

SUMMARY MINUTES OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, MARCH 28, 2006

I. CALL TO ORDER/ROLL CALL

Mayor Lin called the meeting to order at 7:32pm. Present were Councilmembers Marlow, Bowman, Heyenga, and Cuthbertson. Staff present were City Planner Trever Parker and City Attorney Jeff Guttero.

II. PLEDGE OF ALLEGIANCE. Mayor Lin led the Pledge.

III. APPROVAL OF AGENDA

Motion (Heyenga/Bowman) to approve the agenda as submitted passed unanimously.

IV. ITEMS FROM THE FLOOR

- **Pat Morales:** criticized some Councilmembers.
- **Donna Lin:** read a letter to editor from Mary Wilbur.
- **Kathy Bhardwaj:** related comments about Council meetings.
- **Carol Rowe:** proposed a mission statement for Council meetings.
- **Glenn Saunders:** Asked about the status of the Gateway Project; Mayor Lin explained that the committee is working but waiting for another grant before proceeding. Asked about the status of signs for trails. Guttero said that legal concerns have delayed the signs and he will have an agenda item about them in the future.

V. CONSENT AGENDA

Motion (Heyenga/Cuthbertson) to approve the Consent Agenda as submitted passed unanimously.

VI. AGENDA ITEMS

1. Continued discussion/decision on proposed ordinance regarding the sale or transfer of public property.
(Heyenga)

Heyenga introduced the item, explaining the rationale for having a vote to advise the Council on a proposed sale or transfer of property. While the Attorney had ruled that a binding vote was not permitted an advisory vote would be legal.

There were no Council questions for clarification.

Public comments:

Donna Lin: supported the current ordinances.

Glenn Saunders: other cities don't do this

Cindy Lindgren: the reason for disposing of property is important

Brad Twoomey: the proposal is directed toward a specific parcel

Council comments:

Bowman: a 4/5 vote is needed if there is a protest against a sale

Lin: elected officials are chosen to make decisions

Motion: (Heyenga) to direct the City Attorney to draft an ordinance requiring an advisory vote before the sale or transfer of any City-owned parcel failed for lack of a second.

2. Continued discussion/decision regarding Gould application for a Tori Gate leading from Galindo Street to the applicant's back yard. (Bowman)

Bowman introduced the item and explained why this item came before the City Council instead of the Planning Commission.

Council clarification:

Lin: emails from staff indicate the project should be denied.

Planner Trevor Parker reviewed her memo explaining the various ordinances affecting the project and the criteria needed for approval. Based on current ordinances the staff recommended denial of the encroachment onto City property.

Marlow: asked Parker to distinguish between nonconforming and illegal aspects of the project; asked if additional fencing would be constructed - Parker said yes, it looked like it from the plans.

Lin: is new gate wider than old gate? Parker said yes.

Cuthbertson: resident Carol Rowe was granted an encroachment permit for a retaining wall on City property; most properties on streets have items on City property.

Heyenga: asked City Attorney if we approve this application will we ever be able to deny a future application for such an encroachment?; Attorney said yes, each application will be judged on its own merits applying the same criteria in the ordinances; the Council could deny future applications.

Public comment:

Tom Noonan (contractor building the fence)

1. Have approved building permits; gate is only issue.
2. Pavement where pedestrians will walk is over eight feet from property line
3. Applicants agree to easement with hold harmless and other conditions.

Tom Odom: the overhang will not be in the way.

Gould (applicant): feels like they are being punished for playing by the rules

Council comments:

Heyenga praised staff's efforts and pointed out that they only enforce laws on the books.

Cuthbertson: the Goulds should not have to pay for the cost of this Council meeting.

Marlow: what happens next if approved? Parker said that the fence could be rebuilt since they are replacing something already there.

Lin: applicant has caused extra staff and meeting expenses by refusing to move the gate and should therefore pay those costs.

Motion (Bowman/Cuthbertson) to approve the Gould's application for an encroachment permit subject to two conditions: an agreement to remove the gate if the City ever developed its right of way, and a clause holding the City harmless from any liability.

Discussion on motion: Council discussed whether applicants should pay meeting costs, whether to include other conditions recommended by Parker, and whether living close to the applicant affected their ability to vote (Guttero said there was no problem voting.) The motion was not amended.

Vote: Yes: Marlow, Bowman, Heyenga, Cuthbertson; No: Lin

3. Discussion/decision regarding how to restore beach access from the Axel Lindgren Memorial Trail. (Marlow)
Marlow introduced this item. He said that he, and representatives of the Tsurai Ancestral Society and the Yurok Tribe, met with Steve Fisher to discuss trail repair designs. Fisher did not support the California Conservation Corps plan to reroute the trail. He recommended cable steps in the same location as before.

Council clarification:

Bowman: will the steps wash out again? Marlow said yes, if there are storms as strong as this year. Fisher said that it is probably not possible to build steps in the same place that would not wash out.

Cuthbertson: Coastal Conservancy said they would not pay for putting the steps in the same place. Marlow said that with free labor from the Hoopa Americacorps on Native Lands the cost will be for materials only. FEMA will reimburse 75% of the cost.

Heyenga asked about the budget for the project. Marlow said the \$2,000 already authorized should cover most if not all of the costs. Heyenga also asked if removing the brush at the Tsurai monument required Policy 69 approval.

Marlow said he was not sure, but he thought a letter was sent by the Planning Department if it was required.

Public comment:

Glenn Saunders; will \$2,000 be enough? Chief Thraikill explained that FEMA pays 76%, the State pays 16%, leaving the City responsible for less than 10% of the costs.

Council comments:

Heyenga: will the project require expenses for a cultural monitor: Marlow said no, that personnel involved in the construction will cover those duties.

Motion (Marlow/Bowman) to proceed with the restoration plans submitted by the Hoopa Americorps.

Passed unanimously.

4. Discussion/decision regarding restoration of the Van Wycke Trail. (Marlow)

Marlow introduced this item and based on a conversation with a FEMA representative suggested postponing this item to a future meeting. The FEMA representative wanted a landslide expert to look at the site and that person will be in Humboldt County in a few weeks.

Council clarification:

Cuthbertson: many people still use the trail and if more trail fails in a heavy rain we may lose the water line.

Public comment:

Richard Johnson: since we have local experts that know the area, what is FEMA's role? Marlow said the role would be to get cost estimates for repairing what was lost. Chief Thraikill said that the FEMA expert will write a report about the slope's stability but will not propose a specific solution.

By consensus the Council continued this item to a future meeting.

5. Continued discussion /decision to adopt a policy regarding agenda items. (Heyenga)

Heyenga introduced this item, noting it was one of a group of policies the Council considered at a special meeting.

Council clarification:

Lin: we discussed this and another item before. Heyenga said no decision was made at previous discussions.

Cuthbertson: the proposal does not deal with the number of agenda items - that can be in another policy.

Public comment:

Tom Odom: City Clerk can get a policy manual from other groups.

Brad Twoomey: the number of agenda items affect meeting and staff time

Council comments:

Bowman: proposal is reasonable

Cuthbertson: items can be moved up on the agenda

Lin: wants a comprehensive collection of agenda-related policies, not just a single one

Motion (Heyenga/Cuthbertson) to adopt the following policy: It is a policy of the Trinidad City Council that each Councilmember's items which are submitted by the deadline for the next regular or special Council meeting must be included on the agenda for that meeting without revision.

Motion passed 3-2: Yes: Bowman, Heyenga, Cuthbertson No: Marlow, Lin

6. Continued discussion/decision regarding the revised animal ordinance. (Heyenga)

Heyenga introduced the item noting that it had been before the public last October and November but was continued pending further work by the Chief of Police. The ordinance was developed using our old ordinance,

County regulations, ordinances from other cities, and consultation with the Sheriff's office. He noted the controversial options for dogs on beaches - leashed or unleashed - and that the Council would have to choose an option for the ordinance.

Council clarification:

Lin: good to include cleaning up dog waste on the beach since we are trying to maintain good ocean water quality.
Marlow: the proposed ordinance does not include cleaning up after other animals such as horses. Heyenga said that these ordinances deal only with dogs, but other ordinances could be developed and included in the Municipal Code chapter on Animals.

Public comment:

Barbara Schults - Animal welfare advocate. The Animal welfare community wants to be included in the ordinance-developing process. Asked to receive a copy of the proposed ordinance. Heyenga said the City Clerk could email a copy and it is available on the City's web site.

Mike Morgan: asked about the line between Trinidad Beach and the State Beach. Heyenga described the line.

Richard Johnson: will there be a decision tonight? Heyenga said no, that once a final draft is agreed upon it will be sent to the City Attorney for his review.

Stan Binnie: there is no dog waste collection container for the bags available on Trinidad Head and the bag dispenser on View is out of bags. Heyenga said he would look into this.

Jesse Faulkner: how many dog licenses are there in Trinidad? Richard Johnson said 30-40.

Council comments:

Cuthbertson: sections 6.04.035 and .040 should include the phrase "or animal."

Marlow: we should bring this back for discussion earlier in the evening. Lin suggested the first meeting in May.

By consensus the Council continued the item to the first meeting in May, where it will be early in the agenda.

7. Continued discussion/decision regarding policies and protocols to implement SB18. (Heyenga)

Heyenga introduced the item and gave background on SB18 and the Native American Heritage Commission.

Council clarification:

Lin: each tribe has its own protocol for consultation.

Public comment:

Brad Twoomey: is there any requirement for SB18 consultation if Federal money is received? Heyenga said no, that SB18 only deals with changes in a City or County's General Plan or Local Coastal Plan.

Motion (Heyenga/Marlow) to begin implementing the procedures required in SB18. Passed unanimously.

Non-agenda comment: Cuthbertson noted that a check for \$2202.20 was received from Verizon for cellular carriers on Trinidad Head.

VII. ADJOURNMENT

There being no further business before the Council, Mayor Lin adjourned the meeting at 11:12pm

Submitted by:

Approved by:

Dean Heyenga
03/29/06

Chi-Wei Lin
Mayor