

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, AUGUST 09, 2006**

**I. CALL TO ORDER/ ROLL CALL**

- Mayor Heyenga called the meeting to order at 7:30PM. Council members in attendance: Lin, Marlow, Bowman, Heyenga, Cuthbertson.
- City Staff in attendance: City Clerk, Gabriel Adams; Police Chief, Ken Thrailkill;

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION**

1. Pursuant to Government Code, Secion 54957(a): Threat to public security.
  - a. TPD Case #: 20060189

**IV. RECONVENE TO OPEN SESSION**

Mayor Heyenga reported that TPD Case # 20060189 was discussed.

**V. APPROVAL OF AGENDA**

**Cuthbertson:** Take item no.2 first.

**Bowman:** Continue item no.5 to a future meeting pending release of the draft TSA Management Plan.

**Heyenga:** Since legal action may be required, item no.3 should be continued to a meeting when the city attorney is present and can determine whether or not a closed session item is required.

**Lin:** Argued that the majority doesn't rule in all cases, and that the law rules over the majority. Warned members of the Council that they were violating the Brown Act.

*Motion Heyenga/Cuthbertson) to leave item no.1 on the agenda for discussion of issues related to the item.*

**Passed 3-2 (No-Marlow, Lin)**

*Motion (Heyenga/Cuthbertson) to continue item no.3 to the first meeting in September pending review by the city attorney to determine whether a closed session is required. Passed 3-2 (No-Marlow, Lin)*

*Motion (Cuthbertson/Bowman) to approve the agenda as amended. Passed 3-2 (No-Marlow, Lin)*

**VI. APPROVAL OF MINUTES – Minutes were discussed at a Special Meeting held at 6:00pm.**

**VII. COMMISSIONERS REPORTS**

Marlow – Parks and Recreation, Streets

**TPW:** Bryan Buckman is on vacation and will return on August 26.

A stop-work order has been sent to Big Lagoon Community Church for allegedly trimming vegetation on City property without authorization.

Preliminary proposal from BLM regarding Trinidad Head interpretive project has been received. Proposal includes 3 interpretive signs in various locations along the trail that celebrate the geology, off-shore rock habitats, and marine & bird life of the region.

Bowman – Police, Harbor

**Police:** Deferred to Police Chief report.

**Harbor:** A boat mysteriously sank in the harbor last week. It was retrieved. Looking for any information that may lead authorities to unlocking the mystery.

## Heyenga – Fire, Planning

**Planning:** There will be a Planning Commission meeting August 16. The only public hearing item on the agenda is for a sun-room addition to a house east of the freeway.

The appeal hearing for the U.S. Cellular application is still tentatively scheduled for a special Council meeting Tuesday, August 29.

**HAZ-MIT:** In late July Chief Thraikill and I attended the kick-off meeting for the Humboldt County Hazard Mitigation Plan (LHMP). About 50 people from agencies throughout the County attended. Requirements for developing a LHMP come from federal legislation that makes having an approved Plan a prerequisite for getting federal disaster funds. The approach is to develop a County-wide plan that includes specific chapters for each agency, e.g. Trinidad. Each participating agency is a "Planning Partner."

This process will take over a year to complete and will be led by a Steering Committee. We selected 13 Committee members, Ken being one of them. I am his alternate. Participation will be documented and many of the tasks are specified in the federal legislation, the Disaster Mitigation Act (DMA).

The end-product will be similar to the Regional Bicycle Transportation Plan. A first section (volume) dealing with County-wide issues and hazard mitigation measures and a second section (volume) dealing with each specific agency. Once all agencies involved have adopted the LHMP Trinidad will be able to get FEMA funds for disaster relief.

**Museum:** The Joint Planning Group met and discussed issues related to developing the Land Trust property behind the Chevron station. The Museum Society plans to move the historic house to the property in late August or early September. General designs for the library building were discussed.

I attended a Land Trust Board meeting at which they appointed a representative to begin working with the City representatives on the MOU. When a draft is completed it will be brought to the Council for discussion. Two general footprints for a new library building were presented to Glenn and Janis Saunders and the Humboldt North Coast Land Trust Board. One design was a library only with two ADA restrooms inside the building. The other had a 2000 sq. ft library but had the restrooms in a foyer and included a meeting room and office space.

Glenn and Janis Saunders preferred the meeting-room version and said their donation could be put toward that design. The HNCLT Board also supported the design with a meeting room and office space. The office space could be shared between two community groups such as the Chamber of Commerce and the Land Trust, both of whom need small office spaces for files and basic office equipment.

The Committee will meet on the Land Trust site behind the Chevron station to agree on the location for the Sangster-Underwood house which will soon be moved to the site. The Land Trust also appointed a representative to meet with Chi-Wei and me to develop a Memorandum of Understanding between the Land Trust and the City regarding the library.

**Mgt. Plan:** The Yurok Tribal representative who is completing the Management Plan says the public draft should be released by August 18. The City will make the Plan available on our web site. The public will have thirty days to send in comments on the draft.

**Town Hall:** Councilmember Bowman brought two items from the Trinidad Civic Club to the Council for consideration at a future meeting. One involves the cost of refilling fire extinguishers in Town Hall. The other involves the utility costs for the Civic Club room and kitchen. I agreed to look into both issues and bring them back at a future meeting.

## Lin – Water, Town Hall

**Water:** Working on developing a new water rate structure. 3 problems with current structure include:

- Current structure does not encourage conservation – it encourages usage.
- Disparity between in-city and outside-city rates. The difference divides our community.
- Ordinance 98-02 requires 2<sup>nd</sup> units to pay a separate base rate. Trailer Parks in Trinidad have a total of 90 units, but pay single base rates.

## Cuthbertson – Finance

**Finance:** Deferred to agenda item 1 regarding FY 2006-2007 Budget.

## VIII. STAFF REPORTS

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

City Attorney – Guttero: **Absent.**

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.)*

**Steve Ruth** – Trinidad

A lot is for sale on the corner of Hector and Parker St. The City should seriously consider acquiring the lots for use in coordination with BLM and Native American geological and cultural interpretive effort. Encouraged the City to consider dedicating funds to update the General Plan. Encouraged the City to fix up the Town Hall as soon as possible.

## X. CONSENT AGENDA - NONE

## XI. AGENDA ITEMS

1. Discussion/Decision regarding the proposed budget for FY 2006-2007 and any related questions. (Cuthbertson)  
Cuthbertson explained that a draft budget is prepared, but not available at this time. The Council must resolve two issues – a \$17,000 budget deficit from the Police Department carried forward from 2005-2006, and the negative balance proposed for the Water Department in 2006-2007. The Council should also consider its investment options.

Public comment included:

**Steve Ruth** – Trinidad

Meeting minutes should be posted on the City's website. Are there any provisions for restricting spending on attorney consultations? The meeting held by Councilmember Lin on August 1 was extremely valuable. The Council should hold similar meetings each year in April to allow the City to provide input regarding upcoming budgets.

**Jessie Faulkner** – Trinidad

What's holding up final budget approval?

Council comments:

**Lin**: It's inappropriate to take action on this item tonight. It was not posted adequately, nor is there enough background information to inform the public or focus the discussion.

**Marlow**: The agenda item – as posted – says nothing about investing in public bonds. No action should be taken. The discussion should be continued.

**Heyenga**: The \$17,000 issue is an accounting adjustment item that can be handled internally. However, investments are important and should require a comprehensive proposal to be presented to the Council.

**Lin**: This procedure is sloppy. The principal of investing and getting the highest return is worthy of discussion. However, we shouldn't be making decisions on investments without informing the public on a specific, detailed financial strategy.

**City Clerk Adams**: I'm afraid we might be misinforming the public. The public should be made aware that the City is actively and securely investing its money. Its revenue is deposited into an account at North Valley Bank. From there it's transferred to a Smith Barney money market account. Excess revenue that's not needed for immediate cash flow purposes is then transferred to L.A.I.F. where it's securely invested and yielding a conservative return. Our CPA and County Treasurer Steven Strawn advised us that based on our current rate of savings, this is an appropriate method of investing our money.

Marlow: Without our CPA here to answer questions, now is not the time to take action on investment proposals.

*Motion (Heyenga/Cuthbertson) to direct the CPA to eliminate the \$17,000 deficit from the Police Budget carried forward from 2005-2006. **Passed 3-2 (No-Marlow, Lin)***

2. Discussion/Decision regarding fires/fireworks on Trinidad beaches. (Heyenga/Resident)

Trinidad has jurisdiction over two beaches: Old Home Beach and Trinidad Beach from Trinidad Head north to State Park property. 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 issues are separate and perhaps should be discussed as separate items. Fireworks tend to be an issue only on the 4th of July, although since they can be legally sold in Humboldt County, residents could store them and use them throughout the year. We may not need to research others' laws if we have a clear community consensus as to what we want to do on our two beaches.

Fires are another issue. Fires are permitted at several County beaches. However, they are restricted to a diameter of 30". If we determined that there are areas at one or more of our beaches where small contained fires could safely be allowed, we might use cement fire rings to designate approved locations and not allow fires elsewhere. There are positive (making evenings on Trinidad beaches more family friendly, making Trinidad a more inviting destination, etc.) and negative (ashes and trash, blowing embers, etc.) aspects to beach fires which should be discussed.

**Some options for fireworks are:**

- Not allowed at any beach (anywhere in the City?) at any time.
- Allowed at one or more beaches but only on July 4.
- Allowed at any beach (anywhere in the City?) at any time.

**Some options for beach fires are:**

- No fires of any kind at any time on any Trinidad beach.
- No fires of any kind on Old Home Beach but allowed on Trinidad Beach.
- Allow fires on both Trinidad Beaches
- If fires are allowed on one or more beaches they must be contained within provided cement fire rings placed at safe distances from combustible materials.

**Whether or not fires are allowed at either of our beaches we need:**

- Ordinances about beach fires and fireworks codifying regulations and fines for violating those regulations.
- Signs informing visitors of fire and fireworks regulations and citing the municipal code.

Public comment included:

**Alane Osborn – Trinidad**

The events that took place on July 4<sup>th</sup> triggered this discussion. 2 large beach fires were burning below our home on State Beach 80 feet from the water and 75 feet from the bluff. Massive, out of control fireworks were being shot off in all directions. On Trinidad State Beach, Trinidad Head, and Indian Beach, fireworks are prohibited. The rest of Trinidad does not. Retired TPD Chief Stokes had a meeting years ago to discuss the issue. The Police Department told us to call the City Fire Department when a fire was spotted and they would respond. We only call when fires were out of control and/or the beach goers do not cooperate.

We contacted ex-Fire Chief Sue Morton who recalled an existing ordinance prohibiting fireworks in certain areas throughout town. If the surrounding jurisdictions don't allow fireworks or fires, Trinidad should fill the gap. The town has a history of fires that shouldn't be ignored.

**Susan Berresford – Trinidad**

One simple way to prohibit fires would be to prohibit beach access after sunset.

**Tom Odom** – Trinidad

I appreciate the concerns of Pacific Street residents. Since I've lived here, fireworks have been a tradition on the July 4<sup>th</sup> holiday. I don't support prohibiting fireworks during the holiday. Instead, they could be prohibited at all times except the July 4<sup>th</sup> weekend, so long as the fire department would monitor the activity.

**Kurt Osborn** – Trinidad

Fire danger is real – especially to those who live on the bluffs surrounding the beach where fires are set. The romantic notion of how things were 20-30 years ago is not realistic anymore. Our rules should be uniform with surrounding jurisdictions.

**Maria Bartlett** – Trinidad

The beach rocks are highly flammable. Fires should be prohibited.

**Anne Odom** – Trinidad

There is no fire hydrant near the beach. If a fire broke out, there wouldn't be a water source to tap into. Firework usage has increased over the years.

**Mike Morgan** – Trinidad

I too am concerned with fire danger and fire prevention. I'd rather see fires prohibited than to watch the town catch fire from one that grew out of control from the beach.

Council comments:

**Lin:** Our water supply is limited. A large enough fire could require more water than our capacity allows.

**Bowman:** Trinidad's laws should be consistent with surrounding jurisdictions. I support prohibiting fires and fireworks on the beach. However, I will not support limiting beach access to daylight only.

**Cuthbertson:** There's a lot of fuel out there that's ready to burn. Fires are dangerous and should be prohibited.

**Marlow:** I'm generally against laws that restrict peoples freedoms, but prohibiting fires on the beach seems like the logical thing to do.

**Heyenga:** Knowing the water issues and Trinidad's fire history, it seems reasonable to prohibit fires. I don't agree with prohibiting people from using the beach at night. If we pass an ordinance, signs must be posted adequately.

*Motion (Heyenga/Cuthbertson) to direct the City Attorney to draft an ordinance prohibiting the use of any fireworks from all City of Trinidad beaches. **Passed 4-1. (No-Marlow)***

*Motion (Heyenga/Cuthbertson) to direct the City Attorney to draft an ordinance prohibiting fires on any City of Trinidad beaches. **Passed unanimously.***

3. Discussion/Decision to direct the city attorney to investigate possible violations of government and/or ethics code by councilmember Cuthbertson making false accusations against another councilmember. (Lin)  
*Continued to a future meeting – pending City Attorney review and direction.*

4. Continued Discussion/Decision on meeting procedures and changes. (Lin/Heyenga)  
Lin explained that his proposal was included in the agenda packet (Proposal A) but he was pulling it since the majority of Council members have no interest in following existing procedures. In fact, a few members of this Council have participated in the creation of Resolution 2002-18 but have repeatedly ignored it. Why bother?

**Proposal B – (Heyenga)**

Heyenga explained that we have grappled several times trying to shorten the length of Council meetings. After consulting other cities and how they conduct their meetings there are some ideas below to consider.

**1. Starting time.**

We start our meetings at 7:30pm. Attempts to change the starting time to 7:00pm have met with objections that an earlier time would make it difficult for some to attend. However, four facts refute that argument:

- Eureka's City Council begins its open session meeting at 6:30pm. They don't have a problem filling their Council chamber seats.
- Earlier this year we had a special meeting about personnel that was held at 2:00pm. Our Council chamber was full.
- The Trinidad School Board begins its meetings at 7:00pm. That Board deals with working parents all of whom have children to deal with. Yet, the School Board manages to have interested parents and others attend at 7:00pm, including Board members who work and have children.
- Chamber and Lions Club meetings begin at 7:00pm, with social hours starting even earlier; their members, many of whom attend Council meetings, show up that early.

## 2. Ending time

Our meetings have no proscribed ending time. Eureka's Council has a 10:00pm "curfew." Any items not dealt with by that time are automatically carried over to another meeting. If the Council is near a decision on an item they can extend the curfew until that item is completed. If we set an ending time of 10:00pm we could carry over any unfinished items until the second meeting. Items that are time sensitive would be placed early in the agenda to ensure they were dealt with.

## 3. Time limits

Some of our items are not controversial and without any public comment. Some are quite controversial and may get lots of public input. It's unrealistic to say we are going to limit public input. We could limit Council comments after public comment has been closed. Councilmembers (me included) often discuss an issue as if we were trying to change a Councilmembers' mind. There is also one last chance for Council comment after a motion is seconded.

## 4. Second meeting

The second meeting could be reserved only for those items not completed at the first meeting. However, experience teaches us that important and time-sensitive issues can come up requiring Council action. Such an item could be taken up at a "special meeting" held just before the second meeting.

### Public comment included:

#### **Steve Ruth** – Trinidad

I like the idea of having a curfew that could be extended if necessary. Also, Roberts Rule of Orders should be followed when controversial items are being discussed. However, I also appreciate the informal nature of Trinidad's meetings and hope the Council can agree to a balance of casual and informal procedures.

#### **Kathy Bhardwaj** – Trinidad

I agree with Steve Ruth. I also believe it would be helpful if meeting ordinances were written in such a way that allowed flexibility for creating amendments when necessary.

### Council comments:

**Lin:** Meetings would be more efficient if 1) the number of agenda items were limited, and 2) background information submitted was more thorough. The regulations aren't the problem. The issue is that the Council is ignoring them.

**Marlow:** Agreed with Lin and a number of Heyenga's suggestions. However, Approval of Minutes should not be pushed to the bottom of the agenda. The Council should amend meeting procedures carefully and cautiously.

**Cuthbertson:** We have ignored Resolution 2002-18. It needs to be updated.

**Bowman:** If we aren't following Resolution 2002-18 now, what makes us think we'll follow any other procedure? Let's leave 2002-18 on record until a different set of procedures is agreed to.

*Motion (Marlow/Lin) to rescind Resolution 2002-18 & organize a citizen committee to develop guidelines and procedures for Council meetings. **Passed 3-2. (No-Bowman, Lin)***

5. Discussion/Decision regarding trimming/topping five or six alder trees on City property. (Bowman)  
*Continued to a future meeting – pending approval of the TSA Management Plan.*

6. Continued discussion/decision on budget booklet for FY 2006-2007. (Heyenga)

Heyenga explained that the Council received a draft of the budget booklet we produced in 2004. I propose we update it for the budget we are about to pass and reissue it. Now with a City web site, we can make such documents easily available to the public.

If the Council approves issuing the booklet, Heyenga will work with Deborah Brooks and Richard Johnson to ensure the figures are correct. If any Councilmember wants to add or revise information you are encouraged to do so. I will work with the City Clerk to convert the document to PDF format and post it on the web site

The purpose of the booklet is to educate residents about our (their) budget process, the City's financial health, and fiscal policies and procedures. It's one step to encourage public interest and participation in the process.

Public comment included:

**Steve Ruth & Kathy Bhardwaj** – Trinidad

Agreed that the budget booklet was a worthwhile endeavor.

*Motion (Heyenga/Cuthbertson) to authorize the completion of the 2006-2007 budget booklet and make it available to the public. **Passed unanimously.***

## XII. ADJOURNMENT

- **Council meeting ended at 10:05pm.**

**Submitted by:**

**Approved by:**

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**Gabriel Adams**

City Clerk

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**Dean Heyenga**

Mayor