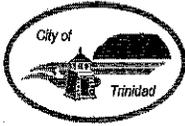
<p>Ferndale Community Center</p>	<p>\$400 hall only \$400 kitchen \$800 1 day kitchen, 3 day hall</p>	<p>\$200 refundable cleaning deposit Any repairs will be deducted from deposit. Damage exceeding deposit will be billed to renter.</p>	<p>1M liability insurance City additional insured Ins certificate & rental check due 2 weeks prior to event Hall manager has access to insure compliance w/regulations</p>	<p>Set-up/decorating day N/C if no meal served Clean up = day after event all trash taken to dump! N/C Weekend rental begins Fri 10 a.m. ends 6 p.m. Sunday Floor clean of food, dirt, scuffs; use wet mop w/clean water Remove trash from building</p>	<p>400 w/rectangle tables 200 w/round tables & dance floor</p>	<p>Youth or non-profit? Serving/selling alcohol? Prior approval Police Chief Any cleaning by City will be deducted from deposit ABC will not accept cash, phone 445-7229</p>
<p>Trinidad Town Hall</p>	<p>\$200 all day, high risk, high impact use; more than 50 people; fasting more than 4 hrs w/or w/o alcohol</p>	<p>\$200 refundable</p>	<p>\$1M liability w/Town Hall named as additionally insured Certificate of insurance must be presented prior to issuance of keys if alcohol is served, it must be specifically covered by Cert of Ins Renter can obtain Cert of Ins through City for an additional fee</p>	<p>Reservation confirmed w/receipt of deposit Agreement & deposit due 30 days prior to event; reservation may be lost Dispose of all trash & recyclables Pick up all litter, including cigarette butts</p>	<p>200 w/rectangle tables</p>	<p>Food served/sold? Alcohol served/sold? Admission charged? Estimated attendance? Age range of attendees? All events must end at 12:00 midnight Amplified music must end at 11:30 p.m. City reserves right to refuse rental of facility to anyone City reserves right to close down or cancel any event</p>



AGENDA ITEM #6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

6. Discussion/Decision regarding Purchase of Fire Truck from Blue Lake Fire Department



AGENDA ITEM #6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

6. Discussion/Decision regarding Purchase of Fire Truck from Blue Lake Fire Department

DISCUSSION/ACTION AGENDA

Date: October 12, 2011

Item: Purchase of Fire Truck from Blue Lake Fire Department

Background: Chief Tom Marquette has requested the Council authorize \$20,000 to be expended for the purchase of a fire truck being offered by Blue Lake Fire Department. A description of the fire truck and justification for its purchase is detailed on the attached e:mail. The current year budget allocated \$50,000 in capital reserves for fire department equipment.

Proposed Action: Authorize purchase of Blue Lake fire truck for \$20,000 from the \$50,000 allocated in capital reserves

Attachment: e:mail request from Chief Tom Marquette

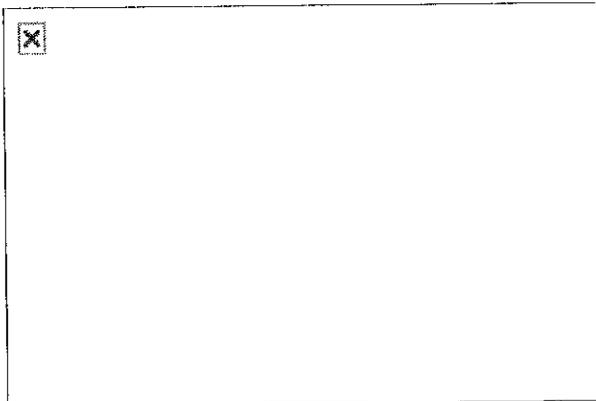
Trinidad City Manager

From: Tom Marquette [tvfdchief@gmail.com]
Sent: Monday, October 03, 2011 11:05 AM
To: Karen Suiker
Cc: Mike Morgan; Tom Davies
Subject: Mini Pumper

At this time we have two fire trucks. A 1989 extended cab pumper and a 1968 international pumper. Two big engines. More stuff to go wrong and expensive to fix as they age. We propose to down size the 1968 with a 1993 rescue/quick attack mini pumper. This is a much smaller and lighter truck. Basically a Dodge 4X4 Cummins diesel set up with a Hale pump and fire fighting/rescue equipment. Easier for the crew to drive and park. It also has foam capabilities for oil, gas, chemical fires etc. It has only 15,000 miles on it so should be easier to fix and more dependable.

Blue Lake fire has one for sale for \$20,000. My research tells me this is a fair price. We would like to up grade and diversify our equipment with this purchase.

Thanks Chief Tom Marquette





AGENDA ITEM #7

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

7. Discussion/Decision regarding request to waive fees for design review of the banners intended to celebrate the commercial fishing fleet.

DISCUSSION/ACTION AGENDA

Date: October 12, 2011

Item: Consider request to waive fees for design review of the banners intended to celebrate commercial fishing fleet

Background: Earlier this year the Council heard a presentation from a representative of the Commercial Fishermen's Wives to install banners throughout Trinidad to celebrate the commercial fishing fleet. The council subsequently approved a budget allocation of \$500 for banner hardware to be compatible with the new light poles, with banner placement to be administered by the Chamber of Commerce.

The Council is now being requested to consider waiving fees for design review. The actual fee is not known at this point, but would depend on actual time and materials of planning staff effort expended toward this project. A deposit of \$750 would normally be collected up front, with additional funds assessed or excess refunded depending on the actual costs.

Proposed Action: Consider the request for waiver of fees, which would mean the city would incur the cost for the design review process.

Attachments: e:mail request from Susan Golledge-Rotwein

Trinidad City Manager

From: Zach Rotwein [capnzach2@yahoo.com]
Sent: Thursday, September 29, 2011 12:50 PM
To: citymanager@trinidad.ca.gov
Subject: Design Review

Hello,

We spoke in the office the other day in regard to the banners celebrating the commercial fishing fleet here in Trinidad.

It makes sense that either the commercial fishermen's wives or the chamber should be the applicant in this process. I think it is best at this point that we proceed with the project with the commercial fishermen's wives being the applicant.

If you could ask the council for a fee waiver for the process that would be great. We are a volunteer organization supported by donations.

I would be happy to make a brief presentation at the next meeting.

Please let me know what the next step is.

Thank you for your time.

Cordially,
Susan Golledge-Rotwein