I. CALL TO ORDER/ ROLL CALL
- Mayor Lin called the meeting to order at 7:30PM. Council members in attendance: Marlow, Bowman, Lin, Heyenga, Cuthbertson.
- City Staff in attendance: City Clerk, Gabriel Adams; City Attorney, Jeff Guttero; Police Chief Ken Thrailkill;

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No Closed Session

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA
- Cuthbertson: Move No. 9 up to No. 4.

Motion (Heyenga/Cuthbertson) to approve the agenda as amended. Passed unanimously.

VI. COMMISSIONERS REPORTS

Marlow – Parks and Recreation, Streets

Trails: Van Wycke – Heavy rains saturated the hillside and caused the fill material against the retaining wall to fail. The middle section of the trail is temporarily closed. If the City wishes to repair the trail, there are two options to consider:
- A prefabricated bridge = $30,000.
- A gabion wall = $50,000.

Park Bond money is available to partially fund the project and the lot line adjustment with neighboring property owner Julie Fulkerson. Federal relief money may also be available.

ALM Trail – The staircase entering the beach at the foot of the trail has been washed out, along with a significant portion of the bank supporting the steps. This trail has also been listed by the City as storm damage and may qualify for Federal relief funding.

Bowman – Police, Harbor

Harbor: Crab season has begun.

Storm drains at the Harbor were clogged with debris as a result of high seas during the NYE storm. Marvin Manor and Todd Trumble each submitted bids to clean the drain. Manor submitted the lowest bid and has been notified by Public Works to perform the service.

Police: Deferred to Chief Thrailkill’s report.

Heyenga – Fire, Planning

Planning: Cellular pole application - Jan. 18 continued hearing before the Planning Commission.
- OWTS
  o EPA grant had ended and the final report is being written.
  o The third round of water sampling has been completed. The last (4th) sampling as part of the State Water Quality grant will be at the end of March.
  o The State grant ends in March and the Planning Department will submit a full report, including a summary of the sampling results

Fire: Repairs are needed to a corner of the Fire Station where water is leaking in damaging the wall and flooring. The Fire Chief is getting bids for repairs. If the cost is less than $500 we will proceed.
However, there is the possibility of finding additional damage, such as dry rot, when siding is removed. A similar situation occurred with the Town Hall foundation.

**T-Hall:**
The final invoice has been submitted. I will now submit the request to the State Parks Department for final payment. I will prepare a final report on the project for the second meeting in January.

The State Parks Department is auditing our Town Hall ADA restroom project. The City Accountant, City Clerk, and I are compiling the requested materials, which must be sent to the auditor before his visit January 24.

Materials include canceled checks and invoices, which are now stored in the cargo container and finding them will be a chore. I recommend that copies of invoices and canceled checks for 2002 Park Bond projects be kept with the project file in case any of these projects are audited in the future.

**Lin – Water, Town Hall**

**Grants:**
- ICWMG – Applicants for grant administrator will be interviewed next week.
- Gateway – $134,000 Gateway Funding has been released to the City.
- TEA – Negotiated with HCAOG to get priority funding for Saunders Park street improvements.
- ASBS – Preparing logistics for water testing. $20,000 is allocated to get samples and transport them to Bay area testing. Volunteers are being recruited. The Rancheria will provide the transportation.

**Cuthbertson – Finance**

Nothing to report

**VII. STAFF REPORTS**

City Clerk/IWMC – Adams

Nothing to report

City Attorney – Guttero

Nothing to report

Police Chief – Thrailkill

Announced stats, service calls, statistics, and the hiring of a new officer.

**VIII. ITEMS FROM THE FLOOR**

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

**Steve Ruth- Trinidad**
- Thanked the Council and Staff for all their hard work in 2005. Suggested that the Council consider raising the staff’s pay rate in the upcoming fiscal year as a reward for their dedication and outstanding service to the community.
- The Council should consider reviving the General Plan update process in 2006.

**IX. CONSENT AGENDA – NONE**

1. Declare an end to the State of Emergency which began on December 31, 2005 as a result of winter storms. Motion (Marlow/Heyenga) to approve the consent agenda. Passed unanimously.

**X. AGENDA ITEMS**

2. **View & Vegetation Ordinance 2006-02 – first reading.** (Council)

   Public comment included:
   
   **Steve Ruth – Trinidad**
   
   Supports the ordinance and encouraged the Council to approve it.

   Cuthbertson and Bowman both noted that the Council should be prepared to defend the ordinance in court. Marlow noted that similar ordinances have been successfully defended.

   *Motion (Heyenga/Marlow) to approve View & Vegetation Ordinance. Passed unanimously.*

3. **Public Hearing and resolution 2006-02; Proposed undergrounding of utilities at US 101 & Main Street.** (Marlow)

   Marlow explained that the City has received enough PG&E credits to underground the utilities at the entrance of town. A survey and Resolution is required by PG&E to proceed with construction.

   Mayor Lin announced that the City received its credits through a donation from the County.

   *Motion (Marlow/Heyenga) to approve Resolution 2006-02 and proceed with the project. Passed unanimously.*

4. **Discussion/Decision on establishing a legal service request policy for City Council and Staff.** (Lin)

   Mayor Lin explained that at in December the Council directed him to draft the following policy and bring it back in January for further discussion:

   **Policy for Council members and Staff requesting legal service from the City Attorney**

   1. Most requests by Council members for legal service should channel through the Mayor. If any Council member wishes to consult directly with the City Attorney, he/she must first consult with another Council member, and it is the responsibility of the second member to make sure that the request is necessary and not redundant.

   2. City Staff, except for the Police Chief and the City Clerk, requesting the service must have it approved by the appropriate Commissioner.

   3. Offenders of this policy may be responsible for paying the cost of the service.

   Cuthbertson argued that all Council members are equal, and disagreed with limiting the staff's access to the attorney.

   Marlow and Bowman supported the concept of requiring Councilmember's to advise each other on the necessity of seeking legal counsel.

   Heyenga argued that the Council rarely submits frivolous requests to the City Attorney, and should not be punished for acting in the City’s best interest. It is the Council’s responsibility to be mindful of the issues brought forth to the attorney. Seeking legal counsel is the cost of running a democracy. The Council should not adopt this policy.

   Bowman suggested tabling the item until a problem arises.

   Mayor Lin noted that Heyenga is extremely cautious in terms of saving the City money. He is extremely generous with his time, and is always looking for ways to free up staff time by sharing the workload. However, not all Council members are as generous with their time, and therefore such policy may be useful to this and future City Councils.

   Bowman suggested that the Council “consider” the policy, not adopt it at this time. It shall be considered until further evidence is received that Councilmember's are abusing their privilege.

   *Motion (Bowman/Marlow) to consider adopting the following policy regarding requests by Council members and Staff for legal service:*
Policy for Councilmember’s and Staff requesting legal service from the City Attorney

1. Most requests by Councilmember’s for legal service should channel through the Mayor. If any other Councilmember wishes to consult directly with the City Attorney, he/she must first consult with another Councilmember, and it is the responsibility of the second member to make sure that the request is necessary and not redundant.

2. City Staff, except for the Police Chief and the City Clerk, requesting the service must have it approved by the appropriate Commissioner.

3. Offenders of this policy may be asked to pay the cost of the service.

Motion Passed by the following vote:
3 Yes - Marlow, Bowman, Lin
2 No - Cuthbertson, Heyenga

5. Discussion/Decision regarding proposed workshop on Council policies. (Heyenga)
Heyenga explained that Councilmember’s actions and decisions are affected by laws, resolutions, policies, and personal values. In the past some policies have been either only verbally passed from one Council to the next, or there is not even a verbal policy covering a situation. The $500 spending limit is an example of a verbal policy that has led to misunderstandings and problems between Councilmembers and even employees.

Heyenga proposed holding a workshop at which Councilmembers can submit policies for consideration. The goal would be to discuss a proposed policy and develop a clearly written statement of the Council’s position.

Lin and Marlow warned Heyenga that this process could be overwhelming, and the Council should not adopt policies too quickly.

Motion (Heyenga/Cuthbertson) to hold a workshop on January 26 from 12:30 – 2:30 to discuss Council policies. Passed unanimously.

6. Discussion/Decision regarding committee to propose zoning/development plan for Trinidad Head. (Heyenga)
Continued to a future meeting.

7. Discussion/Decision regarding Financial Reports from Auditor and CPA. (Cuthbertson)
Financial Report
Cuthbertson updated the Council on the status of departmental budgets and grant projects.

2004-2005 Audit
The City should implement the Auditor’s management recommendations:
- Delinquent Account Collection
- Amend Investment Policy to include funds in the County Treasury
- Approve a Capitalization Policy
- Time Study

The Auditor recommended the employees submit detailed time cards bi-annually to ensure the accuracy of the budget distribution. However, Cuthbertson argued that City employees should be required to always keep detailed timecards.

City Clerk Adams noted that the City received a collections agreement from Britt Credit Services in Arcata that was ready to be signed by Mayor Lin.

Public comment included:
Steve Ruth – Trinidad
The Council should notify City Staff about the timecards and request their input.

Richard Johnson – Trinidad
Budget ratio accuracy is missing due to all the guessing done in the past. The City will eventually have to do a time-study.
By consensus the Council agreed to direct the staff to perform a time-study for four weeks in the winter and four weeks in late spring.

8. Discussion/Decision on CCNM Gateway proposal. (Heyenga)
   Continued to a future meeting.

9. Discussion/Decision regarding settlement agreement letter. (Heyenga)
   Heyenga explained that with the signing of the Settlement Agreement the parties involved are charged with upholding their commitments described in that document. Two issues need to be clarified, and he proposed a letter from the City to Mr. Frame and other involved parties to address the following issues:
   - **Poles in the Humboldt North Coast Land Trust easement**
     Three 4”x4” poles have been installed in the Land Trust easement. The poles are not in a straight line and impede use of the easement. While pedestrian access is not prevented by the poles, the Agreement states that Mr. Frame “will accept a four-foot wide footpath unimpeded by vegetation on his property…over which the HNCLT holds a pedestrian access easement…” The poles block the “four-foot” wide footpath” agreed to and should be removed, or repositioned to create the designated footpath.
   - **City maintenance of vegetation south of the boundary**
     The Agreement states that the City will have the “exclusive right to maintain all land to the south of the agreed boundary line…” Except for limiting the trail width to three feet and cutting grass on the trail to between three and six inches, no other restrictions are placed on City maintenance of vegetation south of the boundary. The City has the right to maintain vegetation to stabilize and enhance the bluff stability as it sees fit.

The Settlement Agreement was signed in a spirit of cooperation and good faith. All parties need to work toward those goals.

Marlow noted that there is no question as to the City’s right to maintain vegetation south of the boundary, and asked the Council if they were prepared to engage in litigation.

Cuthbertson stated that the City should acknowledge Frame’s violation of the Settlement Agreement by sending a letter to all parties in objection to his actions.

Guttero stated that based on precedent, dialog between lawyers, or dialog between the Mayor and Mr. Frame is the first place to begin. The HNCLT is on target by writing a letter to Mr. Frame since the posts have been erected on their property, not the City’s. The agreement states that the easement should be unimpeded by “vegetation” – not posts. Further, coastal development permitting is a separate matter. The posts do not require a CDP as per Trinidad’s Local Coastal Plan. However, the Coastal Commission required a permit for his fence.

Guttero also noted that the Council directed him to forward this issue to the Attorney General’s office. They did not respond, and their lack of response suggests they aren’t interested in getting involved.

Cuthbertson argued that something must be done, and the City should show its support for the HNCLT.

Mayor Lin suggested that the City wait and see how Mr. Frame responds to the HNCLT letter prior to getting involved.

Public comment included:
**Glenn Saunders** – Trinidad
This sounds like a broken record. I told you this would come back to haunt you. Frame is trying to irritate the City. The Council should send a letter to Frame in support of the HNCLT.

**Bill Harkins** – Trinidad
Agreed with Mr. Saunders comments.
Heyenga stated that the purpose of bringing this issue up was to acknowledge the agreement and support the HNCLT – not to make angry charges or invoke an emotional response. The letter should be written by the Mayor.

Marlow noted that a series of letters would be more successful that sending a flurry of letters.

*Motion (Cuthbertson/Heyenga) to direct the Mayor to send a letter in support of the HNCLT to John Frame.*

*Motion passed by the following vote:*

4 Yes – Marlow, Bowman, Heyenga, Cuthbertson
1 Abstain - Lin

**XI. APPROVAL OF MINUTES**

*December 14, 2005 scc*

*Minutes will be reviewed at a future meeting.*

**XII. ADJOURNMENT**

- Council adjourned at 11:35 pm.

Submitted by: Gabriel Adams  
City Clerk

Approved by: Chi-Wei Lin  
Mayor