



Posted: Friday, December 09, 2016

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

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, DECEMBER 14, 2016 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

CLOSED SESSION BEGINS AT 5:15

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
 1. *Conference with legal counsel regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)*
- IV. **RECONVENE TO OPEN SESSION**
- V. **APPROVAL OF AGENDA**
- VI. **APPROVAL OF MINUTES – November 09, 2016 cc**
- VII. **COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**
- VIII. **STAFF REPORTS**
- IX. **ITEMS FROM THE FLOOR**

(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- X. **CONSENT AGENDA**
 1. Financial Status Reports for October 2016.
 2. Law Enforcement Report for November 2016
 3. Proclamation in Recognition of Human Rights Awareness Month, December 2016.
 4. Adoption of Resolution 2016-13; Providing Workers Compensation Coverage for Volunteer Personnel.
- XI. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Consider Settlement of Tsurai Ancestral Society Lawsuit against the City
 2. Consider Resolution 2016-14 Certification of 2016 Election Results, and Swearing in of new Councilmember Steve Ladwig
 3. Consider Selection Process and Appointment of Councilmember to fill the remaining term of Susan Tissot.
 4. Consider Appointments to fill Vacant Planning Commissioner Positions.
 5. Consider Manka Encroachment Permit Application to Construct a Retaining Wall Adjacent to Sidewalk on Trinity Street
 6. Consider Resolution Authorizing City Manager to Execute Grant Agreement for the Van Wycke Bicycle and Pedestrian Connectivity Project
- XII. **FUTURE AGENDA ITEMS**
- XIII. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

November 09, 2016, CC

Supporting Documentation follows with: 4 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, NOVEMBER 09, 2016

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 6:00PM. Council members in attendance: West, Fulkerson, Miller, Baker, Tissot.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

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

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- *Move Consent #3 to Agenda #1.*

Motion (Fulkerson/Baker) to approve the agenda as amended. Passed unanimously.

VI. APPROVAL OF MINUTES – *October 17, 2016 scc*

Motion (West/Fulkerson) to approve the minutes as written. Passed unanimously.

VII. COUNCIL MEMBER REPORTS

West: Update on Measure Z funding. Met with HCSO Sergeant Miller who said that the earliest Trinidad could get a second deputy would be next October. Working with Blue Lake to consider options, but there's no short term solution.

Baker: Discussing the possibility of holding a public safety meeting in the near future.

Fulkerson: Reminded the Council that her committee representative positions will be available when her term expires this year. Recommended HITA because it's a well run, problem free, and well-funded organization with an excellent Director. Hoped to present a slide show highlighting city accomplishments but did not due to a technical glitch.

Miller: Thanked Trinidad for passing the ¾% Sales Tax Measure G. It is a vital revenue source for the City.

VIII. STAFF REPORTS:

City Manager Berman submitted a report to the City Council at the meeting highlighting various accomplishments and project status for the month; *Sales Tax Measure success, Various other preliminary election results, Public Works repairing leaks in the distribution system, Little River Trail project was not recommended for grant funding, Van Wycke Trail project proposed meeting date, Annual Audit coming up on November 28.*

IX. ITEMS FROM THE FLOOR:

Diane Stockness – Trinidad
Holiday Tree proposal in Janis Court park area.

Leslie Farrar – Trinidad
Disappointed with STR Ordinance. Hardworking residents input was ignored. Loss of quality neighborhoods. If someone can't afford a second home, they shouldn't have one.

Alan Grau – Trinidad
Another Council position is open? Councilmembers used to knock on our doors. What happens when we can't fill the positions? Is there a plan for this in the future?

Jim Cuthbertson – Trinidad
Thanked Fulkerson for her service. Spoke with Coastal Commission and told that the Wagner Street Trail issue was not being ignored. Why are we paying big bucks for Sheriff coverage if we're not getting it?

Concerned that complaints aren't being responded to. Voted for the View Ordinance but it doesn't work.
Deal with these issues ☺

X. CONSENT AGENDA

1. Financial Status Reports for September 2016.
2. Law Enforcement Report for October 2016
3. Proclamation in Recognition of National Care Providers Month, November 2016.
4. Second Reading and Adoption of Ordinance 2016-03; The City of Trinidad Short Term Rental Ordinance.
5. Adoption of Resolution 2016-11; Submitting a Local Coastal Program Amendment Governing Short Term Rental Regulation to the California Coastal Commission.
6. Establish A Process for Prequalifying Prospective Bidders on Clean Beaches Grant/QWTS Repair Projects.

- *Move Consent #3 to Agenda #1. Mayor Miller read the proclamation and introduced representative caregivers Katie Coventry and Julie Ryan. Thanked and recognized them for their service to the community.*

*Motion (West/Fulkerson) to approve the consent agenda as amended. **Passed unanimously.***

XI. DISCUSSION/ACTION AGENDA:

1. Discussion/Presentation regarding Resolution 2016-12; Public Service Recognition of Julie Fulkerson
Mayor Miller read the Resolution and expressed gratitude for Mayor Fulkerson for her commitment to service and professional leadership.

Fulkerson: I've been fortunate to take my turn and work with a great Council and talented staff. Privileged to work with such a sophisticated group of people.

*Motion (West/Baker) to approve Resolution 2016-12. **Passed unanimously.***

2. Accept Letter of Resignation from Councilmember Susan Tissot and Direct Staff to begin the Recruitment Process to find replacement to fulfill the remaining term through December 2016.
Councilmember Tissot explained that she secured a full-time job outside the area that will require her full attention. Thanked the City for the opportunity to serve and highly recommended the job to others that may be interested.

*Motion (West/Baker) to accept the letter of resignation and direct staff to begin the recruitment process to find her replacement. **Passed unanimously.***

3. Annual Unmet Transit Needs Public Hearing.
City Manager Berman explained that each year HCAOG conducts a citizen participation process to assess unmet transit needs within Humboldt County.

Berman introduced Associate Planner **Debra Dees** from HCAOG. Dees explained that the public is invited during this hearing to express their opinion, solutions, complaints, or suggestions regarding Humboldt County's public transportation systems and/or general unmet transit needs.

There was no comment from the public or Council on this matter.

4. Discussion/Decision regarding draft Noise Ordinance Options and Recommendations.
City Manager Berman explained that the City Council has directed staff to develop a Noise Ordinance for consideration. This item is intended as the initial discussion of this issue for Council and the public. Staff's initial recommendations, and sample ordinances from other cities, are included below. Based on the discussion and direction from Council at this meeting, staff anticipate bringing a draft Noise Ordinance to Council for review, and possible first reading, at our December meeting.

Noise Ordinance issues and goals: Excessive noise can disturb the peace, enjoyment, and rest of residents as well as visitors to Trinidad, and at extreme levels can be painful and even damaging to one's hearing. Noise can be a problem at any time of day, but is especially significant at night, as anyone who has been either kept from sleep or awoken by noise can attest.

Noise is a required Element of our General Plan. A draft Noise and Safety Element was approved by the Planning Commission and the Noise section is attached for reference. This includes decibel level readings taken around the City.

Noise complaints received by the City in recent years include complaints related to amplified music events at Town Hall, noise associated with parties at residential properties (often short term rentals), and complaints related to pets. Short term noise impacts related to construction can also be significant. Town Hall and residential party complaints are typically night issues, while pets can be a problem any time of day, and construction related noise should only be an issue during the day.

Reviewing other City's approaches to noise, staff and the City Attorney see three main variations on noise regulation:

- 1) Include noise as part of a larger Nuisance Ordinance (this is what Trinidad has now)
- 2) Enact a specific Noise Ordinance that is largely qualitative (i.e. shall not unreasonably disturb neighbors, or be heard beyond some distance). This would set quiet hours, provide examples of unreasonable noise both during daytime and quiet hours, and provide enforcement options
- 3) Enact a Noise Ordinance that in addition to the qualitative approach, also sets specific decibel level limits on noise. To be of use, these quantitative approaches require proper measuring equipment, and adequate staffing to be present on site during the problem to measure sound levels.

Staff's Input on Desired General Features of a Noise Ordinance

- Clearly set quiet hours. The general standard seems to be 10 pm to 7 am. Some cities vary this on the weekend, using 10 or 11 pm to 8 or 9 am. Staff saw one city that used 8 pm as the quiet hour start on weeknight.
- Include clear and relevant examples, i.e. lawnmowers and power tools shall not be utilized during quiet hours, amplified music shall not be audible beyond your property during quiet hours...
- Consider Town Hall use. Current policy requires amplified music to end at 11 pm.
- Provide appropriate exemptions.
 - Emergency repairs of public infrastructure (water, streets)
 - Emergency sirens, alarms, and the like
 - Commercial fishing related activities may warrant exemption in keeping with our General Plan's other provisions for Trinidad as a fishing village.
- Provide functional and reasonable enforcement approaches. Many ordinances reviewed provide a written warning for first offences, followed by increasing fines
- Staff are not opposed to an ordinance that includes quantitative approaches (i.e. decibel levels and sound meters) as an option, but we expect that most noise problems will need to be resolved based on a qualitative approach. i.e. based on neighbor reports after the fact. The likelihood of City staff or Sheriff's Deputies being present with the proper equipment to measure decibel levels during an active 'noise event' is low.

Council questions included:

Baker: Would like to consider addressing construction related noise levels and making sure project inspectors monitor the decibel levels. Also, is there anything we can do to monitor or limit the noise levels of motorcycles passing through?

Miller: Goal is to have the noise ordinance ready before the STR Ordinance is certified by the Coastal Commission.

Public comment included:

Leslie Farrar – Trinidad

Can't ignore Town Hall. It's important that quiet hours be increased for all areas of town. Drones are also a problem. Voices shouldn't be heard after quiet hours. Dog's barking too. The ordinance should be simple.

Diane Stockness – Trinidad

Enforcement is the issue. Fireworks are a problem. Construction noise is to be expected. Law enforcement is needed after business hours.

Council comments included:

Miller: Demonstrated an application downloadable by phone that anyone can use to measure decibel levels. Somewhere in the ordinance it should be clear that residents should be able to record and present their evidence of offensive noise violations.

Fulkerson: This is a necessary ordinance. Ferndale's is well written and easy to understand. Keep it simple.

Tissot: Quiet time should be reasonable. If the noise is coming from an STR, it should be clear how to document and report the offense.

West: The STR tie-in seems to be the key. What can we really do about construction or motorcycle noises?

City Manager Berman clarified the following take-away concepts for further review: 1) Guidance for appropriate quiet hours, 2) Town Hall applicability and/or any special considerations for events.

Presentation item only. No decision was made.

XII. ADJOURNMENT

Meeting ended at 7:40pm

Submitted by

Gabriel Adams
City Clerk

Approved by:

Dwight Miller
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

1. Financial Status Reports for October 2016.

REPORTS WERE NOT AVAILABLE AT PACKET DEADLINE, BUT WILL BE POSTED TO THE WEBSITE PRIOR TO THE MEETING FOR REVIEW.

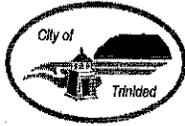


CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

2. Law Enforcement Report for November 2016

REPORTS WERE NOT AVAILABLE AT PACKET DEADLINE, BUT WILL BE POSTED TO THE WEBSITE PRIOR TO THE MEETING FOR REVIEW.



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

3. Proclamation in Recognition of Human Rights Awareness Month, December 2016.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Dwight Miller, Mayor
Gabriel Adams, City Clerk



PROCLAMATION 2016-05

IN RECOGNITION OF HUMAN RIGHTS AWARENESS MONTH
DECEMBER 2016

WHEREAS, the United Nations General Assembly adopted The Universal Declaration of Human Rights in December 1948. This marked the first attempt in human history to set down the minimum rights every person should enjoy; and

WHEREAS, this document states the necessity "to recognize the inherent dignity of equal and inalienable rights of all members of the human family in the foundation of freedom, justice and peace in the world," to which everyone is entitled "without distinction of any kind to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or status;" and

WHEREAS, The Universal Declaration of Human Rights has inspired international covenants, treaties and agreements not only protecting the rights of men and women of all races creeds, but specifically enumerating and protecting the rights and unique needs of children, indigenous and tribal peoples, refugees and political prisoners; and

WHEREAS, the County of Humboldt, in compliance with California State statutes, adopted ordinances establishing and defining the work of the Humboldt County Human Rights Commission to aid in the eradication of discrimination based on color, race, religion, religious creed, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, familial status, source of income, gender identity, gender expression, age, sexual orientation or socioeconomic status.

THEREFORE, BE IT PROCLAIMED that the Trinidad City Council hereby proclaims December 2013 as HUMAN RIGHTS AWARENESS MONTH and encourages all citizens to educate themselves about The Universal Declaration of Human Rights and the privileges we enjoy in a free society.

Dated: Wednesday, December 14, 2016.

Dwight Miller
Mayor



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

4. Adoption of Resolution 2016-13; Providing Workers Compensation Coverage for Volunteer Personnel.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Gabriel Adams, City Clerk
Dwight Miller, Mayor



RESOLUTION 2016-13

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD
TO PROVIDE WORKERS COMPENSATION COVERAGE FOR
VOLUNTEER PERSONNEL

WHEREAS, the City of Trinidad desires to provide Workers' Compensation coverage for persons authorized to perform volunteer services for the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Trinidad hereby adopts the policy that an unsalaried person as designated and authorized by the City to perform volunteer services for the City shall be deemed to be an employee of the City for the purpose of Workers' Compensation benefits provided for by law for any injury sustained by him or her while acting in the course and scope of the authorized services of the City under the direction and control of the City.

RESOLVED FURTHER that the City Manager, or a designee, be instructed to inform the Secretary of PARSAC of the above policy by sending a certified copy of this Resolution to PARSAC's business office.

ADOPTED by the Council of the City of Trinidad this 14th day of December, 2016.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
City Clerk

Dwight Miller
Mayor



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 14 PAGES

1. Consider Settlement of Tsurai Ancestral Society Lawsuit against the City

ACTION AGENDA ITEM

Wednesday, December 14th, 2016

Item: Consider Approval of Settlement Agreement to Resolve Tsurai Ancestral Society Lawsuit

Summary:

The City owns 12.5 acres of land commonly referred to as the Tsurai Study Area or TSA. This land includes the Tsurai Village, which was a significant coastal Yurok Village since time immemorial, and includes cemetery grounds for countless generations of Tsurai people.

The Tsurai Ancestral Society (TAS), a non-profit organization comprised of lineal descendants of Tsurai, filed suit against the City approximately five years ago related to the City's management of the Tsurai Study Area (TSA), including implementation of prior Settlement Agreements, and implementation of the Tsurai Management Plan. Twelve individuals are also plaintiffs along with the TAS.

After years of effort to settle this lawsuit, the City and Plaintiffs have agreed on the following terms of settlement as follows:

- City to transfer ownership of the City-owned TSA to the TAS and Yurok Tribe as co-owners via a quit-claim transfer.
- City to pay \$30,000 to TAS.
- City to retain an easement protecting existing public access on existing trails.
- TAS to defend City against possible legal challenges to the land transfer.
- Legal claims against the City are settled with no admission of guilt or liability by the City.
- All appeals of the Coastal Development Permit issued to the Trinidad Civic Club for their fence removal and stairs project at the Trinidad Memorial Lighthouse are withdrawn.

A formal Settlement Agreement based on these terms has been developed by the City Attorney and is attached. It has not yet been signed by any of the parties.

Staff Recommendation:

Staff recommend that the Council:

- a) ~~Adopt Resolution 2016-XX~~ **** approving settlement of the lawsuit on the agreed terms, including authorizing the transfer of the City owned Tsurai Study Area, and making the necessary findings for that transfer;**
- b) *authorize the Mayor to sign the Settlement Agreement based on these terms, contingent on all plaintiffs to the suit signing the Settlement Agreement;*
- c) *authorize the Mayor, upon execution of the Settlement Agreement by all parties, to execute the necessary documents to implement the Settlement Agreement, including the land transfer;*

**** This resolution is not included in the staff report – it is still in draft form with the City Attorney.**

Discussion

Historical Context

The history of the Tsurai village is a part of the larger tragedy experienced by the Native Americans of Northwest California as white settlers and the local, state, and federal government took their lands by force and threat of force. Tsurai is not the site of a documented massacre of Native People, as occurred in many areas of Humboldt, Trinity, and Del Norte County including Tuluwat (Indian Island) in Humboldt Bay. The last Tsurai inhabitant was forced from the village just 100 years ago, in 1916, because of the contamination of the freshwater spring due to the residents of Trinidad using the village area as a refuse dump. The Tsurai Management Plan provides much more detail and context for the history of Tsurai.

Recent Ownership History

The California Coastal Conservancy purchased the six parcels now referred to as the Tsurai Study Area from private parties in 1978, in recognition of the significant cultural and natural resources of the land. The City of Trinidad purchased the lands in 1989 using State grant funds provided by the Conservancy. The Tsurai Study Area includes land zoned by the City as Open Space, and as Special Environment. It is traversed by three public trails that provide access to Old Home Beach. The attached map shows the location of the Tsurai Study Area.

Management Challenges

Proper management and protection of the sensitive cultural and biological resources on the site has been a challenge for the City since acquiring ownership in 1989, and has been a recurring source of conflict with the descendants of the Tsurai Village.

To help address these challenges, the State Coastal Conservancy funded the development of the Tsurai Management Plan (TMP) in the early 2000's. This Plan was completed in 2007 and adopted by the City of Trinidad. That Plan explicitly acknowledges that the City lacks the resources and expertise to manage the TSA, and calls for the land to be transferred to the Yurok Tribe. The City came very close to transferring the land to the Yurok Tribe in the years following adoption of the TMP, but that transfer was not completed.

Many of the projects identified in the TMP have not been implemented, which is part of the basis for the current lawsuit against the City. The City has been reluctant to move forward on projects without full consensus, which has been difficult to reach.

Assessment of the Settlement Terms

Land Transfer:

The return of this land to the descendants of the Tsurai Village is something the City agreed to in adopting the TMP almost a decade ago. Staff and Council believe it is both the morally right thing to do, and is in the best financial interest of the City. Staff are convinced that City ownership is a major liability for the City, as it will continue to be a source of conflict and litigation. As long as the City owns the land, we are at risk of legal claims every time something goes wrong on the land, whether it is trespass, tree and vegetation cutting, trip and fall accidents, or attempted looting of cultural resources. The Management Plan calls for projects to

be implemented, but it has proven very difficult to achieve the consensus of all parties on the details.

The quit claim transfer process provides the maximum protection to the City from liability associated with an ownership transfer. A quit-claims allows the City to transfer whatever interest we have, without making any guarantee as to possible issues such as while avoiding taking on liability for any known or unknown boundary disputes, easements, or other complications associated with these parcels. The City received the land via a quit-claim transfer from the Conservancy, which surely used this process for these same reasons.

The Yurok Tribe has significant resources and expertise in land management. The TAS represents the lineal descendants of the village. Co-ownership between these groups is expected to facilitate the implementation of the Tsurai Management Plan, including the protection of the cultural resources on the site.

The transfer of City owned property does require a supermajority (4/5 or 4/4) vote of the Council per State Code. Because the property adjoins the beach, the Council must make a finding that the property is unsuitable for a public park. Staff believe the topography, instability, and cultural and natural resources on the site fully justify that finding.

Continuing City Role Post Transfer:

The TSA remains in the City, and subject to City rules including zoning, planning, and permitting. Future projects on the site would come under City review. As long as the land remains in co-ownership between the Yurok Tribe and the non-profit TAS, it cannot be put into tribal trust status. That status would remove it from City authority, but even in that case it is hard to envision any significant negative implications. The land is steep and unstable, it seems infeasible to build anything substantial on the site, and inconsistent with the TMP. All parties seek the long term protection of the site.

The City also remains a party to the Tsurai Management Plan, and the Management Team created in that Plan. Staff look forward to moving from the role of landowner, with primary responsibility for implementation of the plan, to a supporting role in helping the Yurok Tribe and TAS implement that plan.

Public Access:

The public has well established access across the existing trails and Old Home Beach. The Coastal Conservancy retains an easement protecting that access. The settlement has the City retaining a similar easement ourselves. The Yurok Tribe and TAS have represented that they fully intend to keep the trails open.

Cash Payment:

While the City might well prevail if we went to trial in the current litigation, the cost of the trial would easily exceed the \$30,000 agreed to here. And regardless of the outcome, we would still own the land, and would expect further challenges and litigation over management. The City hopes these funds will go towards the implementation of protection and restoration efforts on the property.

Trinidad Memorial Lighthouse

The Lighthouse is owned by the Trinidad Civic Club, and that parcel of land is not a part of the proposed land transfer. The City issued a permit to the Civic Club for a project on the site which TAS has appealed to the Coastal Commission. The project has remained half-finished for years due to the appeal. As part of resolving the larger TSA issues, this appeal will also be resolved with this settlement, bringing another longstanding impasse to a close and allowing that project to finally be completed.

CEQA

Transfer of the 12.5 acres falls under a categorical exemption from CEQA. Categorical exemption, which are adopted by the CA Resources Agencies, include types, or classes of project that do not normally have significant impacts. The transfer would clearly fall under the Class 25 exemption (section 15325 of the CEQA Guidelines) for "transfers of ownership of interest in land in order to preserve open space, habitat or historical resources." There are exceptions to the exemptions for special circumstances (section 15300.2), such as if the project would have significant cumulative effects, damage scenic resources near a designated scenic highway, be located on a hazardous waste site or cause a substantial adverse impact to a historic resource. None of the exceptions apply to the 12.5 acres or the transfer. This is intuitive – the change of ownership has no effect on the environment. The zoning and permitting rules that apply to the property are unchanged, and any future activities on the property will be subject to CEQA as applicable.

Next Steps

If Council supports the staff recommendation:

The next step will be for all plaintiffs to sign the settlement agreement.

Once that occurs, the Mayor will sign for the City, the lawsuit will be settled, and the agreement filed with the Court.

As that is proceeding, the parties will develop the land transfer documents to everyone's satisfaction. The action before Council here will authorize the Mayor to sign those documents.

The rest of the settlement terms are straightforward, and the Settlement Agreement spells out the order in which they should occur.

Staff Recommendation:

Staff recommend that the Council:

- a) Adopt ~~Resolution 2016-XX~~ approving settlement of the lawsuit on these terms, including authorizing the transfer of the City owned Tsurai Study Area and making the necessary findings for that transfer;*
- b) authorize the Mayor to sign the Settlement Agreement based on these terms, contingent on all plaintiffs to the suit signing the Settlement Agreement;*

c) authorize the Mayor, upon execution of the Settlement Agreement by all parties, to execute the necessary documents to implement the Settlement Agreement, including the land transfer;

Attachments:

Settlement Agreement

Map of Tsurai Study Area

Resolution Approving Settlement and Land Transfer

AKR 9895 2/17/06



FULL RELEASE AND COVENANT NOT TO SUE

The parties in the list attached hereto as Exhibit A and the signatories hereto other than City of Trinidad, plaintiffs in the hereinafter described actions, are referred to herein as "Releasors."

City of Trinidad, defendant in the hereinafter described actions, is referred to herein as "Releasee."

WITNESSETH

WHEREAS, there is now pending in the State of California, Humboldt County Superior Court, actions by Releasors and against Releasee, civil action No's DR100981 and DR130589 and any and all lawsuits currently filed by Releasors wherein Releasee is a named defendant.

WHEREAS, Releasors and Releasee desire to finally compromise and settle the above actions completely as among themselves to avoid the expense of further litigation.

NOW, THEREFORE, in consideration of the promises set forth herein by Releasors: Releasee will transfer its legal interest, other than the easement reservation described below, in the approximately 12.5 acres of land commonly referred to as the Tsurai Study Area (TSA) via Quit Claim Deed to the Tsurai Ancestral Society (TAS) and the Yurok Tribe as co-owners as soon as all plaintiffs and Releasors have signed this Release and the signatures verified by Zacharay Zwerdling with the original sent to City Attorney Andrew Stunich. Releasors shall, within 15 days of the above-referenced transfer, dismiss the above-referenced cases with prejudice as to Releasee and any other remaining parties and shall provide Releasee proof of dismissal. Releasee will pay \$30,000 to the TAS after the dismissal with prejudice is filed and Releasors and Ralph Faust dismiss their appeal to the California Coastal Commission of the Civic Club Permit. Releasors agree that they and Ralph Faust will dismiss with prejudice their Coastal

Commission appeal of the permit given to the Civic Club by the City of Trinidad. Releasors further agree to defend and indemnify the City of Trinidad against any litigation by the Trinidad Rancheria seeking to avoid the land transfer from the City of Trinidad to the Tsurai Ancestral Society (TAS) and the Yurok Tribe.

Land Transfer Details: Releasee shall reserve unto itself in the Quit Claim an easement to Ensure Public Access to the existing Trails and Beach within the TSA. That easement shall be to the same extent as the general public's presently existing easement rights. The purpose of this easement is Releasee's fundamental interest in ensuring that the public's right to use the trails across the property (TSA) to access Old Home Beach is protected in perpetuity.

Based on the foregoing, Releasors hereby further agree as follows:

1. Releasors, on behalf of themselves, their successors, heirs, administrators, and assigns and each past or present agent or representative, hereby remise, release and forever discharges Releasee, and each and every one of its respective agents, representatives, employees, and attorneys, of and from any and all claims, demands, causes of action, obligations, liabilities and damages of any kind, name, nature or description, either at law or in equity, whether or not now known, suspected or claimed, or alleged or which could have been alleged in any pleadings, briefs, records or other papers on file in the above-mentioned actions or which may be based upon, related to, or connected with any of the matters referred to in any of such pleadings, records or other papers and including but not limited to any and all of Releasors' claims, demands, causes of action, obligations, liabilities and damages relating in any way to the incidents described in the above-referenced lawsuits, civil action No's DR100981 and DR130589 and any all lawsuits currently filed by Releasors wherein Releasee is a named defendant.

2. Releasors covenant and agree never to commence, voluntarily aid

in any way, prosecute or authorize to be commenced against Releasee any action or other proceeding based upon any claims, demands, causes of action, obligations, damages or liabilities which are the subject of this Full Release and Covenant Not to Sue.

3. Releasors represent and warrant that at all times referred to in the above-mentioned action and since the time of filing of said action, no other person other than Releasors had or has an interest in the causes of action set forth in the above-mentioned action; and that Releasors have not sold, assigned, transferred, conveyed or otherwise disposed of any claim or demand relating to any matter covered by this Full Release and Covenant Not to Sue.

4. Releasors expressly affirm and acknowledge that it/he/she/they have read the full contents of this Full Release and Covenant Not to Sue and fully understands its terms and their effect, and that this is a full and final compromise, release and settlement of all claims, demands, actions or causes of action, as set forth herein and, as a further inducement for this compromise settlement, Releasors expressly waives the provisions of §1542 of the Civil Code of California, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

5. Releasors understand fully the statutory language of Civil Code of California §1542, above quoted, and that this Full Release and Covenant Not to Sue shall extend and apply to all unknown, unsuspected and unanticipated claims, and/or losses, and/or damages, as well as those which are now disclosed, and Releasors hereby affirm that he/she/it have affixed his/her/its signature hereto voluntarily and of his/her/its own free will and accord.

6. Releasors understand that if the facts with respect to which this Full Release and Covenant Not to Sue is executed and the dismissal herein provided for are made, are found hereafter to be other than or different from the facts now believed by them to be true, Releasors expressly accept and assume the risk of such possible difference in facts and agree that this Full Release and Covenant Not to Sue shall be and remain effective notwithstanding such difference in facts.

7. This Full Release and Covenant Not to Sue shall inure to the benefit of not only Releasee, and each and every one of its respective agents, representatives, employees, and attorneys, but also to the benefit of Releasee's respective assigns and successors in interest, and each of them.

8. Releasors declare that his/her/its decision in executing this Full Release and Covenant Not to Sue is not predicated on or influenced by any declarations or representations of Releasee.

9. Payment of the sum referred to above and the other considerations provided herein are solely in settlement of highly disputed claims, which Releasee denies, and is not, and should not be construed in any way as an admission of liability or an admission that any of the facts asserted by Releasors are true or that the claims or any portion thereof asserted by Releasors are well founded; said sum and considerations are provided solely in settlement of doubtful and disputed claims and to avoid the expense of further litigation.

10. In further consideration of the payment provided for herein and other consideration, Releasors stipulate and agree that there be entered in State of California, Humboldt County Superior Court, action No.'s civil action No's DR100981 and DR130589 and any all lawsuits currently filed by Releasors wherein Releasee is a named defendant, a dismissal with prejudice executed by Releasors.

11. This Full Release and Covenant Not to Sue contains the entire agreement between and among Releasors and Releasee, and its terms are contractual and not merely a recital. It is expressly understood and agreed that there have been no promises or representations except as expressly provided herein.

12. Releasors further state that he/she/it has carefully read this Release and that he/she/it understands all of the terms and conditions, knows its contents, and has signed it as his/her/its own free and voluntary act.

13. Releasors and Releasee shall bear their own costs and attorney fees.

SIGNATURES

I am an attorney licensed to practice law in this State. I hereby represent and declare that I have fully read and understood the Release and its effect, and explained the foregoing release to Releasors, who in turn acknowledged to me an understanding of said release and its legal effect. I declare that my clients' signatures below are genuine and signed by the actual plaintiffs.

Date: _____

Zachery Zwerdling

Dated: _____

Tsurai Ancestral Society

Dated: _____

Kris KC Lind

Dated: _____

Parris Lindgren

Dated: _____

Patricia Bailey

Dated: _____

Sarah Lindgren-Akana

Dated: _____

Tanna Lindgren-Tripp

Dated: _____

Joan Butler

Dated: _____

Axel Lindgren III

Dated: _____

Chet Jarboe

Dated: _____

Christine Williams

Dated: _____

Gary Nelson

Dated: _____

George Nelson

Dated: _____

Kelly Lindgren

The City of Trinidad agrees to be bound by the promises made herein
to the Releasors.

Dated: _____

EXHIBIT A LIST OF RELEASORS

Tsurai Ancestral Society

Kris KC Lind

Parris Lindgren

Patricia Bailey

Sarah Lindgren-Akana

Tanna Lindgren-Tripp

Joan Butler

Axel Lindgren III

Chet Jarboe

Christine Williams

Gary Nelson

George Nelson

Kelly Lindgren



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 11 PAGES

2. Consider Resolution 2016-14 Certification of 2016 Election Results, and Swearing in of new Councilmember Steve Ladwig

DISCUSSION AGENDA ITEM

Wednesday, December 14, 2016

Item: Consider Resolution 2016-14 Certification of 2016 Election Results, and Swearing in of new Councilmember Steve Ladwig

Election Results: The November 08 city election ballot included (2) Councilmember positions and the 3/4% sales tax continuation.

Measure G, the continuation of the 3/4% Sales Tax, passed with 63% of the 198 votes cast. This measure will continue for another 4-years starting April 01, 2017.

Councilmember candidates that were included on the ballot included incumbent Jack West, and resident Steve Ladwig. According to the December 06 certified county election results, both West and Ladwig received enough votes to certify their elected positions.

Here is the updated list of current Councilmembers terms:

Jim Baker:	Term expires December 2018
Dwight Miller:	Term expires December 2018
<i>Pending Appointment:</i>	Term expires December 2018
Steve Ladwig:	Term expires December 2020
Jack West:	Term expires December 2020

Upcoming Schedule:

- Mayor Selection process: Wednesday, January 11, 2017
- Committee assignment discussion: Wednesday, January 11, 2017

Mayor Selection Process:

City ordinance 2.06.010 states that "As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote one of their own to serve as mayor, and one to serve as mayor pro tem..."

Recommended Action:

- a) Motion to approve Resolution 2016-14; accepting the certified county election results.
- b) *City Clerk will administer the oath of office to new Councilmember Steve Ladwig.*

Attachments:

- Resolution 2016-14; Certification of 2016 Election Results
- County of Humboldt Election Results, Precinct 5T-1, Trinidad City Limits.



RESOLUTION 2016-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD
CANVASSING RETURNS AND DECLARING RESULT OF THE GENERAL MUNICIPAL ELECTION
HELD ON TUESDAY, NOVEMBER 08, 2016.**

RESOLVED, by the City Council of the City of Trinidad, California, that

WHEREAS, a Consolidated General Municipal Election was held and conducted on November 08, 2016, as required by law; and

WHEREAS, it appears that notice of said election was duly and legally given, that the voting precinct was properly established therefore, that polling place information and sample ballots were mailed to all registered voters in the City, Election Officers were appointed and election supplies furnished; and that in all respects said election was held and conducted and the voters cast their ballots, received and canvassed and the returns thereof made, determined and declared in time, form and manner as required by law; and

WHEREAS, the County of Humboldt Elections Division met to canvass the returns of said consolidated election and declare the results thereof are as hereinafter set forth:

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND RESOLVED:

1. The Consolidated General Election was held and conducted in the City of Trinidad, County of Humboldt, California, on Tuesday, November 08, 2016 in the time, form and manner required by law.
2. There was one voting precinct established in said City for the purpose of holding said election, as last established by the Board of Supervisors of the County of Humboldt for the conduct of State and County elections, as follows: **Trinidad Precinct 5T-1**
3. That a canvass of the votes cast in said City for the offices of 2 (two) Council members was duly held and completed on December 06th, 2016 by the County Elections Division and in accordance with law.
4. That a canvass of the votes cast in said City for Measure G Continuation of the ¼% Sales Tax Increase was duly held and completed on December 06th, 2016 by the County Elections Division and in accordance with law, **and passed with 63% voter support.**
5. That the total number of votes cast in said City of Trinidad at said election was **220**.
6. That the names of the persons voted for, the office which they were voted, the number of votes received by each said persons in said precinct, together with the whole number of votes which they received are as follows:

FOR COUNCILMEMBER	5T-1	PERCENTAGE
Jack West	146	56%
Steve Ladwig	110	50%

7. That duly registered voters, who expected to be absent from their respective election precincts, or who were unable to go to the polls due to illness or disability, received ballots from the Election Division of the County of Humboldt in the time and manner provided by law for absent voters.
8. That the Election Division of the County of Humboldt has certified to this Council that **138** said absentee ballots were issued and cast within the time required by law.
9. That said absentee ballots so cast have been counted as required by law, and the result of the absent vote count is included with the canvass of returns from the precinct. The total number of votes cast for the respective candidates is hereinbefore set forth.
10. That the said Consolidated General Municipal Election held in the City of Trinidad on Tuesday, November 08, 2016 resulted in the election of **Jack West and Steve Ladwig**, as members of the Council of the City of Trinidad.
11. That the City Clerk of the City of Trinidad has been directed to deliver to each of the persons elected a certificate of election signed by the County Elections Official and duly authenticated. The Oath of Office will be subscribed thereto.

PASSED, APPROVED & ADOPTED on this 14th day of December, 2016 by the following vote:

Ayes:
Nays:
Abstain: None
Absent:

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor



COUNTY OF HUMBOLDT
Office of Elections & Voter Registration

2426 6th Street
Eureka, CA 95501-0788
707-445-7481
Fax 707-445-7204

December 6, 2016

RECEIVED

Gabriel Adams, City Clerk
Trinidad City Hall
P.O. Box 390
Trinidad, CA 95570

DEC 08 '16

CITY OF TRINIDAD

Re: Presidential General Election – November 8, 2016
Certification Results

Dear Gabe:

Enclosed please find a copy of the County of Humboldt's Certificate of Results of Canvass for the Presidential General Election held on November 8, 2016 for the following:

- Office of Trinidad City Councilmember
- Measure G: Transaction and Use Tax Continuation

Please feel free to contact our office with questions.

Regards,


Lucinda Jackson
Administrative Analyst
ljackson@co.humboldt.ca.us
707-445-7481

Enclosures



COUNTY OF HUMBOLDT
Office of Elections & Voter Registration

2426 6th Street
Eureka, CA 95501-0788
707-445-7481
Fax 707-445-7204

December 6, 2016

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Regards,


Lucinda Jackson
Administrative Analyst
ljackson@co.humboldt.ca.us
707-445-7481

Enclosures

**Canvass Report — Total Voters — Official
HUMBOLDT COUNTY — PRESIDENTIAL GENERAL ELECTION — November 08, 2016**

Page 129 of 132

12/06/2016 01:43 PM
Precincts Reporting 127 of 127 = 100.00%

Total Number of Voters : 60,983 of 82,962 = 73.51%

MEASURE G TRINIDAD PROPOSAL TO CONTINUE 3/4% TRANSACTION AND USE TAX.

Precinct	Vote-by-Mail Ballots Cast	Mail Ballot Precincts	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	YES	NO	Totals
5T-1	138	0	82	220	258	85.27%	124	74	198
Totals	138	0	82	220	258	85.27%	124	74	198

**Cumulative Report — Official
HUMBOLDT COUNTY — PRESIDENTIAL GENERAL ELECTION — November 08, 2016**

Page 10 of 11

12/06/2016 11:56 AM

Total Number of Voters : 60,983 of 82,962 = 73.51%

Precincts Reporting 127 of 127 = 100.00%

Candidate	Vote-by-Mail	Mail Ballot Precincts	Election	Total
MEASURE E FORTUNA POLICE AND ESSENTIAL SERVICES MEASURE., Vote For 1				
YES	1,629 58.45%	14 53.85%	1,064 58.33%	2,707 58.38%
NO	1,158 41.55%	12 46.15%	760 41.67%	1,930 41.62%
Cast Votes:	2,787 94.38%	26 100.00%	1,824 92.35%	4,637 93.60%
Over Votes:	1 0.03%	0 0.00%	1 0.05%	2 0.04%
Under Votes:	165 5.59%	0 0.00%	150 7.59%	315 6.36%
MEASURE F CITY OF ARCATA UTILITY USERS TAX., Vote For 1				
YES	2,045 52.48%	0 0.00%	1,908 51.00%	3,953 51.73%
NO	1,852 47.52%	3 100.00%	1,833 49.00%	3,688 46.27%
Cast Votes:	3,897 86.89%	3 100.00%	3,741 83.65%	7,641 85.28%
Over Votes:	0 0.00%	0 0.00%	4 0.09%	4 0.04%
Under Votes:	588 13.11%	0 0.00%	727 18.26%	1,315 14.68%
MEASURE G TRINIDAD PROPOSAL TO CONTINUE 3/4% TRANSACTION AND USE TAX., Vote For 1				
YES	76 59.84%	0 0.00%	48 67.61%	124 62.63%
NO	51 40.16%	0 0.00%	23 32.39%	74 37.37%
Cast Votes:	127 92.03%	0 0.00%	71 86.59%	198 90.00%
Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:	11 7.97%	0 0.00%	11 13.41%	22 10.00%
MEASURE O CITY OF EUREKA LOW INCOME HOUSING UNITS., Vote For 1				
YES	3,146 57.92%	5 41.67%	2,426 57.82%	5,577 57.85%
NO	2,286 42.08%	7 58.33%	1,770 42.18%	4,063 42.15%
Cast Votes:	5,432 88.58%	12 100.00%	4,196 86.52%	9,640 87.68%
Over Votes:	1 0.02%	0 0.00%	0 0.00%	1 0.01%
Under Votes:	699 11.40%	0 0.00%	654 13.48%	1,353 12.31%
MEASURE P CITY OF EUREKA CHARTER AMENDMENT MEASURE., Vote For 1				
YES	3,243 58.74%	5 41.67%	2,377 56.17%	5,625 57.60%
NO	2,278 41.26%	7 58.33%	1,855 43.83%	4,140 42.40%
Cast Votes:	5,521 90.04%	12 100.00%	4,232 87.24%	9,765 88.61%
Over Votes:	0 0.00%	0 0.00%	3 0.06%	3 0.03%
Under Votes:	611 9.96%	0 0.00%	616 12.70%	1,227 11.16%

**Certificate of Results of Canvass
November 8, 2016
Presidential General Election
Trinidad City Councilmember**

RECEIVED

DEC 08 '16

STATE OF CALIFORNIA)
) SS
COUNTY OF HUMBOLDT)

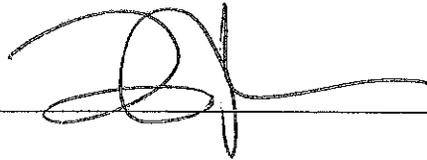
CITY OF TRINIDAD

I, Kelly E. Sanders, Registrar of Voters of the County of Humboldt, do hereby certify that pursuant to the provisions of Section 15301 et. al., of the California Elections Code, I did canvass the return of votes cast in the November 8, 2016, Presidential General Election, and that the Statement of Votes Cast to which this Certification is attached shows the total number of votes cast and the total number of votes cast for each candidate and/or measure in each respective precinct therein and that the totals for each candidate and/or measure are true and correct.

WITNESS MY HAND AND OFFICIAL SEAL this 6th Day of December, 2016.

KELLY E. SANDERS
REGISTRAR OF VOTERS

Signed: _____ (Deputy)



Canvass Report — Total Voters — Official
 HUMBOLDT COUNTY — PRESIDENTIAL GENERAL ELECTION — November 08, 2016

Total Number of Voters : 60,983 of 82,962 = 73.51%

TRINIDAD CITY COUNCILMEMBER

Precinct	Vote-by-Mail Ballots Cast	Mail Ballot Precincts Bal	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	JACK WEST	STEVE LADWIG	Unresolved Write-Ins	Unqualified Write-Ins	Totals
5T-1	138	0	82	220	258	85.27%	146	110	0	21	277

Cumulative Report — Official HUMBOLDT COUNTY — PRESIDENTIAL GENERAL ELECTION — November 08, 2016

Page 4 of 11

12/06/2016 11:56
Precincts Reporting 127 of 127 = 100.00%

Total Number of Voters : 60,983 of 82,962 = 73.51%

Party	Candidate	Vote-by-Mail	Mail Ballot Precincts	Election	Total
TRINIDAD CITY COUNCILMEMBER, Vote For 2					
	JACK WEST	95 51.35%	0 0.00%	51 55.43%	146 52.71%
	STEVE LADWIG	76 41.08%	0 0.00%	34 36.96%	110 39.71%
	Unresolved Write-Ins	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Unqualified Write-Ins	14 7.57%	0 0.00%	7 7.61%	21 7.58%
Cast Votes:		185 67.03%	0 0.00%	92 56.10%	277 62.95%
Over Votes:		0 0.00%	0 0.00%	0 0.00%	0 0.00%
Under Votes:		91 32.97%	0 0.00%	72 43.90%	163 37.05%
PROPOSITION 51 SCHOOL BONDS, FUNDING FOR K-12 SCHOOL AND COMMUNITY COLLEGE FACILITIES. INITIATIVE, Vote For 1					
	YES	14,537 48.50%	1,530 45.74%	13,104 53.77%	29,171 50.56%
	NO	15,438 51.50%	1,815 54.26%	11,268 46.23%	28,521 49.44%
Cast Votes:		29,975 94.85%	3,345 94.52%	24,372 94.31%	57,692 94.60%
Over Votes:		0 0.00%	0 0.00%	9 0.03%	9 0.01%
Under Votes:		1,626 5.15%	194 5.48%	1,462 5.66%	3,282 5.38%
PROPOSITION 52 MEDI-CAL HOSPITAL FEE PROGRAM. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE., Vote For 1					
	YES	20,641 69.63%	2,280 69.07%	16,348 68.20%	39,269 68.99%
	NO	9,003 30.37%	1,021 30.93%	7,623 31.80%	17,647 31.01%
Cast Votes:		29,644 93.81%	3,301 93.27%	23,971 92.76%	56,916 93.33%
Over Votes:		1 0.00%	1 0.03%	20 0.08%	22 0.04%
Under Votes:		1,956 6.19%	237 6.70%	1,852 7.17%	4,045 6.63%
PROPOSITION 53 REVENUE BONDS, STATEWIDE VOTER APPROVAL. INITIATIVE CONSTITUTIONAL AMENDMENT., Vote For 1					
	YES	14,228 48.90%	1,615 49.52%	10,263 43.81%	26,106 46.80%
	NO	14,866 51.10%	1,646 50.48%	13,165 56.19%	29,677 53.20%
Cast Votes:		29,094 92.07%	3,261 92.14%	23,428 90.66%	55,783 91.47%
Over Votes:		8 0.03%	3 0.08%	15 0.06%	26 0.04%
Under Votes:		2,499 7.91%	275 7.77%	2,400 9.29%	5,174 8.48%
PROPOSITION 54 LEGISLATURE, LEGISLATION AND PROCEEDINGS. INITIATIVE CONSTITUTIONAL AMENDMENT AND, Vote For 1					
	YES	18,215 62.01%	2,121 64.58%	14,738 62.36%	35,074 62.31%
	NO	11,160 37.99%	1,163 35.41%	8,897 37.64%	21,220 37.69%
Cast Votes:		29,375 92.96%	3,284 92.79%	23,635 91.46%	56,294 92.31%
Over Votes:		5 0.02%	0 0.00%	14 0.05%	19 0.03%
Under Votes:		2,221 7.03%	255 7.21%	2,194 8.49%	4,670 7.66%



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 7 PAGES

3. Consider Selection Process and Appointment of Councilmember to fill the remaining term of Susan Tissot.

DISCUSSION AGENDA ITEM

December 14, 2016

Item: Consider Selection Process and Appointment of Councilmember to fill the remaining term of Susan Tissot.

The City has received (2) letters of interest from candidates willing to complete the remaining term left vacant by the recent resignation of Councilmember Susan Tissot. The candidates are: **Susan Rotwein** and **Cheryl Kelly**

Both are Trinidad residents and eligible to serve the remaining term through December 2018.

Mayor Miller has proposed the following process.

The Council will discuss and decide if any changes are needed.

The Council will interview the candidates. The interview will have up to five questions.

Possible Interview Questions:

1. What interests you about serving on the Trinidad City Council?
2. What do you consider to be the most important attributes of an elected or appointed public official such as a City councilperson?
3. What are Trinidad's greatest assets?
4. Without offering solutions, what do you see as the top concerns of the City of Trinidad? Currently? Ten years from now?

Summary Score:

5. Synthesis of submitted documents (letters-of-interest, CVs if submitted) and of the interview

Each candidate will be offered approximately 2 minutes per interview question. Scores will be tallied, Mayor Miller will announce the highest total. Then, a motion to appoint will be offered. After the meeting all scoring sheets will be in the public record.

Action Requested: Adopt an interview process and appoint one candidate to complete the term through December 2018.

Attachments:

- Interview Scoring Rubric
- 2 letters-of-interest, one CV

Possible scoring rubrics:

NOTE: other possibilities may be used.

OPTION 1 - 5 questions, , 1 extra (20 pts)

	Susan Rotwein	Cheryl Kelly	Totals
Question 1			10
Question 2			10
Question 3			10
Question 4			10
Question 5			10
Written materials & overall impression			20

70

OPTION 2 - 4 questions, , 1 extra (20 pts)

	Susan Rotwein	Cheryl Kelly	Totals
Question 1			10
Question 2			10
Question 3			10
Question 4			10
Written materials & overall impression			20

60

OPTION 3 - 3 questions, 1 extra (20 pts)

	Susan Rotwein	Cheryl Kelly	Totals
Question 1			10
Question 2			10
Question 3			10
Written materials & overall impression			20

50

December 1, 2016

Susan G. Rotwein
PO Box 240
Trinidad, CA. 95570

RECEIVED

DEC 05 '16
CITY OF TRINIDAD

Trinidad City Council Members
409 Trinity St.
Trinidad, CA. 95570

Honorable Members of the City Council:

Please accept this as my letter of interest in the current vacancy on the city council. I have been a resident of the City of Trinidad for more than 35 years. I am a Public Health Nurse by trade, and have worked locally in the American Indian Communities of Humboldt and Del Norte County for more than 30 years. My family owns and operates the F/V Miss Phyllis a commercial fishing vessel. We have fished and been home ported here in Trinidad for more than 40 years. I have served on both the Trinidad City Council and planning Commission in the past.

I am interested in serving on the City Council because at this time I believe that it is important for Trinidad to maintain its small town seaside fishing village heritage while being fiscally sound now and in the future. At the same time we must have our neighborhoods, beaches and trails be safe to walk. Finally I am in a position to make a commitment to finish out the term and serve the city.

Thank you for your consideration.

Respectfully,

Susan G. Rotwein

City of Trinidad

From: Cheryl Kelly [cherogo@outlook.com]
Sent: Friday, December 02, 2016 2:48 PM
To: cityclerk@trinidad.ca.gov
Subject: City Council Position (City of Trinidad)
Attachments: C Kelly Resume 2016.doc

Hello, Gabe:

I just spoke with Mayor Miller and, based on that discussion and my understanding of the responsibilities and opportunities in the role, I will go ahead and put my hat in the ring for a City Council position. I've attached an updated CV and there are also several recommendations from former colleagues listed on LinkedIn profile page here:

<https://www.linkedin.com/in/cheryl-kelly-b4b14b>

The vast majority of my experience is in private sector (30 years in High Technology leadership positions), though I did serve for a few years on the Board of Directors for a non-profit, OK International, in San Francisco. I resigned the position when I moved to the Pacific Northwest. I have a B.A. in Social Sciences and the Environment from University of Washington. I believe that many of the skills I've used over the years in High Tech are transferable to a public service role. Those include, communication and listening skills, public speaking, management/leadership experience, decision making, strategic planning and networking and the ability to gain agreement from disparate parties to move forward in a positive direction.

As you know, we moved to Trinidad permanently in May of 2015, but have owned a residence here since 1999. We are here full-time, but do travel frequently so there would be times when it would be necessary to Skype in to Council meetings. Hopefully, that would not be a problem.

Let me know if you have any questions and, in the meantime, have a great weekend and I'll look forward to hearing about next steps.

Best,
Cheryl

12/8/2016

CHERYL KELLY

20 Scenic Drive, Trinidad, CA 95570

707-599-3931

cherogo@outlook.com

QUALIFICATIONS

Dynamic, collaborative and results-focused professional with stellar track record in building and managing high-performance teams, driving international partner initiatives, alliance management, building brands and growing revenue for leading companies including Microsoft Corporation, Sun Microsystems and Silicon Graphics, Inc. Proven expertise in creating and driving corporate-wide strategic initiatives. Skilled at developing new strategies to launch products, global initiatives and capture market share.

Excels in:

- ◆ International Partnerships
- ◆ Strategic Alliances
- ◆ Channel Strategy
- ◆ Partner Empowerment
- ◆ Collaboration
- ◆ Marketing/Branding
- ◆ Go-to-market Initiatives
- ◆ Program Management
- ◆ Distribution Optimization

PROFESSIONAL EXPERIENCE and ACCOMPLISHMENTS

MICROSOFT CORPORATION, REDMOND, WA

9/2013-10/2015

General Manager, SMB Marketing, Worldwide SMS&P

- Worldwide marketing lead for Small-Medium sized business at Microsoft
- Responsible for a global team of marketing professionals chartered with ensuring the technology success of over 85M Microsoft Small and Medium Business (SMB) customers, worldwide.
- The team delivers global marketing campaigns, customer lifecycle management strategy and tools and product marketing activities for the specific SMB segment.
- Retired early on 10/31/2015

MICROSOFT CORPORATION, REDMOND, WA

11/2010-9/2013

General Manager, Enterprise Services Partner Group, Worldwide Services

- Responsible for general management of a global team responsible for Enterprise Services partner strategy, business development, co-marketing, partner enablement and relationship management efforts within Microsoft's Enterprise Services organization
- Developed and executed innovative joint sales strategy with Microsoft alliance and business partners which led to \$110M in incremental services revenue, sales pipeline of over \$150M and 10% of New Work Sold metric, worldwide, in current fiscal year
- Achieved partner satisfaction increase of 30% year over year to highest levels in company history
- Worked with Customer Support Services to provide services content for virtual instructor-led training to over 4,500 partners in last 18 months
- Oversaw partner selection for worldwide sub-contracting work in excess of \$200M
- Lead Microsoft Services Partner Advisory Council

MICROSOFT CORPORATION, REDMOND, WA

2/2008-11/2010

General Manager, Service Line Business Team, Worldwide Services

- Led a team responsible for marketing, AR/PR, internal communications, partner programs, business frameworks, workshops, field and partner readiness and service offerings project/program management.
- Services Ready partner program recruiting 171 partners to the program in 6 months with leveraged revenue estimated in FY10 at \$182M in product and \$482M in partner services revenue
- Internal sales and delivery and partner readiness delivering over 150 sales and technical readiness trainings and launch of Services Business Network with over 18,000 downloads to-date

- Editorial quality assurance, release and launch of over 150 service line offerings and localization of over 1,000 statements of work into 8 languages for worldwide distribution
- Redesigned all Services web properties; ServicesWeb, Microsoft.com/Services and WW Offerings
- Established global brand identity for Enterprise Services and connected sales and marketing including sales lead passing process, connection to field enterprise marketing metrics, global customer evidence & profiling, growth productivity framework and segment alignment for Services

MICROSOFT CORPORATION, REDMOND, WA

8/2004-2/2008

Senior Director, Sales & Marketing, SMS&P, West Region

- Responsible for SMS&P Field Marketing team insuring that Go-to-Market efforts, telesales efforts, joint-selling activities with business partners achieve sufficient velocity to achieve region's business plan
- Design, implementation and analysis of regional marketing programs and campaigns
- Managed team of 15 marketing managers and marketing specialists

SUN MICROSYSTEMS, INC., Menlo Park, CA

1999 – 2004

Senior Director, Partner Sales, International Americas

1/2004-8/2004

- Managed partner sales for International Americas (Canada and Latin America) to quota attainment of 101% H2/FY05 - \$350 Million in Revenue
- Managed team of 4 channel sales directors and 1 channel sales vice president in 5 sales territories
- Established first ISV coverage model for all of Latin America

Senior Director, iForce Marketing

4/1999-12/2003

- Led Sun's partner and marketing initiative, iForce, with responsibility for the company's global partnering and mid-market customer strategy
- Managed brand and global programs with over 20,000 channel partners and distributors. Programs included iForce Community, iForce Partner Programs, iForce Centers, and iForce Solutions
- Managed team of 25 senior marketing and business development managers. Built the group from the ground up
- Advocated a renewed focus on the IT mid-market, leading to an increase Sun's US market share from 3% to 15% in target markets and estimated target revenue of \$1 billion worldwide
- Established a network of 60 iForce Solution Centers by recruiting partners, negotiating contracts, creating the brand identity, and developing go-to-market campaigns
- Coordinated a virtual community of partner professionals across all business groups to develop channel, pricing and go to market strategies for Server products
- Strengthened partner and customer communication through a single brand, customized Web portal experiences, and consistent communication which raised satisfaction levels and brand recognition
- PR spokesperson for Sun; regularly quoted in CRN, VARBusiness and Computer Reseller News.
- Recognized by Sun's CEO, Scott McNealy, with 2003 Sun Leadership Award for building the strongest external partner community that Sun had ever known by successfully developing and driving the iForce Initiative worldwide and for driving Sun's mid-market strategy world wide

SILICON GRAPHICS, INC., Mountain View, CA

4/1995 – 4/1999

Director, Channel Marketing & Development, US & Global Channels

- Developed and implemented the "Power of Partnership" program, which consisted of technical certification, cooperative marketing efforts, and eBusiness tools for SGI's business partners
- Directed a team of seven group managers with 25 employees along with responsibility for global channel marketing and development programs. Determined channel product launch strategies
- Oversaw market development funds, certification/competency, channel communications, training, eBusiness tools, channel development and operations, order management and entry, channel strategy and reporting, portals, events, co-marketing funds, product roll-out, lead generation, and demand creation
- Leveraged Access Graphics and other SGI distributor relationships to roll out SGI workstations and Intel-based PC, developing pricing models, channel incentives and joint marketing materials to accelerate sales

- Led VAR/ISV Executive Council and U.S. Reseller Council
- Chosen for the SGI Spirit Award in 1998 for exemplary leadership of cross-functional, global teams, an award given to 10-12 recipients across the company each year

Group Manager, Channel Marketing, US Channels

- Managed a channels team responsible for developing and driving channel marketing programs and a field marketing team responsible for lead management, the SGI Magic Bus, and the Robot Zoo
- Launched and supervised "Power of Partnership" program which included cooperative marketing funds, demo equipment program, marketing Web site and certification/competency program for resellers.
- Raised business partner satisfaction levels and received recognition as the #1 partner by *VARBusiness*
- Selected to participate in SGI 2000 executive leadership training

Awards

1998 Spirit Award for Leadership, Silicon Graphics
 2003 Leadership Award, Sun Microsystems

Industry Outreach & Public Relations

ITSMA Member Advisory Board, Aug 18, 2009 - Present

"Accelera Solutions Achieves Microsoft Services Ready Program Status..", Oct 26, 2009
Industry Quotable in eChannelLine, Apr 22, 2009

"A Channel Friendly Sun", Sept 19, 2003

"Sun: Low-Cost Computing, Three-Pronged Approach", May 23, 2003

"Sun Eyes Midmarket with New iForce Offerings", Apr 7, 2003

"Goals Worth Pursuing", Feb 11, 2002

"Sun Launches Plan to Attack Midmarket", Oct 28, 2002

"McNealy, Sun Unveil Revamped iForce Solution Center", Sep 09, 2002

EDUCATION

UNIVERSITY OF WASHINGTON, SEATTLE, WA, *Bachelor of Arts, Social Sciences & Environment*



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

4. Consider Appointments to fill Vacant Planning Commissioner Positions.

DISCUSSION AGENDA ITEM

Wednesday, December 14, 2016

Item: Discussion/Decision Regarding Planning Commissioner Appointments.

Background: Planning Commissioner terms fall under the same even-year timeline as City Councilmember terms. In December, Commissioner Mike Pinsky and Cliff Poulton's terms expire. It is up to the City Council to appoint or reappoint qualified candidates, who serve at the pleasure of the Council for 4-year terms. The process and commissioner qualifications are described in city ordinance 2.20, Planning Commission (attached).

Here is a list of current Planning Commissioner seats and term limits:

Richard Johnson:	Term expires December 2018
Laura Scott:	Term expires December 2018
Diane Stockness:	Term expires December 2018
Commissioner 4:	Term expires December 2020
Commissioner 5:	Term expires December 2020

The City has advertised the vacancy since mid-October both locally, via e-newsletter and web, and also through the local press.

As of Friday, December 09, the city received (2) letters of interest for (2) vacant positions. One of the applicants, **John Hedrick**, lives within the city limits. The other, **Natasha Braziel**, lives outside the city limits but within the greater Trinidad area as described in the ordinance which qualifies her for the position.

Commissioner Johnson lives outside the city limits. Commissioners Stockness and Scott are in-city residents.

Under the current ordinance, the Planning Commission is allowed (2) non-residents to serve under certain conditions, as described below...

In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.

Recommended Action: Consider appointment of new members to the Planning Commission for the 2016-2020 term.

Attachments:

- Ordinance 2.20, Planning Commission
- (2) Letters of Interest

2.20.090 Qualifications of planning commission members.

Except as provided hereinafter, no person may serve on the Trinidad planning commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the city limits of the city of Trinidad.

However, in the event there are no acceptable applicants from within the city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon. [Ord. 2011-01 § 1, 2011; Ord. 2007-03 § 1, 2007; Ord. 94-2 § 1, 1994].

2.20.090 Qualifications of planning commission members.

Except as provided hereinafter, no person may serve on the Trinidad planning commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the city limits of the city of Trinidad.

However, in the event there are no acceptable applicants from within the city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon. [Ord. 2011-01 § 1, 2011; Ord. 2007-03 § 1, 2007; Ord. 94-2 § 1, 1994].

RECEIVED

DEC 01 '16

CITY OF TRINIDAD

To: Trinidad City Council

Date: December 01, 2016

Re: Planning Commission Vacancy

It as come to my attention, that there is an opening on the Planning Commission. You may know of me as the person who donated the highly efficient heating system to the library in memory of my mother (she was an librarian for over 30 years). I am not interested in politics. I am a GET IT DONE sort of guy. In my business life, I took a one man plumbing shop and built it into a 17 truck (best in Silicone Valley) plumbing and heating company that is larger than Maples!

I have lived in Trinidad for over five years (The Trinidad/Westhaven area for over ten years). I am old enough to be RETIRED but young enough to bring energy and plenty of time to this job. Lastly my back ground in construction makes me specially suited for this position.

Thank you for your time and consideration.

John Hedrick
140 Scenic Dr.
P.O. Box 710
Trinidad, CA 95570
707-677-5003

November 4, 2016

City of Trinidad
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570

Dear Commissioners,

My name is Natasha Braziel, and I am writing to apply for the position of Planning Commissioner that was posted October 19, 2016.

As an interested member of our community, I would like to volunteer my time, skills, and talents to assist in planning the future of our township. My experiences involve being a current Environmental Policy and Planning student at Humboldt State University, prior enlistment in the United States Navy, and multiple volunteer positions relevant to interests.

I am currently seeking professional experience in the policy and planning process. This position has piqued my interest as part of a deep desire to serve the needs of people while ensuring the environment is considered and therefore available for future generations. I would hope that my past experiences, along with the future guidance of people like this committee, would provide me the opportunity to better understand the challenges of managing our community's growth.

As suggested, due to the closeness of the deadline, I have attached my resume. I would be happy to answer any questions you may have.

Thank you for your consideration,



Sincerely,

Natasha Braziel
P.O. Box 163
753 Patricks Point Drive
Trinidad, CA 95570
(858) 232 - 8641
Nbb72@humboldt.edu

Natasha B. Braziel

753 Patrick's Point Dr. Trinidad, CA 95570 • Phone: 858-232-8641 • nbb72@humboldt.edu

Environmental Policy student seeking Planning Commissioner position. Versatile skill set with experience in docentry, customer service, public speaking, organization, team work, and grant writing.

Education

Humboldt State University, Arcata, CA

August 2015 - January 2017 (Expected)

Majoring in **Environmental Sciences Policy Option**

Relevant Classes: Grant writing, Environmental Policy, and Public Land Use and Policy

San Diego Mesa College, San Diego, CA

August 2009 - May 2015

General Education Requirements, Majoring in **Biology**

Military Experience/Relevant Skills

United States Navy Aviation Electronics Technician

August 2003 - December 2008, San Diego, CA

- Leadership training and implementation in multiple facets
- Continuous emergency training involving fire control, CPR, hazardous materials, electric shock and wounds
- Programs lead/co-lead for workshop including training, safety, hazmat, support equipment

Volunteer Experience/Extracurricular Activities

Roosevelt Institute - HSU Chapter, member

September 2016 - Present

Democrats Club, Treasurer

September 2016 - Present

Lions, Tigers, & Bears

March 2013 - August 2014, Alpine, CA

- Trained as Exotic Animal Docent providing solo tours to up to 50 visitors
- Trained as an Animal Encounter Ambassador, providing educational enrichment through large animal contact and education

Wild Wonders, Inc.

March 2013 - June 2013, Bonsall, CA

- Assisted with docentry by guiding visitors and animal handling
- Ensured a safe and sterile work environment

Project Wildlife

January 2009 - April 2009, San Diego, CA

- Training in emergency injured animal intake and data entry

Professional Experience/Relevant Skills

Front Desk Clerk, Emerald Forest RV and Camp (formerly Rodeway Inn of Emerald Forest)

June 2016 - Present, Trinidad, CA

Rodeway Inn of Emerald Forest, Front Desk Clerk

July 2015-June 2016, Trinidad, CA

- Excellent customer service skills
- Strong interpersonal skills to handle situations timely and efficiently
- Professional appearance and demeanor
- Familiar with accent neutralization for effective communication

VCA Emergency Animal Hospital and Referral Center, Kennel Aide

Jan 2014 - June 2015, San Diego, CA

- Experienced in self-supervision to maintain cleanliness and organization of entire hospital

Southwest Antenna, Inc., Production and Administrative Duties

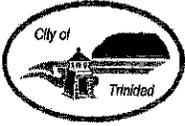
June 2012 - June 2015, San Diego, CA

- Training in MS-Word, Excel, Office, and QuickBooks

Artisan Imports, Inc., Retail Cashier

May 2009 - January 2015, San Diego, CA

- Supervised closing shift
- Reorganization of store layout to increase flow and hence profitability



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 15 PAGES

5. Consider Manka Encroachment Permit Application to Construct a Retaining Wall Adjacent to Sidewalk on Trinity Street

DISCUSSION AGENDA ITEM

Wednesday, December 14, 2016

Item: Discussion/Decision regarding Manka Encroachment Permit Application to Construct a Retaining Wall Adjacent to Sidewalk on Trinity Street

The City has received an application from residents Ray and Sherry Manka, owners of 321 Trinity Street, to construct a decorative and functional, low-rise retaining wall adjacent to the city sidewalk on the east side of Trinity Street that will frame the property and provide an aesthetic access entry off the public street. It will essentially be a continuation of the retaining wall that borders the front yard of the Baker residence at the corner of Trinity and Main Street. It is proposed, however, to be constructed in the city right of way.

The City ordinance on Encroachments (Chapter 12.04 of the Trinidad Municipal Code) categorizes and regulates various types of activities in the public right of way such as public utility or infrastructure repairs, improvements of alleys, and special events. Permanent structures proposed by residents (to be constructed in public right of ways) to improve the aesthetics or define their property boundaries are not clearly defined in table 12.04.070 of the Encroachment Ordinance, classified as "OTHER", and therefore must first be approved by the City Council.

The Criteria of Approval, as defined in section 12.04.080 of the code lists 4 principal guidelines for reviewing such proposals, and all must be reviewed equally. The Ordinance states: "*An encroachment permit may be issued when the proposed activity:*

- A: *Is in the interest of the City and/or the health, safety, and welfare of the public;*
- B: *Does not result in conditions detrimental to the public health, safety, and welfare;*
- C: *Does not result in practical difficulty or liability risk to the City;*
- D: *Is not materially injurious to private or public property;*

Typically it is Staff's position to deny permanent improvements into the public right of way. We do not make judgments on the merits of the projects, but simply review such projects only in terms of City Ordinances and general planning principals. This project is not clearly disallowed by any regulation, therefore, the Council has the discretion to approve or deny such a request based on a variety of standards outlined below.

In 2006 the Council approved the construction of a decorative entry gate on Galindo Street. Staff recommended denial, but the Council determined that the project was worthy of consideration and approval, subject to certain conditions.

Staff believes that the property owners have proposed a solution to the most immediate concern of access to the water meter in the event of a leak or broken service line, which will end up on the owner's side of the wall. We also believe that the attached Encroachment Permit document will mitigate future questions and/or issues that may arise from the construction, repair, or demolition of the wall.

The attached draft Encroachment Permit includes a list of conditions, and if approved, the document would be notarized and recorded on the deed through the County Recorder's office. Permit issuance will be subject to receiving final approvals from Public Works, City Engineer, and City Planner, and the City Clerk's office.

Action Requested: Review Manka Encroachment Permit application and either approve or deny as submitted.

- Attachments:**
- Chapter 12.04 Encroachments
 - Encroachment Permit Application Materials
 - Draft Encroachment Permit Document for Recording

Chapter 12.04 ENCROACHMENTS

Sections:

- 12.04.010 Purpose.
- 12.04.020 Definitions.
- 12.04.030 Permits – Requirements.
- 12.04.040 Applicability.
- 12.04.050 Regulated encroachment activities.
- 12.04.060 Encroachment permit – Procedure.
- 12.04.070 Delegation of review and approval.
- 12.04.080 Encroachment permits – Criteria of approval.
- 12.04.090 Encroachment permits – Terms and conditions.

12.04.010 Purpose.

The purpose of this chapter is to entitle and regulate activities in the public right-of-way. The encroachment permit process is the city's mechanism for guaranteeing that work in the public right-of-way is:

- A. In the interest of the public health, safety and welfare;
- B. Is conducted in a manner that does not result in conditions detrimental to the public health, safety and welfare;
- C. Is not materially injurious to private or public property;
- D. Does not result in practical difficulty or liability risk to city;
- E. To be consistent and not in conflict with similar work by others or by the city itself. [Ord. 86-187 § 1.01, 1987].

12.04.020 Definitions.

"Encroachment permit" means a permit to conduct activity described in TMC 12.04.040 and 12.04.050. [Ord. 86-187 § 2.01, 1987].

12.04.030 Permits – Requirements.

All encroachment permits shall be reviewed according to the criteria set forth in this chapter and are subject to the terms and conditions therein. Additional terms and conditions may be prescribed by the department and/or decision-making body approving the encroachment permit, in order to ensure the purposes are carried out fully. [Ord. 86-187 § 2.02, 1987].

12.04.040 Applicability.

This chapter applies to all projects performed by private parties or their agents, or contractors of the city that take place within or involve alterations or improvements to the public right-of-way. [Ord. 86-187 § 3.01, 1987].

12.04.050 Regulated encroachment activities.

Activities in the public right-of-way include:

- A. Sidewalk, curb, drop curb construction or repairs;
- B. Sanitary sewers;
- C. Water mains, services, etc.;
- D. Storm drains;
- E. Sidewalk or street closures;
- F. Encroachment on sidewalks;
- G. Non-city-owned utilities (gas, telephones, etc.);
- H. Street improvements (grading, paving, etc.);
- I. Alley improvements, use of alley;
- J. Hydrant rental;
- K. Subdivision improvements;

L. Banner permits;

M. Special event permits;

N. Other, as specified, including locating improvements (not falling in one of the categories above, such as signs) in the public right-of-way. [Ord. 86-187 § 3.01, 1987].

12.04.060 Encroachment permit – Procedure.

Applications for encroachment permits shall be reviewed as follows:

A. The applicant shall apply on a form prescribed by the city council;

B. The city clerk shall direct the application to the appropriate department or decision-making body as set forth in TMC 12.04.070.

C. Upon approval by the appropriate department or body as indicated in TMC 12.04.070, the city clerk shall issue the encroachment permit;

D. Disapproval of a request for an encroachment permit shall be made in writing with reasons given for the disapproval;

E. Disapprovals may be appealed to the city council within 10 days of the date that notification of the disapproval was mailed to the applicant;

F. Grievances regarding the issuance of an encroachment permit and/or the conduct of an activity regulated by this chapter may be addressed to the city council. [Ord. 86-187 § 4.01, 1987].

12.04.070 Delegation of review and approval.

Encroachment permits shall be reviewed and approved by the departments and/or governing body of the city as set forth in Table 12.04.070.

Table 12.04.070

Type of Encroachment Permit*	Public Works	City Staff			City Body	
		Engineer	Planner	Police/Fire	Commission	Council
A. Sidewalk, curb, drop curb	Approve					
B. Sanitary sewers	Approve	Recommend				
C. Water mains, water services, etc.	Approve	Recommend				
D. Storm drains	Approve	Recommend				
E. Sidewalks or street closures	Approve			Recommend		
F. Encroachment on sidewalks	Recommend	Recommend	Recommend		Approve	
G. Non-city-owned utilities	Approve	Recommend				
H. Street improvements	Approve	Recommend				
I. Alley improvements, alley use	Approve	Recommend	Recommend	Recommend		
J. Hydrant rental	Approve					
K. Install subdivision improvements	Approve					
L. Special event permits	Recommend	Recommend	Recommend	Recommend		
M. Other	Recommend	Recommend	Recommend	Recommend	Recommend	Approve

* Encroachment permit types correspond to TMC 12.04.040 and 12.04.050.

[Ord. 86-187 § 5.01, 1987].

12.04.080 Encroachment permits – Criteria of approval.

An encroachment permit may be issued when the proposed activity:

- A. Is in the interest of the city and/or the health, safety and welfare of the public;
- B. Does not result in conditions detrimental to the public health, safety and welfare;
- C. Does not result in practical difficulty or liability risk to the city;
- D. Is not materially injurious to private or public property. [Ord. 86-187 § 6.01, 1987].

12.04.090 Encroachment permits – Terms and conditions.

Encroachment permits are subject to the following conditions:

- A. All work shall conform to the city standards and specifications.
- B. Barricades must be kept on all trenches, excavations and obstructions. Warning lights must be maintained at night. All signs, flags, lights and safety devices involved in construction activities shall conform to the requirements set forth in the then current "Manual of Traffic Control Warning Signs, Lights and Other Devices for Use in Performance of Work Upon Highways," issued by the State Department of Transportation.
- C. Continuous vehicle and pedestrian access shall be maintained unless specifically otherwise permitted by the encroachment permit.
- D. Unrestricted access to fire hydrants shall be maintained at all times.
- E. No street shall be closed without first notifying the city and receiving approval from the city. Under normal circumstances, the city expects at least 24 hours' advance notice of such closure. An estimate shall be given on how long the closure is expected to last. Notification shall be given to the city when the street is reopened.
- F. All work shall be guaranteed for a period of not less than 90 days or more than one year from the date of acceptance by the city. Failure of the city to detect flaws in the work shall not relieve the applicant and/or contractor of this responsibility.
- G. Failure to comply with these conditions and with this chapter shall result in direction from the city to stop work. The city reserves the right to perform the necessary correction and improvement work at the applicant's expense.
- H. Any long-term encroachment not properly or promptly maintained will be repaired or removed at the applicant's expense.
- I. No permit shall be issued to any individual, organization or contractor who has outstanding fees, charges or work not in compliance with terms of any encroachment permit previously issued. The council may waive or alter this provision in exceptional circumstances.
- J. The applicant shall indemnify and hold harmless the city, and its officers and agents, from all suits and actions of every name and description brought for, or on account of, any injuries or damages received or sustained by any person or persons, by or from the applicant, applicant's employees or agents, in the construction of the work, or by or in consequence of any negligence in guarding the same, or for improper materials and/or methods used in construction.
- K. Encroachment permit applications involving banners, signs or structures shall be approved by the design review committee prior to issuance of the encroachment permit. [Ord. 86-187 § 7.01, 1987].

The Trinidad Municipal Code is current through Ordinance 2011-02, passed July 13, 2012.

Disclaimer: The City Clerk's Office has the official version of the Trinidad Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

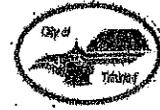
City Website: <http://www.trinidad.ca.gov/> (<http://www.trinidad.ca.gov/>)

City Telephone: (707) 877-0223

Code Publishing Company (<http://www.codepublishing.com/>)

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

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



ENCROACHMENT PERMIT - #

Applicant: Ray Manka **Date:** 11-18-16

Address: 321 Trinity str **Phone:** 496-8418

Length of Permit: Start Date: _____ **Finish Date:** 12-31-16

Type of Encroachment Activity:

- | | |
|--------------------------------|-----------------------------|
| a. Sidewalk, Curb, Drop Curb | h. Street Improvements |
| b. Sanitary Sewers | i. Alley Improvements, Use |
| c. Water Mains, Services, etc. | j. Hydrant Rental |
| d. Storm Drains | k. Subdivision Improvements |
| e. Sidewalk, Street Closure | l. Banner Permits |
| f. Encroachment on Sidewalks | m. Special Events Permits |
| g. Non-City Owned Utilities | n. Other |

Location and Description of Work: (attach plans)
Continuing decorative retaining wall (18" in height), with 18" decorative railing (deck like) across the front of property at 321 Trinity. will have gate in the middle to access sidewalk up to house

Contractor: Self **License No:** _____

Mailing Address: 875 Patricks Pt. Nr Trinidad **Phone:** 496-8418

This permit must be kept on the work site or at applicant's residence and shown to any authorized agent of the City of Trinidad on request. Required inspections shall be requested by calling 677-0223 between 8:00 AM and 2:00 PM weekdays, at least 24 hours in advance. In signing this permit, applicant and/or contractor agree to terms and conditions stated hereon and attached hereto.

Ray Manka **DATE:** 11-18-16
(Signature of applicant or contractor)

FOR CITY USE ONLY - Check and route for recommendations to:

- | | | |
|-------------------------|-------------------------|-------------------------|
| ____ Police Dept. _____ | ____ Fire Dept. _____ | ____ Public Works _____ |
| ____ City Council _____ | ____ Pl. Comm. _____ | ____ Water Dept. _____ |
| ____ City Engr. _____ | ____ City Planner _____ | ____ Other _____ |

Approved by: _____ **Date:** _____ **Fee:** _____ **Date:** _____

Certificate of Acceptance: This certifies that the construction authorized by this permit has been inspected and found to conform to City of Trinidad Standard Specifications and the requirements of this permit.

Inspected by: _____ **Date:** _____

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



ENCROACHMENT PERMIT - IDEMNITY AND HOLD HARMLESS AGREEMENT

Section 12.04.090 (J) of the Trinidad Municipal Code states:

"The applicant shall indemnify and hold harmless the city, and its officers and agents, from all suits and actions of every name and description brought for, or on account of, any injuries or damages received or sustained by, any person or persons, by or from the applicant, applicant's employees or agents, in the construction of the work, or by or in consequence of any negligence in guarding the same, or for improper materials and/or methods used in construction."

My signature below acknowledges receipt of and agreement to the above indemnity and hold harmless agreement on behalf of the applicant.

Ray Manka
Signature

Ray Manka
Name (printed)

11-18-16
Date

CITY OF TRINIDAD ENCROACHMENT PERMIT – GENERAL PROVISIONS

- 1) **Definition:** This permit is Issued under chapter 5.5 and 6 and Division 2 of the Streets and Highways code. The term encroachment is used in this permit as defined in Chapter 6 of said code. Except as otherwise provided for public agencies and franchise holders, this permit is revocable at any time.
- 2) **Acceptance of Provisions:** It is understood and agreed by the Permittee that the doing of any work under this permit shall constitute acceptance of the provisions.
- 3) **Prior-Right:** It is understood and agreed that City has prior right to the use of its rights-of-way.
- 4) **Notice Prior to Starting Work:** Before starting work on which an inspector is required, or whenever stated by a representative of the Engineering Division, the Permittee shall notify the City Clerk or the City Engineer, or other designated employee of the City of Trinidad. Such notice shall be given at least three (3) days in advance of the date work is to begin.
- 5) **Permission from Property Owners:** Whenever necessary to secure permission from abutting property owners, such authority must be secured by the Permittee prior to starting work.
- 6) **Permit at Work Site:** This permit shall be kept at the site of the work.
- 7) **Protection of Traffic:** The Permittee shall cause to be placed, erected, and maintained, all warning signals, lights, barricades, signs, and other devices or measures essential to safeguard travel by the general public over and at the site of work authorized herein.
- 8) **Minimum Interference with Traffic:** All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public except for the specific work permitted.
- 9) **Clean up Right-of-Way:** The Permittee shall, at all times, during the progress of the work, keep the road in as neat and clean a condition as is possible and upon completion of the work granted herein, shall leave the road in a thoroughly neat, clean, and usable condition.
- 10) **Storage of Material:** No material shall be stored within eight (8) feet from the edge of pavement or traveled way.
- 11) **Standards of Construction:** All work shall conform to recognized standards of construction.
- 12) **Borrow and Waste:** Only such borrow and waste will be permitted and within the limits asset forth on the face of this permit.
- 13) **Supervision:** All the work shall be done subject to the supervision of, and to the satisfaction of the City Engineer.
- 14) **Assignments:** Permittee must provide notice and obtain City approval of any proposed assignments to perform work under this permit.
- 15) **Future Moving of Installation:** It is understood by Permittee that whenever construction, reconstruction or maintenance work on the road or right-of-way may require, the installation provided for herein shall, upon request of the City Engineer, be immediately moved by, and at the sole expense of, the Permittee.
- 16) **Liability for Damages:** The Permittee is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or which may arise out of failure on the Permittee's part, to perform his obligations under this permit with respect to proper installation and/or maintenance. In the event any claim or such liability is made against the City of Trinidad, or any department, officer, or employee thereof, Permittee shall defend, indemnify and hold them and each of them harmless from such claim. Further, Permittee shall obtain a similar provision in its contract with any contractor to perform the work herein permitted, which Indemnification and hold harmless shall include not only the Permittee but also the City of Trinidad, any department, officer or employee thereof.
- 17) **Making Repairs:** If the City shall so elect, repairs to paving which has been disturbed shall be made by its employees and the expense thereof shall be borne by the Permittee, who shall purchase and deliver on the road the materials necessary for said work as directed by the City Engineer. All payments to laborers, inspectors, etc., employed by the City for or on account of the work herein contemplated, shall be made by said Permittee forthwith on receipt of written statement approved by the City Engineer. The City may elect to require a deposit before starting repairs, in an amount sufficient to cover the estimated cost thereof.
- 18) **Care of Drainage:** If the work contemplated shall interfere with the established drainage, ample provisions shall be mad by the Permittee to provide for it as may be directed by the City Engineer.
- 19) **Maintenance:** The Permittee agrees to exercise reasonable care to maintain properly this encroachment and/or utility trench, and to exercise reasonable care in inspecting for and immediately repairing and making good any injury to any portion of the road which occurs as a result of the maintenance of the encroachment in the road or as a result of the work done under this permit, including any and all injury to the road which would not have occurred had such work not been done or such encroachment not placed therein. Maintenance shall include, but is not limited to, cleaning and keeping free from debris all structures included as a part of this encroachment. No assignment of maintenance responsibility may be made without approval of the City.
- 20) **Crossing Roadway:** Service and other small diameter pipes shall be jacked or otherwise forced underneath pavement without disturbing same. Pavement or roadway shall not be cut unless specifically permitted on the face hereof. Service pipes will not be permitted inside of culverts used as drainage structures.
- 21) **Depth of Pipes:** There shall be a minimum of 36 inches of cover over all pipes or conduits, unless specifically excepted by the City Engineer.
- 22) **Backfilling:** All excavations shall be backfilled and mechanically compacted immediately after work therein has been completed. No portion of the excavation shall be compacted by ponding or jetting. Back filling material shall comply with Section 14 of the California Department of Transportation Standard Specifications.
- 23) **Maintain Surface:** The Permittee shall maintain the surface over structures placed hereunder.
- 24) **Restoration:** All pavement, curb, gutter, sidewalk, borrow ditches, pipes, head walls, road signs, trees, shrubbery, and/or other permanent road facilities impaired by or as a result of construction operations at the construction site, or at other ground occupied by materials and/or equipment shall be restored immediately to a condition as good as or better than existed prior to the construction.
- 25) **Responsibility:** the City of Trinidad will not be held responsible for any damage to any underground or other facilities that have been caused during the course of the City's normal maintenance procedures. The City will not assume any responsibility, at any time, should any provisions of this permit not be complied with.
- 26) **Sight Visibility:** The Permittee shall maintain roadside vegetation adjacent to driveways and/or road connections to ensure adequate sight distance.

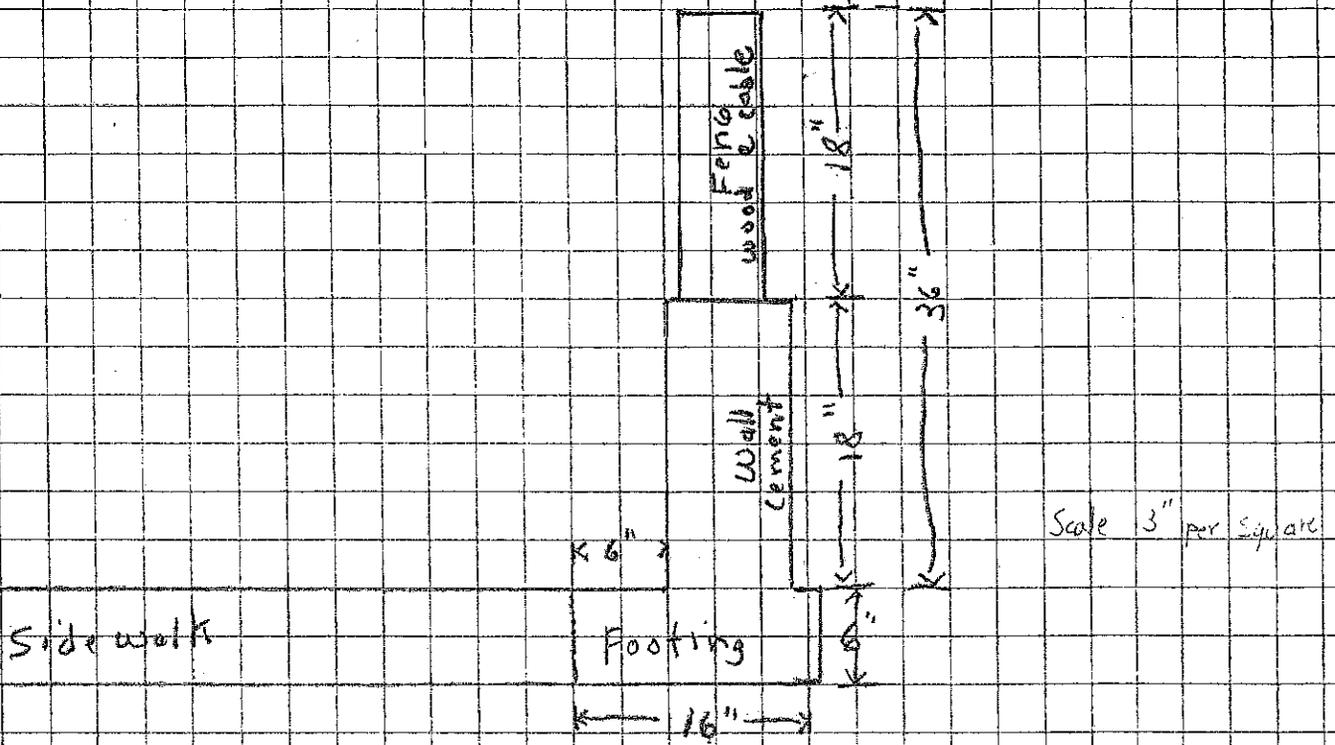
NOTE:

Provisions pertinent to your project will be specified on the Special Provisions sheet of this permit.

DO NOT START WORK UNTIL YOU RECEIVE YOUR APPROVED PERMIT.

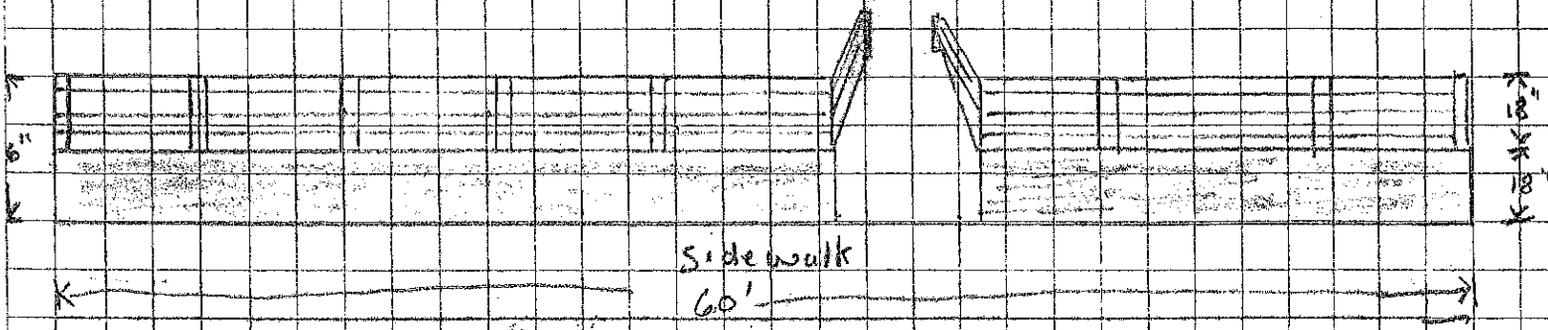
Proposed Retaining Wall & Fence

End View



Front View

REVIEWED
JR
No Permit Req'd
ATL
9-22-16



manka
321 Trinity

Bottom Scale 2' x square

321 Trinity Str

4x4 redwood posts

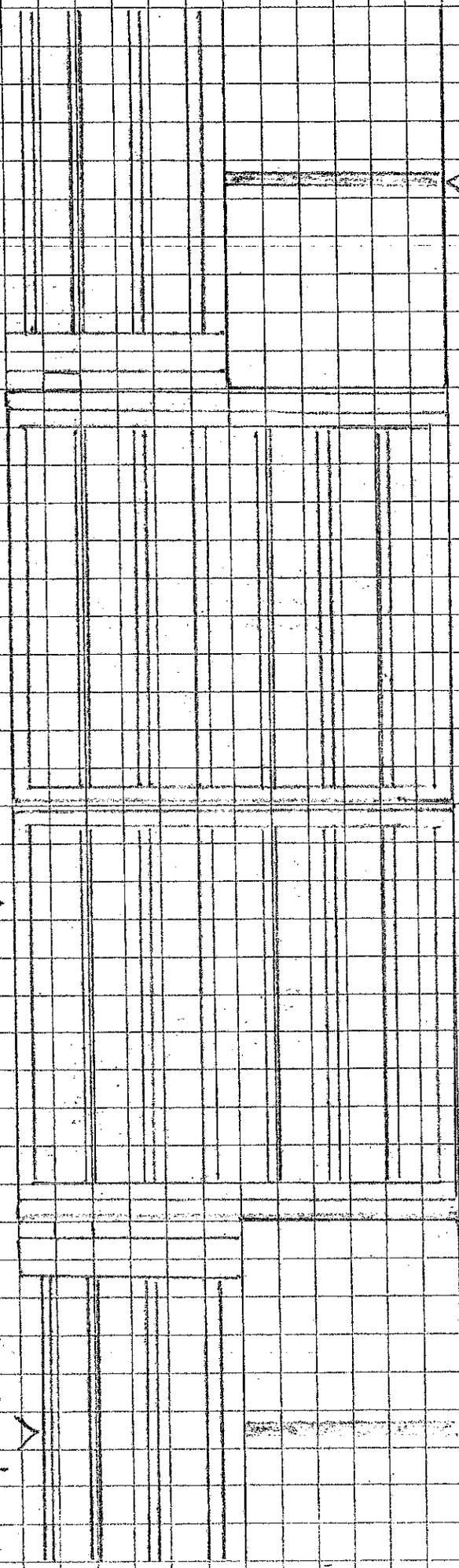
double gate

3/4" copper pipe

1" chamfer strip creating a V every 30" or so in concrete retaining wall groove

Scale 1/4" = 2'

11/10/16



321 Trinity Str

Concrete walk to house



3' 8" step 4 1/2

3' 1"

Total Rise with slope 15 3/16"

4' 8"

Step 4 1/2

9' 2"

3' 1"

Step 4 1/2

5' 8"

3'

finishing wall

8"

Gate

Gate

6" of finished footing creating offset of wall from sidewalk

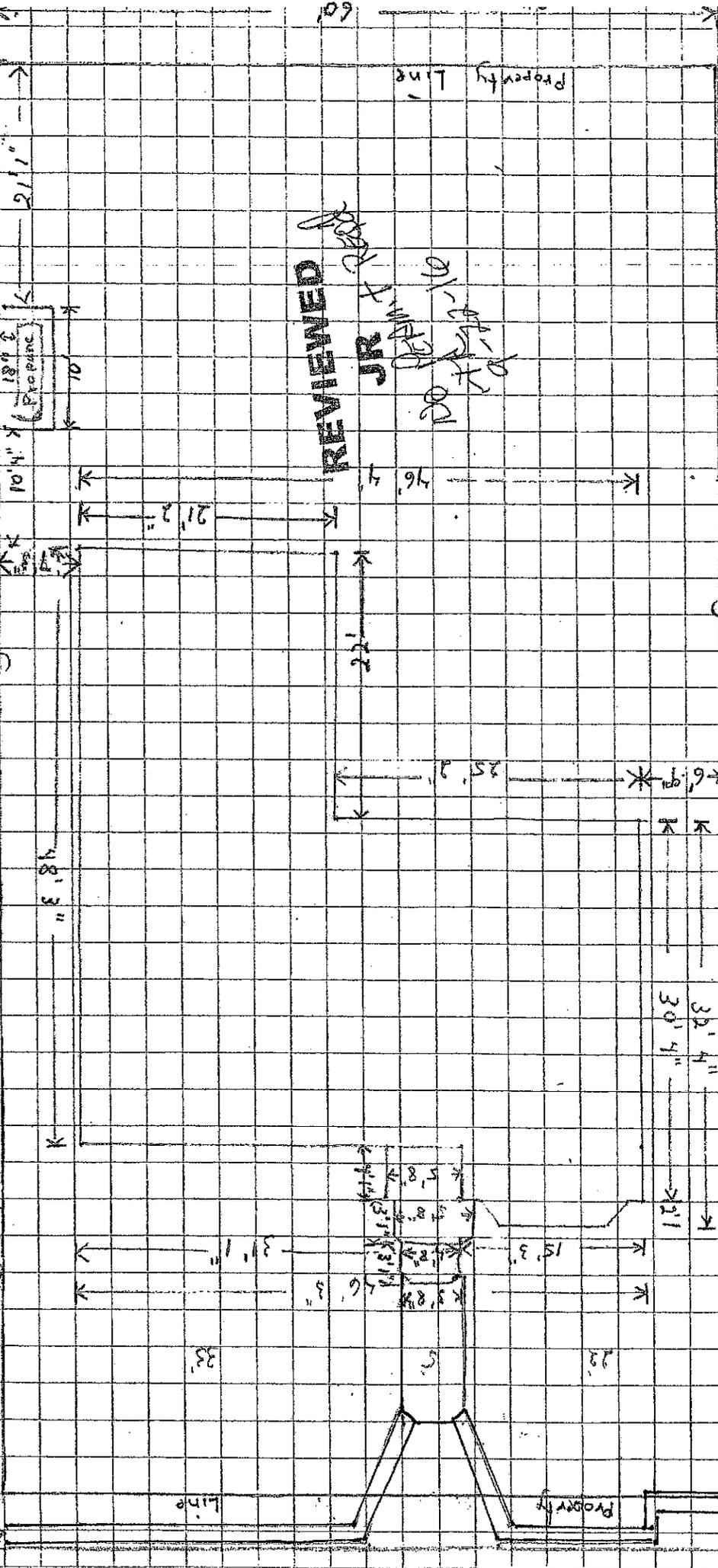


Proposed Retaining Wall set off 2" from side walk

- Wall 8" wide by 18" High - Topped by 18" railing
- Wall set in from sidewalk 6"
- Footing 6" deep by 14" wide - 6" of exposed footing between sidewalk and wall to be finished.
- Wall - Cement 18" high - Topped with wood/cable Property Line

Top View

Total height off top of sidewalk 3'



REVIEWED
 JR
 10/10/10
 10/10/10

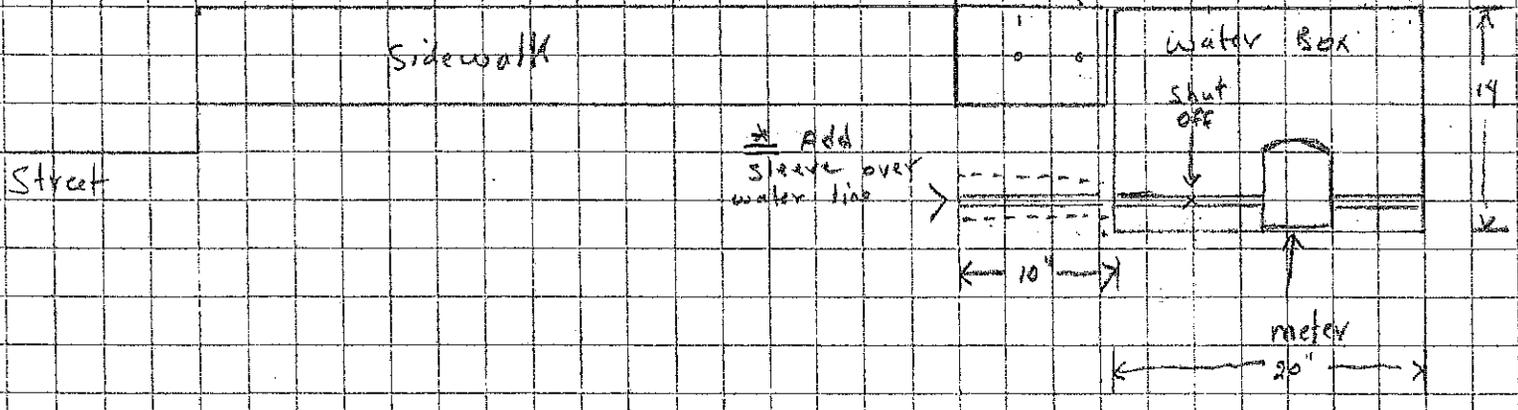
Scale - Approx 3' p.sq.
 Manika
 321. Trinity Str
 Parcel # 042-061-20
 Sept 22 2016 5

- 1) changes are to accommodate existing water meter which encroaches into proposed footing of cement wall.
- 2) wall was proposed to be offset from sidewalk 6" - Now flush or adjacent to sidewalk
- 3) footing was to be continuous 16" - now only 10" at point where it meets water box.

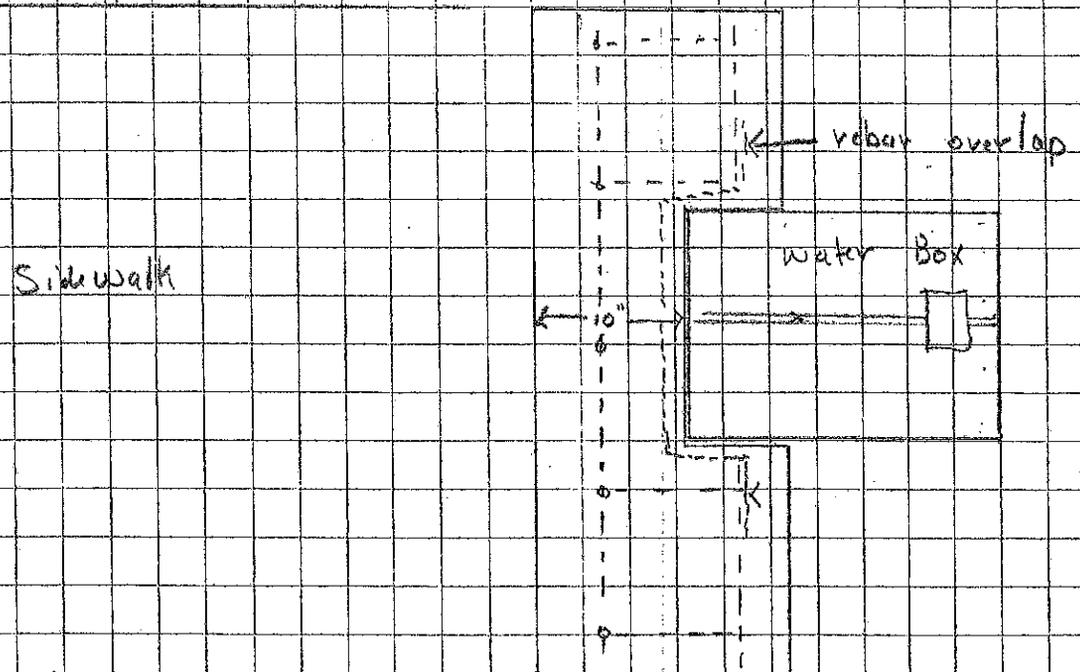
11-5-16

talked with John Roberts by phone
 - no problem as long as Brian "OK"
 * - suggested sleeving water line with plastic pipe to facilitate any future potential repairs

End View



Top View



Scale 3" per 1'

AFTER RECORDING RETURN TO:
CITY OF TRINIDAD
P.O. BOX 390
TRINIDAD, CA 95570

This instrument is for the benefit of
the City of Trinidad.

RE: 321 TRINITY STREET
ENCROACHMENT PERMIT NO. 2016-11
APN 042-061-20

ENCROACHMENT PERMIT

This ENCROACHMENT PERMIT, hereinafter referred to as PERMIT, dated this _____ day of December, 2016, between resident **RAYMOND H. MANKA & SHERRY L. MANKA**, and, hereinafter referred to as OWNER(S), and the **CITY OF TRINIDAD**, a political subdivision of the State of California, County of Humboldt, hereinafter referred to as CITY

WHEREAS, OWNER(S) represent and warrant that they are the OWNER(S) in fee of a parcel of land known as Assessor's Parcel Number(s) 042-061-20 or 321 Trinity Street, and as such have the exclusive right to enter into this PERMIT; and

WHEREAS, OWNER(S) desire to construct a decorative concrete retaining wall border in the public right-of-way adjacent to the public sidewalk along the east side Trinity Street. Said structure *was approved by the City Council*, has received any required building permits, and encroaches approximately 5-feet into the City's right-of-way.

NOW, THEREFORE, it is mutually agreed as follows:

1. OWNER(S) represent and warrant that they are the OWNER(S) in fee of a parcel of land known as 321 Trinity Street, A.P.N. 042-061-20.
2. OWNER(S) shall comply with all conditions and terms set forth in this PERMIT.
3. The PERMIT shall affect that portion of the structure placed within said CITY right of way.
4. Upon notification by CITY, as per Streets and Highways Code, that said CITY right of way is necessary for public road purposes or purposes incidental thereto and conflicts with said structure, OWNER(S) shall remove said structure at OWNER(S) sole expense, within sixty (60) days, or in the event of a utility emergency the structure or portions of the structure to be removed must be prepared in a reasonable time as deemed appropriate by the Public Works Director to make immediate repairs to public utilities.
5. If said structure is not removed by OWNER(S) within the specified time period, the OWNER(S) hereby authorizes CITY to perform and complete the removal of said retaining wall by any method the Director of Public Works or authorized City Official deems appropriate. The OWNER(S) shall reimburse the CITY for full cost, at current Associated General Contractor's Cost Schedule for said work, of performing and completing the removal of said retaining wall.

6. OWNER(S) shall indemnify and hold harmless, and at OWNER(S) own risk, cost, and expense, defend CITY, City Council, officers, agents, and employees from and against any and all liability expenses, including defense costs, legal fees, and claims for damages arising from OWNER(S) or third party's negligence, intentional acts, or breaches of this PERMIT. Indemnification with respect to defense costs shall be made at the time CITY incurs such costs.
7. OWNER(S) shall assume all responsibility for maintenance and repairs of said structure.
8. This PERMIT shall be binding on OWNER(S), their heirs, successors, and assigns.
9. This PERMIT shall be binding to any and all future property owners.
9. This PERMIT shall be recorded with the Humboldt County Recorder's Office.

City of Trinidad:

BY _____
Gabriel Adams
Trinidad City Clerk

Date

Owners:

BY _____
Raymond H. Manka
Property Owner

Sherry L. Manka
Property Owner

(see Notary Acknowledgement next page)

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA;

: SS

COUNTY OF HUMBOLDT;

Capacity claimed by signer:

- Individual(s); Trustee(s); Attorney-in-Fact; Guardian/Conservator;
- Corporate Officer(s) _____ Title(s);
- Partner(s) -- Limited, General
- Other _____

On _____ before me, _____, a Notary Public in and for said State,
(date)

personally appeared _____, personally known to me --or-- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) **is/are** subscribed to the within instrument and acknowledged to me that **he/she/they** executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their** signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

(Signature of Notary)

County of _____

My commission expires _____

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA;

: SS

COUNTY OF HUMBOLDT;

Capacity claimed by signer:

- Individual(s); Trustee(s); Attorney-in-Fact; Guardian/Conservator;
- Corporate Officer(s) _____ Title(s);
- Partner(s) -- Limited, General
- Other _____

On _____ before me, _____, a Notary Public in and for said State,
(date)

personally appeared _____, personally known to me --or-- proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) **is/are** subscribed to the within instrument and acknowledged to me that **he/she/they** executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their** signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

(Signature of Notary)

County of _____

My commission expires _____



DISCUSSION AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

6. Consider Resolution Authorizing City Manager to Execute Grant Agreement for the Van Wycke Bicycle and Pedestrian Connectivity Project

ACTION AGENDA ITEM

Date: December 14, 2016

Item: **AUTHORIZE APPROVAL OF GRANT AGREEMENT WITH CALTRANS FOR THE VAN WYCKE BICYCLE AND PEDESTRIAN CONNECTIVITY PROJECT**

Summary:

The City has been awarded a grant for \$714,000 from the CA Dept. of Transportation's Active Transportation Program for the Van Wycke Bicycle and Pedestrian Connectivity Project. This project includes the construction of a retaining wall where the hillside is failing, and the construction of a multiuse trail atop that structure for both bicycles and pedestrians. The proposal also includes creating an improved trail along Edwards Street from the upper connection with Van Wycke to Ocean Street, and The grant requires almost no match, and the budget is anticipated to fund the permitting, final designs, and construction of the project.

In addition to stabilizing the trail, the City has a water line and a storm drain culvert running under the trail, which are at serious risk and would pose significant challenges to address without this project.

Concerns have been raised by both Council and community members about the design standards for a multiuse trail that accompany the state funding. These standards will require a much wider (8-10 feet) path, with a paved or hard packed surface. More discussion of these issues, and community feedback, are included below and attached. Two GHD memos are also included.

Staff believe the likelihood of fixing the trail without this funding is very low, and the negative impacts of losing the trail and the utilities under it are high. While the trail will not look like it does now, we think this funding can be used to build an attractive trail that will last for many years, and will increase pedestrian and bicycle safety and opportunity.

To accept the funds and move forward with the project, the Council needs to authorize the City Manager to sign the standard grant agreements with Caltrans.

Staff Recommendation:

*Approve Resolution ~~2016-XX~~** authorizing the City Manager to sign the necessary grant agreements with Caltrans for the Van Wycke Trail Project*

**Resolution not attached. Will be distributed to Council and posted to website ahead of meeting

Discussion:

A slideshow at our meeting will help provide visuals to accompany much of the discussion below.

The City Website has high quality images of the grant application figures, as well as the concept designs and photo simulations shown at the November community meeting.

At this link:

<http://www.trinidad.ca.gov/documents-library/category/109-van-wycke-trail-grant-proposal.html>

Repair of the Van Wycke Trail has been a City of Trinidad priority for many years. This trail connects the two sections of Van Wycke Street, and provides a safe path for non-motorized traffic to reach Trinidad Head and Trinidad State Beach while avoiding the lower section of Edwards St., which lacks shoulders or sidewalks and has steady vehicular traffic.

The trail is perched along the upper edge of a steep slope and significant earth movement is obvious in multiple places. A wooden retaining wall built to stabilize the worst section has been gradually torn apart over the last 10 years by the hillside's movement. The worst stretch has sunk at least five feet in just the last few years. At the east end, the concrete encasing the City's stormdrain is serving as the trail surface.

The City has supported small scale repairs, funded feasibility and engineering studies and geological assessments, and sought external funding over many years. Those efforts led to the current designs for a retaining wall. The grant will fund a more detailed geotechnical investigation to inform final engineering decisions and designs. Feedback on a prior unsuccessful application led to the inclusion in the latest application of additional focus on bicycles as well as pedestrians, and a non-infrastructure component focused on bicycle use and safety, including a Trinidad bike routes and trails map. This aspect is focused primarily on school aged children.

Utilities

In addition to the trail, the City has a water line and a storm drain culvert running under the trail, both of which will be lost without repairs. The water line has been closed for fear of breaking in the slide, but is needed to provide adequate water pressure for firefighting in the lower Edwards portion of town. This could be addressed by laying a larger diameter water line down Edwards at significant cost.

The storm drain is gravity flow and cannot be relocated. Without significant efforts to stabilize the hillside, we face a real challenge to transport that water across the slide area. We cannot let it drain onto the hillside – it would make the erosion much worse. Possible fixes could be a pipe suspended across the slide area to reconnect with the storm drains on the other side.

Property Issues

The trail already crosses multiple private parcels. As the City road right of way has increasingly slid away, the trail has migrated north. The grant includes funding for right of way easement

acquisitions. Staff has had initial discussions with these property owners, and is encouraged that they are generally supportive of repairing the trail. A survey will be needed to clarify boundaries.

Opportunities and Constraints on Trail Widths and Project Designs

GHD has provided two recent memos that are attached.

The first has general recommendations on the project.

The second provides more detail about the 'Design Exception' options available to the City.

The City has the authority to approve exceptions to the state standards. This is great news for the project, but it is not a 'blank check'.

The final designs are not complete, and will be developed with community guidance and input as part of the project moving forward. The Planning Commission will need to approve the conceptual plans as part of issuing a permit for the project and completing CEQA. There are significant opportunities for community input during the design process, but also significant constraints.

Constraints

The final project needs to be consistent with the basic concept that was proposed in the grant application, which includes:

- Providing a safe alternative route for non-motorized users through town connecting existing pathways and avoiding more dangerous access on Edwards Street in the steeper sections,
- A multiuse bicycle and pedestrian path through the trail portion of Van Wycke street,
- An improved bicycle and pedestrian path on and/or adjacent to Edwards St from Upper Van Wycke to Ocean St.

Projects funded with state transportation grants are expected to be built using state design standards. The default design for a multiuse trail is a 10 foot wide paved path, with shoulders. For local reference, this would look like the Hammond or Hikshari trails. These are popular local trails, but are very different from the very narrow footpath residents are accustomed to, and staff have heard from people who are very concerned about this issue.

Opportunities:

The City has the authority to approve exceptions to these state standards for this project. This is great news for the project, but it is not a 'blank check'.

Our City Engineers discuss this further in their attached memo.

- Such 'exceptions' require a technical justification and an engineer (ours, not Caltrans) willing to sign off on them.
- They are not supposed to be based on aesthetic issues,
- They need to be safe,
- They can't fundamentally change the initial proposal Caltrans funded (i.e. we can't back out of a multiuse trail).
- We need to meet ADA requirements as much as possible.

Design exceptions also increase liability. If someone sues, it's a weak point for us as we can't hide behind the 'official standards'. I think this is very manageable risk, especially relative to the current situation.

In discussions with GHD, staff have discussed justifications for a narrower trail that include:

- property constraints – we are squeezed between a steep failing slope and adjacent landowners private property,
- challenges with the slope stabilization – wider trail requires greater impacts and costs to stabilize slope,
- safety issues with the steep slope of van wycke requiring design efforts to control downhill speed of bikes. As with roads, going narrower can be an effective method of slowing traffic

It will be up to the City Engineer to sign off on design exceptions. Staff (CM) would like to see no more than an 8' total width

Community Input –

A field tour and Town Hall discussion was held in October to share information and solicit feedback.

Written Comments received to date are attached to this report

Staff memory of verbal comments include:

people outraged at what they saw as 'overkill' that was out of place with Trinidad.

Others were supportive of moving ahead, and welcomed a wide smooth surface.

Many people were concerned that skateboards and bicycles would be unsafe coming down the steep upper section of Van Wycke into the repaired trail.

Lots of people emphasized how much use the trail sees, and how often they use it.

There was a suggestion to use plantings to soften and visually narrow the trail.



events in the future, similar to how building codes are updated after natural disasters where failure mechanisms can be evaluated and the codes improved to address them.

Chapter 11 of the Local Assistance Procedures Manual provides design guidance and information on the design alternative approval procedure that are applicable to this project.
<http://www.dot.ca.gov/hq/LocalPrograms/lam/LAPM/ch11.pdf>

The Local Assistance Procedures Manual also references the California Highway Design Manual which includes design standards for bike and pedestrian paths. Bold type indicates a mandatory design standard. A design exception would be required if the standard cannot be met. Following is an example standard applicable to this project that addresses surfacing and travel widths:

(a) Traveled Way. The minimum paved width of travel way for a two-way bike path shall be 8 feet, 10-foot preferred.

The request to not have a paved path has been raised by some residents. A question about using permeable grass pavers instead instead of asphalt was asked, as was just a gravel path. Grass pavers may not meet the following "free of vegetation requirement." Gravel paths may also not meet this requirement to the letter, but could likely be maintained in a reasonable manner. There are many such requirements, including more stringent ADA requirements. An appropriately designed paved travel way addresses ADA and other requirements.

(b) Shoulder. A minimum 2-foot wide shoulder, composed of the same pavement material as the bike path or all weather surface material that is free of vegetation, shall be provided adjacent to the traveled way of the bike path when not on a structure; see Figure 1003.1A. A shoulder width of 3 feet should be provided where feasible. A wider shoulder can reduce bicycle conflicts with pedestrians. Where the paved bike path width is wider than the minimum required, the unpaved shoulder area may be reduced proportionately. If all or part of the shoulder is paved with the same material as the bike path, it is to be delineated from the traveled way of the bike path with an edgeline.

See Index 1003.1(16), Drainage, for cross slope information.



The question about the 10 foot width requirement has been raised. Note nothing in the requirement below requires a 10 foot paved trail, only a 10 foot wide clear width between obstructions (e.g. between bridge rails). A two foot horizontal clearance is also required between edge of paved surface and fence. So without a bridge but with a retaining wall and associated railing, the minimum trail would need to be 8' paved with two (2) two foot shoulders for a total minimum width of 12 feet.

(3) Clearance to Obstructions. A minimum 2-foot horizontal clearance from the paved edge of a bike path to obstructions shall be provided. See Figure 1003.1A. 3 feet should be provided. Adequate clearance from fixed objects is needed regardless of the paved width. If a path is paved contiguous with a continuous fixed object (e.g., fence, wall, and building), a 4-inch white edge line, 2 feet from the fixed object, is recommended to minimize the likelihood of a bicyclist hitting it. The clear width of a bicycle path on structures between railings shall be not less than 10 feet. It is desirable that the clear width of structures be equal to the minimum clear width of the path plus shoulders (i.e., 14 feet).

There are many nuances about designing a project to meet the intent of current design standards including utilizing the design exception approval procedure available for this project. Caltrans standards are often looked at as the "Standard of Care" that should be used when designing trails and related facilities. If an issue is ever raised about the adequacy of the trail, then it can be expected that the Caltrans design standards and any approved design exceptions will be consulted as a reference. If the City chooses not to follow Caltrans standards, then the City may be subject to additional liability exposure.

GHD looks forward to working with City staff and the public through public meetings to develop and implement a project that meets the grant requirements, fits within the available funding, addresses public input, and meets Caltrans standards. There are many design aspects to be worked out and decisions to be made that would benefit from input from the public. There are options to meet the design standards and address some aesthetic concerns, such as one suggestion from the public to plant native shrubs to help visually narrow the trail. The vegetation could be managed to allow maintenance vehicle access when needed. Although additional aesthetic treatments such as railings, trail surfacing options, and native plantings, could be desirable, they also typically increase construction costs. The approved grant budget



may or may not support some or all desired enhancements. There are options we could consider to incorporate desired items, such as making them additive bid items that are utilized if bids and construction conditions allow, or adding City or private funds for desired additions, or potentially have items such as native plantings be done later by the public once the construction project is completed. We are open to all such discussions and would look forward to working with City staff to make decisions and deliver a successful project for the City.



Memorandum

November 23, 2016

To: Dan Berman, City Manager Ref. No.: 11140082

From: Steven Allen Tel: (707) 443-8326

cc: Josh Wolf, GHD

Subject: GHD Recommendations Regarding City's Van Wycke Trail Grant from Caltrans

1. Background

GHD has been working with the City to help evaluate and make recommendations for the repair of the slumped portion of the Van Wycke trail for many years, with the most recent efforts dating back at least to 2010. Per the City's direction, we have helped facilitate two geotechnical investigations and one topographic survey. We have also helped the City investigate three different grant opportunities to help fund repairs. As requested, initial efforts started with more focused and less expensive and less robust repair strategies with higher risks of shorter term failure and higher potential maintenance requirements. Through time the strategies have been refined to fit available grant programs and objectives including the current 2015 Caltrans Alternative Transportation Program (ATP) grant that the City was awarded. We understand there were only four projects in Humboldt County that were funded by the 2015 ATP program. The City had applied for grant funds for this project through the ATP program in the past and did not get funded. Funding options for these types of repair projects are limited and very competitive and so the City is fortunate to be able to make use of these funds at this time for the trail project.

We understand and appreciate the strong desires from some in the community to maintain the aesthetics of the community. Considering aesthetics as well as design standards and functionality is what GHD and the City have actively attempted to do since 2010. Our most recent public meeting on November 16th included one resident who recalls driving a car on what used to be Van Wycke Street.

The active bluff failures over many years have resulted in the old road becoming what is now an undulating foot path on the edge of areas of bluff failure and it continues to lose ground in its current location. The geotechnical reports describe the bluff failures and note they should be expected to continue and migrate upslope. For that reason moving the trail upslope was not considered to be a long term solution. Both geotechnical report recommendations included the soldier pile wall tied into bedrock as a longer term solution to stabilize the trail and hillslope at this location. Construction of a soldier pile wall requires drilling into bedrock, which is commonly done with a drill on the end of an excavator. An excavator would likely need approximately 10-12 feet of width to construct the wall. So the construction of over 100 feet of retaining wall would result in a construction path 10-12 feet wide. A wall this long would also require railing on the outside edge, and occasional maintenance for which vehicle access would be beneficial.



We understand and appreciate the strong desires from some in the community to maintain a narrow gravel path instead of a wider paved path that could accommodate multiple users. A paved path was considered to address meeting ADA requirements. The ATP funding does require meeting ADA standards, which includes requirements such as no more than one quarter inch maximum vertical change, providing adequate surface friction, and similar requirements. In addition, a paved path is less subject to erosion.

2. Recommendations

First, GHD recommends accepting this grant. We are concerned about the current condition of the trail which people still utilize and which is a potential liability in its current state. We are also concerned about the City water line buried beneath the trail intended to provide water to fire hydrants and residences in the neighborhood and is currently not operated as the valves are closed on both sides of the failing trail section so that a break in the water line would not send a large volume of water down the active slide area. There are also dry utilities buried in the trail as well, which we understand are phone and cable utilities. We are concerned about the existing buried gravity storm drain pipe that is designed to carry water past the slide area and is susceptible to failure which would send storm water down the active slide area. Further erosion of the existing failed bluff area, which may be further exacerbated by pipe failure, would negatively impact the ASBS if the sediment enters the ocean. We would also be concerned that if the City decided not to accept this grant, as it could negatively affect the City's ability to be selected for future grant projects.

Second, GHD recommends following Caltrans design standards for the trail. These standards are often looked at as the "Standard of Care" that should be considered when designing trails. If an issue is ever raised about the adequacy of the trail, then it can be expected that the Caltrans design standards will be consulted as a reference. If the City chooses not to follow Caltrans standards, then the City may be subject to additional liability exposure.

Third, GHD recommends working with City staff and the public through public meetings to develop and implement a project that meets the grant requirements, fits within the available funding, addresses public input, and meets Caltrans standards. There are many design aspects to be worked out and decisions to be made that would benefit from input from the public. There are options to meet the design standards and address some aesthetic concerns, such as one suggestion from the public to plant native shrubs to help visually narrow the trail. The vegetation could be managed to allow maintenance vehicle access when needed. Although additional aesthetic treatments such as railings, trail surfacing options, and native plantings, could be desirable, they also typically increase construction costs. The approved grant budget may or may not support some or all desired enhancements. There are options we could consider to incorporate desired items, such as making them additive bid items that are utilized if bids and construction conditions allow, or adding City or private funds for desired additions, or potentially have items such as native plantings be done later by the public once the construction project is completed. We are open to all such discussions and would look forward to working with City staff to make decisions and deliver a successful project for the City.