

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JUNE 14, 2006

I. CALL TO ORDER/ ROLL CALL

- Mayor Pro-Tem Bowman called the meeting to order at 7:01PM. Council members in attendance: Bowman, Heyenga, Cuthbertson. Mayor Lin and Councilmember Marlow were absent. No Staff was present.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

Mayor Pro-Tem Bowman adjourned the Council to closed session at 7:02pm.

1. Pursuant to Government Code, Section 54956.9 (b) (3) (a)
 - a. Pending Litigation

IV. RECONVENE TO OPEN SESSION

The Council ended the closed session at 7:23pm and returned to the Council chambers. Mayor Lin and Councilmember Marlow joined the meeting at that time. Mayor Lin reconvened the Council to open session at 7:30pm.

V. APPROVAL OF AGENDA

*Motion (Cuthbertson/Heyenga) to move to take agenda item #7 first. **Passed 4-0 (Marlow - Abstain).***

VI. APPROVAL OF MINUTES

May 02, 2006 scc

Continued to a future meeting. Waiting for transcript from Yurok Tribe.

May 09, 2006 scc

*Motion (Heyenga/Bowman) to approve the minutes as submitted. **Passed 4-0 (Cuthbertson - Absent)***

May 10, 2006 cc

Continued to a future meeting. Pending further review.

May 11, 2006 scc

*Motion (Cuthbertson/Heyenga) to approve the minutes as submitted. **Passed unanimously.***

May 23, 2006 cc2

*Motion (Cuthbertson/Heyenga) to approve the minutes as corrected. **Passed 4-0. (Marlow - Absent)***

VII. COMMISSIONERS REPORTS

Marlow – Parks and Recreation, Streets

Trails: ALM Trail repair complete. Wagner Street Trail and Trinidad Head need trimming.

Bowman – Police, Harbor

Harbor: Salmon season is underway.

Police: Deferred to Police Chief report.

Heyenga – Fire, Planning

Planning: There will be a Planning Commission meeting Wednesday, June 21. Items on the agenda are:

- US Cellular amended proposal for communications equipment on Trinidad Head.
- Van Wycke trail retaining wall repair.
- Planning Commission policy determination on second unit (Doran).
- Setting a special meeting to discuss the Onsite Wastewater Treatment System ordinance.
- Tomorrow evening the City will host a workshop on regional water quality issues in Town Hall.

Fire: The Fire Department received a \$35,000 grant from the Indian Gaming Committee to help purchase a newer used fire truck for the department. The City has just over \$30,000 set aside for the truck and the additional funds will make a purchase likely.

Gaming: The Indian Gaming Grant Committee met yesterday and agreed on the following grant allocations.

The original request is in parentheses:

- Arcata Fire District pagers: \$39,843 (\$39,843)
- Blue Lake Elementary after school program: \$0 (\$15,000)
- Arcata Emergency Generator: \$32,500 (\$65,000)
- Blue Lake Wastewater Treatment project: \$100,000 (\$130,000)
- Blue Lake Police staffing/equipment: \$48,123 (\$195,233) [funded equipment only, not personnel]
- Trinidad police vehicle: \$0 (\$20,000)
- Trinidad fire truck: \$35,000 (\$40,000)
- Trinidad police station: \$50,000 (\$50,000)
- Klamath/Trinity transportation: \$0 (\$10,000)
- No. Calif. Cultural Committee: \$0 (\$12,000)
- Trinidad School sports program: \$0 (\$2,437)
- Trinidad School Artist-In-Residence program: \$0 (\$5,060)
- Hum. Co Sheriff overtime: \$14,576 (\$48,233)

The Committee's recommendations will be submitted to the State Controller's Office. Funds received must be spent within a year.

SMCC: Early this year I submitted paperwork for reimbursement from the State for mandated meeting costs. June 2 we received a check from the State Treasurer's Office for \$9,756.00. Instructions for filling out the required paperwork are in the files for future submissions.

Lin – Water, Town Hall

Water: Nothing to report.

ASBS: Exception application has been submitted to the State Water Board. Storm Water collection was a success. Thanked the volunteers.

ASBS kick-off meeting scheduled for June 15.

City Hall: Late meetings discriminate against certain individuals who cannot stay up late enough to participate. The Council is not serving the public when conducting unfocused meetings. Roberts Rules of Order will be initiated as a method of focusing meeting discussions.

The Council debated the Mayor's proposal. Cuthbertson and Heyenga agreed that the issue should be brought to the Council as an agenda item for discussion and analysis. Mayor Lin and Councilmember Marlow disagreed, stating that the proposal is reasonable and that further discussion was unnecessary. Bowman agreed to give it a try.

Cuthbertson – Finance

Finance: Deferred to agenda item 4.

VIII. STAFF REPORTS

City Clerk/IWMC – Adams: **Nothing to report.**

City Attorney – Guttero: **Nothing to report.**

Police Chief – Thrailkill – Announced arrests, service calls, and statistics.

IX. ITEMS FROM THE FLOOR

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

Sungnome Madrone – Westhaven/Fox Farm

Supported Mayor Lin's approach to focus the meeting and speed up the pace of discussion. Regarding the official City minutes, Madrone stated that Council decisions are far more important than the details of discussion. If a motion isn't formulated quickly, the issue should be dropped. Minutes should reflect Council action, not discussions.

X. CONSENT AGENDA

1. Resolution 2006-07A; amending 2006-07 – Used Oil Recycling Block Grant. (Clerk)
2. Submission of required DBE Form 9-B; Local Agency Annual Submittal Form. (Heyenga)

Motion (Heyenga/Bowman) to approve the Consent Agenda. Passed unanimously.

XI. AGENDA ITEMS

1. Discussion/Decision on issues, procedures, and actions related to the Bureau of Land Management and cellular communications issues on Trinidad Head. (Heyenga)

Heyenga explained that he requested that this item be placed on the regular agenda to allow Council discussion of any issues related to decisions in closed session or other issues related to cellular communications on Trinidad Head.

Questions for clarification

Marlow: What exactly are the issues?

Heyenga: I heard that the Mayor and City Clerk attended a meeting with the BLM. If so, why hasn't it been reported on and why did the City Clerk attend?

Cuthbertson: Why didn't the entire Council receive the City Attorney's analysis of the issue regarding cellular development on Trinidad Head until after the Mayor received and reviewed it? The cost of that memo was approximately \$1000.

Guttero: A draft was sent to Mayor Lin at his request - in advance - to review the facts and make any corrections prior to its release to the entire Council.

Motion #1

Motion (Cuthbertson/Heyenga) to open the discussion to the public.

Public comment

Tom Odom – Trinidad

Will the Planning Commission be entitled to review Guttero's analysis prior to next weeks hearing?

Tom McMurray – U.S. Cellular Representative

If there's any info in that memo that may affect the PC's decision, why can't it be made public? U.S. Cellular would like the Planning Commission to hear their proposal as soon as possible. They've been delayed long enough.

Richard Johnson – Trinidad

The PC should not be making decisions until all the facts are presented. We shouldn't put the community, nor the applicant through this process again.

Brad Twoomey – Trinidad

Agreed with Johnson. Also, the Council should make sure specific hearing deadlines aren't missed.

Cyndi Lindgren – Trinidad

You speak about how much the Attorney's review cost the City, but have you considered how much money the Friends of Trinidad Head saved the City preparing and organizing all the documents related to this issue?

Kathy Bhardwaj – Trinidad

The PC should be privy to all information relevant to this issue. Urged the Council to be as legal as possible in all aspects of City business.

Carol Rowe – Trinidad

If the Council directed the PC to review the proposal, the Council should provide them with this information. Also, proposed action should be listed along with the each agenda item to better inform the public.

Council discussion

Mayor Lin: The BLM invited the City Clerk to meet with them. No report has been given because the BLM will be writing an official response to the City.

City Attorney Guttero: The Council may wish to share my analysis with the PC.

Marlow: Cuthbertson reported earlier that he spoke with a Verison Representative today regarding a mysterious increase in rent for the communication facility on Trinidad Head. Why didn't you report on that discussion?

Cuthbertson: It is true that I had a phone conversation with Tom McMurray earlier today.

Heyenga: The City Clerk should not have been allowed to meet with the BLM. He is not an elected official, nor does he represent the City. Mayor Lin should have explained this to the BLM and another Council member should have gone instead of the City Clerk.

Motion #1: No action taken.

*Motion #2: (Heyenga/Cuthbertson) to direct the City Attorney to advise us by Friday, June 16, on distributing his memo to the Planning Commission. **Motion withdrawn.**

*Guttero noted that the motion was not relevant to the agenda item. He advised the Council that it was permissible to give City Staff direction by consensus.

By consensus, the Council directed the City Attorney to advise the Council by Friday June 16 on distributing his memo to the Planning Commission.

2. Discussion/Decision on incentives for photovoltaic systems for Trinidad residents. (Heyenga)

Heyenga explained that discussions with Gabe and building inspector Scott Kelly resulted in a refined proposal for incentives encouraging the use of photovoltaic systems in Trinidad. Currently, the fee for a building project consists of two combined fees: the building permit fee and the plan check fee.

To arrive at the plan check fee, Gabe takes 65% of the building permit fee and adds that amount to the building permit fee. The fee for a building project is the two fees combined. Spencer Engineering, according to their contract, charges the applicant 75% of the building project fee, with 25% going to the City.

The proposal developed by Gabe with Scott's approval is to separate plans for a photovoltaic system from the overall building project. A pv system would receive a separate building permit form for which there would be no building permit fee and no calculated plan check fee. Spencer Engineering would charge time and materials only for a plan check of the pv system and a fee for final inspection after installation. The inspection could be combined either with inspections of other projects during the same trip, or as part of inspecting the building project of which the pv system is a part.

Using the proposed approach, City revenues would be slightly reduced as no fees for pv systems would be collected. However, for other building projects, including remodels and new construction using pv systems, the City would continue to apply the UBC chart and the percentages specified in Spencer Engineering's contract. Only the pv portion of the project would involve reduced fees from the time and materials approach.

Questions for clarification - None

Public comment

The audience supported the proposal.

*Motion (Heyenga/Cuthbertson) to authorize the Commissioner of Planning to draft documents to implement the photovoltaic incentives above and to bring the documents to the Council for approval. **Passed 4-1 (No-Marlow).***

3. Discussion/Decision regarding contract between propertyroom.com and TPD to sell surplus property and equipment. (Thraikill)

Thraikill explained that one of the biggest and on-going problems for law enforcement agencies and to the Trinidad Police Department is the storage and disposal of excess property and equipment. Due to the small size of the department facility, we do not have the space to keep long-term property. Another difficult issue is the use of staff time and expenses to hold a surplus auction locally. PropertyRoom.com is the viable solution to handle our surplus equipment property. It will not cost the department any money to enter the contract. The company will prep all items for sale and will split the cost 50% for the first \$1000 and the remaining amount will be split 75% to TPD. Several agencies such as Arcata, Eureka, and Fortuna use this company and are happy with its services.

Motion (Bowman/Cuthbertson) to:

1. *Approve and allow the Chief of Police to enter into a contract with PropertyRoom.com to sell surplus property and equipment, ***subject to review and approval of the City Attorney.***
2. *Allow the Chief of Police to use those funds gained from the sale of the property to purchase necessary equipment for the department.*

Main motion – Passed 4-1. (No-Cuthbertson) *Amendment – Passed unanimously.

Cuthbertson attempted to ask a question regarding how the income would be tracked at the bookkeeping level. Mayor Lin noted that his question was not relevant to the motion and therefore would not be addressed.

4. Third Quarter Financial Report and questions or concerns regarding financial matters. (Cuthbertson)
Cuthbertson proposed that the Council consider using a new format for the budget for FY 2006-2007.

Public comment

Richard Johnson – Trinidad

Feedback from the Council on the proposed format would be useful. We should have a clear understanding of the line item descriptions in order to improve expenditure tracking. I need permission from the Council to meet with department managers to create the line item descriptions.

Council discussion

Heyenga: None of us know what the line item problems were this year. Wouldn't our CPA know this better than any of us?

Lin: Regarding the water department, there's no way of predicting what will go wrong next year and need repair.

Cuthbertson: The City needs to receive its financial statements sooner. I will work with Brooks to resolve this.

No action was taken.

5. Discussion/Decision regarding Planning Commission recommendations on Accessory Dwelling Units. (Heyenga)

Heyenga explained that the City has received several complaints about illegal and/or nonconforming second dwelling units which owners have created on their properties. The Planning Commission has requested that the Council address the issue in the coming fiscal year.

Unlike other planning projects which we seem to get into without considering planning department budget costs, this project has been planned and costs estimated. Ms. Parker estimates the cost of staff analysis, ordinance drafting, and public hearings at \$1800.

The issue of illegal second units, now called Accessory Dwelling Units (ADU), has been raised several times but no action has been taken. The Council now has a chance to tackle this issue and develop solutions. The recommendation is to support the Planning Commission's request.

Questions for clarification – **None**.

Public comment - **None**

*Motion (Heyenga/Marlow) to take up the issue of illegal and/or non-conforming Accessory Dwelling Units and allocate \$2000 in the FY 2006-2007 Planning Department budget for this project. **Passed unanimously.***

6. Continued discussion/decision on design issues and monthly costs for new branch library. (Heyenga)
Heyenga explained that at a prior Council meeting, we discussed estimated operating costs of a new branch library. The overall plan is for the community to fund construction, and then turn the building over to the Humboldt North Coast Land Trust, who will lease the building to the City.

The Trinidad Museum Society is in a similar position with the proposed new museum. The Land Trust and Museum Society are currently working out a long-term lease that covers operation and maintenance of the museum. The lease also deals with such issues as insurance and annual fees.

Before the City commits to funding a new branch library, it seems prudent to agree up front with the HNCLT about costs and terms. A Memorandum of Understanding between the two agencies could spell out what the City is agreeing to pay and what the HNCLT will charge. Such a MOU would form the basis for a future lease and prevent a future Council from being surprised at lease terms. The MOU could be based on, but not necessarily the same as, the draft lease between HNCLT and the Museum Society.

The proposal is for the Council's two representatives to the joint planning group, Mayor Lin and Councilmember Heyenga, to work with HNCLT representatives to develop the specifics of a MOU. The draft MOU would then be brought to both agencies for attorney review and approval. Once both parties agree on basic terms and responsibilities, planning and fund raising for a new branch library can proceed.

Questions for clarification - **None**

Public comment - **None**

Council discussion

Mayor Lin: It's difficult to discuss agreements without knowing the design, shape, and size of the proposed library. We should continue this discussion until a plan is developed and presented to the Council.

Heyenga: The Library group is concerned that money and time will be spent on the project without the support or a commitment from the City. The community has shown support for the project and will be able to raise the money.

Marlow: An MOU is a commitment. In the past, we've endorsed concepts demonstrating our willingness to participate in the discussions without committing ourselves to specifics. I'd like to see the design first.

Cuthbertson: The City should know how the cost of the commitment before agreeing to it.

No action was taken. Continued to a future meeting.

7. Discussion/Decision on proposal to cover design review fees for new bench at Trinidad Beach. (Heyenga)
Heyenga explained that Last year Ron Zemel proposed building, at his own expense, a unique redwood stump bench at Trinidad Beach. The vista point location was formerly approved by the Planning Commission as a potential bench site. The Trinidad Rancheria Tribal Council also approved the bench and location, their input being solicited due to the proximity of the proposed bench to their property.

City Planner Trever Parker discussed the bench design with the Coastal Commission staff. Commission staff said that because the bench would not be a "permanent" structure, it would not need a Coastal Development Permit and would not be appealable to the Coastal Commission. However, since, after being built with private funds, the bench will be donated to the City, the City would assume maintenance costs and liability, as it does with any bench.

Parker advises that the bench should have a formal design review before the Planning Commission. The proposal before the Council is for the City to front the cost of the design review hearing.

Three reasons support such a request:

1. The bench will be built at the applicant's expense.
2. The applicant will still pay the standard bench fee.
3. According to Ms. Parker, this is a simple request and design review costs would be minimal.

The City stands to gain a beautiful and unique bench at one of our most scenic locations. The applicant is willing not only to build the bench at his expense but is also willing to pay the standard fees for maintenance. Cooperating by paying the design review fees is a low cost win-win situation for the City and the applicant.

Questions for clarification – None

Public comment

Ron Zemel – applicant

Before my wife passed away, her wishes were to have her ashes scattered off Trinidad Head and to have a bench dedicated in her honor. The bench will be built to code and I appreciate the Council's support.

Motion (Heyenga/Marlow) to waive the design review fees for processing the bench proposal for Trinidad Head beach. Passed unanimously.

XII. ADJOURNMENT

- **Council meeting ended at 11:25 pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Chi-Wei Lin
Mayor