

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JULY 12, 2006

I. CALL TO ORDER/ ROLL CALL

- Mayor Lin called the meeting to order in the main hall at 7:40PM. Council members in attendance: Lin, Marlow, Bowman, Heyenga, Cuthbertson.
- City Staff in attendance: City Clerk, Gabriel Adams; Police Chief, Ken Thrailkill; City Attorney, Jeff Guttero.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- Bowman: Hear item no. 5 second.
- Heyenga: Pull no. 8.
- Marlow: Pull no. 2.
- Cuthbertson: Move approval of minutes to the end of the meeting.

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

VI. APPROVAL OF MINUTES – *Continued to a future meeting.*

May 10, 2006 scc
June 07, 2006 scc
June 08, 2006 cc.
June 14, 2006 scc
June 27, 2006 cc2
June 28, 2006 scc

VII. COMMISSIONERS REPORTS

Marlow – Parks and Recreation, Streets

TPW: Public Works employee evaluation is complete. Councilmembers are welcome to add comments to the evaluation form located in City Hall personnel files. Bryan Buckman is an invaluable asset to the City.

Trails: Van Wycke Trail repair is scheduled to begin next week.

Gateway: The committee decided to settle on more simple design concepts for Gateway funding. The goal is to agree upon a concept that symbolizes the history and culture of Trinidad. Concepts will be solicited from the public in the future.

Bowman – Police, Harbor

Harbor: Salmon Season closed July 4.

Police: Deferred to Police Chief report.

Heyenga – Fire, Planning

Planning:

- There will be a Planning Commission meeting July 19. Items on the agenda are:
 - A. Design review of beach bench approved by City Council.
 - B. Onsite Wastewater Treatment Ordinance - Planning Commission discussion
 - C. Permit for work done on Van Wycke slipout.

Annexation of two Langford Road properties.

Two planners and I met with Kirk Gothier, County Planner with the Local Agency Formation Commission (LAFCO) to discuss the possibility of annexing two properties on Lanford Rd. into the City. Mr. Gothier said that LAFCO, which must approve all annexations, has generally put annexation requests on hold pending related studies by the County and incorporated cities. However he suggested the Planners and I attend the LAFCO meeting July 26 to see if LAFCO would consider our annexation request. We plan to do so.

Storage facility for Town Hall

Tom Odom and I prepared a proposal for a storage area to contain all the chairs and tables currently taking up space in Town Hall. The proposed design was submitted to the Police Chief for consideration when planning the new police facility.

Appeal hearing on US Cellular application

An appeal of the Planning Commission decision on the US Cellular application was filed and the applicant would like the issue heard at the July 25 Council meeting. City Planner Trever Parker said that there are some answers she needs from the City Attorney that will determine whether the appeal can be heard July 25 or in August. If the appeal will be heard July 25, the City Clerk will send out an email to our subscriber list announcing the hearing.

Fire: With just over \$30,000 set aside in a reserve fund combined with a \$35,000 Indian Gaming grant, the Fire Department has approximately \$65,000 with which to purchase a replacement fire truck. Fire Chief Tom Marquette is contacting local agencies and other vendors to locate a truck that meets our needs and budget.

On July 4 a Pacific Street resident contacted the Police Department concerned about bonfires on Trinidad Beach. The Volunteer Fire Department was dispatched to put the fires out. The Police Chief noted that we do not have any ordinances prohibiting fires on the beach, nor do we have signs informing beach visitors about fires. The issue of fires and fireworks on Trinidad Beach will be on the July 25 Council agenda.

Lin – Water, Town Hall

Water: Congratulated Ponniah and Buckman for passing their Grade III Water Plant Operator exam.

CCNM: BLM ceremony will be held at 9:30 am tomorrow at the Lighthouse to kick-off the city's partnership with the BLM in the California Coastal National Monument Program.

Cuthbertson – Finance

Finance: COPS and Police Department budgets are complete.

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.)

Pat Morales – Trinidad

When will the budget be ready? Cuthbertson is upsetting City Staff and Consultants. What is the Council going to do to control overspending on attorney consultations?

Mary Wilbur – Trinidad

This Council is dysfunctional, in deep trouble, and is continually being ridiculed in by the press. The Council should consider:

- A disciplined approach to the number of agenda items on meeting agendas.
- The Council should restrain itself from contacting the City Attorney at will.
- The City might be better off with an all women Council.

X. CONSENT AGENDA

1. Resolution 2006-10; Approving CDF Wildland Fire Protection Agreement 1CA65140. (Clerk)

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

XI. AGENDA ITEMS

1. Discussion/Decision regarding the transfer of the positions of Mayor and Mayor Pro-Tem to other Council members. (Cuthbertson)

Background & Questions for clarification

Cuthbertson explained that many citizens have expressed their concerns about the animosity between the Mayor and other Council members. Under the city’s “weak mayor” system, the mayor is chosen by the Council and all Council members have equal authority in running the City’s business. Since the Mayor took office, he explained, he has violated a number of City ordinances, resolutions, and the Brown Act. He also alleged that on numerous occasions the Mayor allowed the public to verbally abuse Councilmember Heyenga during meetings.

Cuthbertson suggested that the Council consider limiting public comment throughout this hearing, and that the Mayor Pro-Tem Bowman should preside over this discussion.

Lin and Marlow disagreed. They noted that the Council normally doesn’t limit the public’s freedom of speech, and that the Mayor was capable of presiding fairly over this discussion. They also criticized Cuthbertson for not producing evidence supporting his accusations against the Mayor.

City Attorney Guttero agreed with Lin and Marlow and stated he too has found no evidence to support Cuthbertson’s accusations. He explained that he and Cuthbertson have agreed to disagree on his subject. Guttero was not familiar with the “weak mayor” system, but he did note that the Council has the authority to remove the Mayor.

Dwight Miller – Trinidad

Cuthbertsons basis for removing the Mayor is unclear.

Victoria Sackville – Trinidad

I feel there is something more. Are we missing something?

Cyndi Lindgren – Trinidad

It is my understanding that the public is concerned with how the Council is performing as a whole. However, you’re pointing the finger and blaming Lin only. The entire Council is to blame.

Public Comment

The following individuals expressed opinions in support of Mayor Lin, or against changing Mayors:

Kathy Bhardwaj
Lorraine Cook
Mary Wilbur
Billie Crawley
Kim Tays

Dwight Miller
Gail Kenny
Pat Morales
Sungnome Madrone
Stan Binnie

Bryce Kenny
Bryan Rosen
Victoria Sackville
Julie Fulkerson
Janinne Volkmar

Jim Williams
Carol Rowe
Brad Twoomey
Alice Foster
Brent Twoomey

Lin's supporters offered the following comments:

- With the upcoming election in November, the Council will naturally reconstruct itself. Why force it now?
- A new Mayor won't solve the problem. The Council should park its anger and work on other issues that are important to the public.
- Over 100 signatures were collected from Trinidad residents in support of Mayor Lin's performance. The petition stated: We, the undersigned, request that Mayor Chi-Wei Lin be allowed to serve out his term as Mayor until November 2006.
- An overwhelming majority of the public is clearly in favor of the Mayor Lin as Mayor.
- Gross negligence and/or blatant violation of City ordinances would be grounds for removal – neither of which the Mayor is guilty of in this case.
- The Council should set aside their petty differences and work toward common goals of the community.
- The business of the City has taken a back seat to the internal bickering. The Council should put their differences aside deal with more important issues facing the City.

The following residents offered neutral comments that addressed the conflict issues and their impact on the community:

Patti Fleschner

Don Blue

Richard Johnson

John Duncan

These residents offered the following comments:

- The process is broken. The Council should seek outside consulting to learn how to communicate.
- It may be prudent to wait for the November election before reconstructing the Council.
- The business of the City is suffering due to the internal bickering amongst the Council.
- I don't have a dog in this fight, but I don't believe its proper to air out all your dirty laundry in public like this.

The following residents were in favor of changing Mayor:

Tom Odom

Jim Gould

Glenn Saunders

Residents in favor of changing Mayor offered the following comments:

- This is the most dysfunctional Council I have ever witnessed. If changing the Mayor will promote better productivity, give it a try.
- If the Council isn't acting properly and leadership is the problem, the leader should be replaced.

Council comments

Heyenga: This Council has inherited many procedures for conducting meetings. Mayor Lin has directed the Council to implement procedures against the will of the majority. 4 months of good government is worth a change if necessary. We should take this opportunity to show the public that we're ready to change.

Bowman: I take no pleasure in debating this item. Council members are strong willed and must learn to work together. However, I have noticed a constant leadership battle and witnessed a number of instances where I believe Mayor Lin may have overstepped his boundaries. Therefore, I support making the necessary leadership changes if it enables us to move forward. Bowman read a recent editorial from James Faulk of the Times-Standard.

Marlow: Supported Mayor Lin and agreed with the statements made by his supporters.

Cuthbertson: The Mayor tried to keep me from attending Council meetings before I became Council member in July 2005. I've been gaveled down by the Mayor too many times.

Lin: We're ignoring the needs of our community. We should be focusing our efforts on ways to improve the City, not impede it. For over a year and a half I've been working to implement procedures for improving our meetings. I'm developing ways to increase revenue and improve the quality of water and life in Trinidad. Furthermore, I've never attempted to ban anyone from a Council meeting – that's impossible?

Motion (Cuthbertson/Heyenga) to remove the Mayor. Passed 3-2. Yes: Bowman, Heyenga Cuthbertson.

The audience gave a standing ovation in a show of support and appreciation of Mayor Lin.

Discussion/Decision regarding appointment of a new Mayor.

Heyenga: We (the Council) want what you want. You still have the same 5 people in office working towards the same goals.

The audience booed and hissed.

Guttero: Reminded Council that the acting Mayor Pro-Tem should preside until a new Mayor is chosen.

Bowman: Asked for a motion from the Council.

Motion (Marlow/Lin) to nominate Jim Cuthbertson as Mayor. **Cuthbertson declined.**

Public comment included:

Bryan Rosen – Trinidad

I have absolutely NO confidence in Cuthbertson or Heyenga. He expressed various criticisms, including his opinion that the good-old boy network was losing grip on the community and this is a last-ditch effort on their behalf to control City politics.

Pat Morales – Trinidad

Cuthbertson promised to work for the citizens when he took office. How would he explain voting against Lin when over 100 residents signed this petition?

Mary Wilbur – Trinidad

Agreed with Morales.

Dwight Miller – Trinidad

Glad to see the press getting good coverage of the Trinidad power grab. This is a citizen run council that is obviously serving themselves rather than the needs of the City.

Patti Fleschner – Trinidad

We should respect our Councilmembers. They work hard for this community – especially Heyenga who volunteers countless hours to serve many community groups in town.

Council Comments:

Lin: The Council has the right to choose the Mayor, but the citizens have the right to choose the Council. A Council that ignores the overwhelming majority is a disaster.

Motion (Cuthbertson/Bowman) to nominate Dean Heyenga as Mayor. Passed 3-2. Yes: Bowman, Heyenga, Cuthbertson.

Discussion/Decision regarding the nomination of Mayor Pro-Tem.

Bowman: Gave official notice of his resignation as Mayor Pro-Tem.

Motion (Cuthbertson/Bowman) to accept resignation of George Bowman as Mayor Pro-Tem. Passed unanimously.

Motion (Cuthbertson/Marlow) to appoint Chi-Wei Lin as Mayor Pro-Tem. Passed 4-1. Lin-Abstain.

2. Discussion/Decision to reconsider November ballot measures for ownership of the 12.5 acres on the City's southern boundary. (Heyenga)

Background

Heyenga explained that community discussions and further information from the County Elections Office convinced him to ask the Council and community to reconsider the issue of ownership of the 12.5 acres of City owned property

on its southern boundary. The state elections code does not speak to advisory elections, but in the last election the community of Manilla and Redway both had advisory votes regarding redevelopment on their ballots. Based on the advise of the elections office, the format of the three choices brought to the Council last month have been revised. The proposal is to submit a ballot measure that would state that this is an advisory measure and instruct the voter to vote for only on of the three choices. The format would look something like this:

Advisory (non-binding) Measure: *The City of Trinidad owns 12.5 acres on the City's southern boundary. The Council seeks your advise on the future ownership of those acres. Please vote for only one of the choices:*

- *The City should retain ownership of the entire City-owned 12.5 acres on the City's southern boundary.*
- *The City should transfer to the Yurok Tribe that part of the City-owned 12.5 acres on the City's southern boundary which contains the Yurok village of Tsurai.*
- *The City should transfer to the Yurok Tribe the entire City-owned 12.5 acres on the City's southern boundary.*

The future of the 12.5 City-owned acres is one of the most important issues facing the community. Voting results will give the new Council advice as to what the community thinks they should do. Having these measures on the ballot will give the community an issue with which to evaluate Council candidates.

Questions for clarification

Lin: We recently voted on this issue. Why are we discussing it again? Could I repeatedly bring back items that have already been voted down? This issue is premature. Why would we commit to putting this on the ballot before the plan is released to the public?

Marlow: If 5 ownership options are stated in the draft Management Plan, why aren't the 5 options listed in your proposal?

Public comment included:

Pat Morales – Trinidad

The majority of the public just advised you to keep Lin as our City's Mayor but you ignored us. When this issue was proposed at last months meeting, the overwhelming majority advised against it. What good is it to ask the public for input when you obviously don't care what we think. Why spend money on a ballot measure that you're likely to ignore?

Donna Haddock – Trinidad

I support this proposal and think the election results would be useful.

Kathy Bhardwaj – Trinidad

The language should be more neutral and worded differently.

John Duncan – Trinidad

The Lighthouse is sacred to the Civic Club. The land below is sacred to the native people. Give the natives their land and guard the lighthouse area and access to and from it.

Dwight Miller – Trinidad

An issue of this magnitude deserves significant study. I'd like to be informed before I make a decision. There is also a significant timing problem. Please do not put this on the November ballot.

Janine Volkmar – Trinidad

Read a statement prepared by Carla Powell who supports returning the Tsurai Village Site to the TAS.

Brad Twoomey – Trinidad

How come in the past Heyenga was so quick to sell off City property without a holding an election to see how the public feels? In this case, shouldn't a vote be required for selling, buying, or annexing property into the City?

Sungnome Madrone – Trinidad

Over 20 years ago, Micky Fleschner asked me to obtain a grant to write a management plan for this area. We began the process and the Coastal Conservancy took the lead. An important concept for a politician to consider is *consistency*. It's important to be consistent when making decisions. If not, your motives will be in question. Earlier tonight Heyenga suggested coming together and making a change. You could have achieved that by hearing the

will of the people and leaving Lin as Mayor. In 2005 Heyenga lead the charge to sell City property without putting a ballot measure before the City. Does anyone in this room feel this land *doesn't* belong to the Yurok Tribe?

Donna Lin – Trinidad

It's obviously a waste of money to put a non-binding measure on the ballot when it's clear the Council doesn't consider public opinion. They proved it earlier tonight.

Bryan Rosen – Trinidad

There is a time and a place for ballot measures, but this is not one.

Council comments

Marlow: I'm concerned that the voter will wind up confused and misinformed at the ballot box.

Cuthbertson: Our hands are tied. I want the public to have access to the Management Plan as soon as possible.

Lin: The timing of this proposal is all wrong. Heyenga picked only 3 options that he felt were most important. What about all the other options? We can always wait until the April 2007 election. Public input is important, and Heyenga is ignoring them.

Motion (Heyenga/Cuthbertson) to approve Resolution 2006-? And to submit the measure to the Board of Supervisors for inclusion on the November 2006 General Election Ballot. Failed 3-2. No: Marlow, Bowman, Lin.

3. Discussion/Decision on results of the Management Plan Team meeting July 11. (Heyenga)

Heyenga explained that representatives on the Management Plan Team for the 12.5 acres met Tuesday, July 11. He reported the following information:

- Final Public Comment Draft will be released before the end of July.
- 30-day public comment period will begin.
- In September, the Team will incorporate public comment into the draft and the 4 primary agencies will review the document.

No action taken. Informational item only.

XII. ADJOURNMENT

- **Council meeting ended at 11:55 pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dean Heyenga
Mayor