

SUMMARY MINUTES OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL SEPTEMBER 14, 2006

I. CALL TO ORDER/ROLL CALL

Mayor Heyenga called the meeting to order at 6:15pm. Present were Councilmembers Marlow, Bowman, Lin, and Cuthbertson. Also present was City Attorney Jeff Guttero.

II. PLEDGE OF ALLEGIANCE - since no member of the public was present, the Pledge was omitted.

III. ADJOURN TO CLOSED SESSION - the Council adjourned to closed session at 6:16pm.

A. Pursuant to Government Code, Section 54957(b):

1. Pending litigation
 - a. Cellular appeal

IV. RECONVENE TO OPEN SESSION

Mayor Heyenga reconvened the Council to open session at 7:10pm. He reported out that the Council had given the City Attorney direction in regards to the lease with Verizon. City Planners Bob Brown and Trever Parker joined the meeting in open session.

V. CONSENT AGENDA - there were no consent agenda items.

VI. APPROVAL OF AGENDA - Motion (Lin/Cuthbertson) to approve the agenda. **Passed unanimously.**

VII. AGENDA ITEM(S)

1. Discussion/decision regarding Friends of Trinidad Head 2006-10 appeal of Planning Commission approval of application #2005-13a on the basis that the existing cellular site, and therefore this project, is illegal under City regulations and that there is no verifiable need for the project.

Mayor Heyenga introduced the item and explained the format for the meeting.

Staff reports

1. City Planner Parker reviewed the Planning Commission decision and the basis for the appeal by Friends of Trinidad Head (FROTH).
2. City Attorney Guttero noted that the legality of the existing site was not an issue before the Council. Existing cellular facilities had been approved by prior Councils following proper noticing and hearing procedures. The Council could consider and decide on the legality of only the U.S. Cellular equipment proposed in the application approved by the Planning Commission.

Presentations by applicants

1. FROTH representatives Stan Binnie, Kin Tays-Binnie, Kathy Bhardwaj, and Brad Twoomey presented information on the basis for their appeal. Consultants Aladaron Laird and Jennifer Kalt also presented information.

After the presentations the Council took a short break and resumed the meeting at 8:55pm.

2. U.S. Cellular representative Tom McMurray presented information regarding the proposed equipment installation. Additional information was presented by attorney Steven C. Mitchell and Gary Gyax.

Questions for staff

Councilmembers asked questions of staff and the presenters. Audience questions of staff were noted and answered at the end of public comments.

Public comments

Public comments were recorded and the tapes of this meeting have been archived in the City files. Audience members who commented included Dr. Tom Gates, Robin Bensley(sp?), Richard Johnson, Carol Rowe, Axel Lindgren III, and Sungnome Madrone.

Mayor Heyenga closed the public comment portion.

Planner Parker responded to questions asked by the audience regarding the nonconformity issue.

Closing remarks

Stan Binnie (FROTH) and Tom McMurray (U.S. Cellular) made closing remarks for their positions.

Council deliberation and decision

1. Lin stated his support for the Planning Commission decision and said U.S. Cellular had verified the need for additional coverage. However, he said the U.S. Cellular project was a small decision compared to the larger management issues raised by FROTH. He praised FROTH for raising awareness of the larger issues.

2. Cuthbertson expressed support for the U.S. Cellular project. He also noted the opportunities in the Planning Commission recommendations for FROTH to work with cell companies to look for other sites. With regards to need for coverage, he said that he experienced prior coverage problems using U.S. Cellular phones.

3. Heyenga praised the amount of work done by FROTH. He noted that the attorney had ruled on the legality issue, that the proposed project was entirely within the fence area which had been disturbed by construction activities for many years, and that the BLM found the cellular site in conformance with their agreement. He expressed support for the Planning Commission decision.

4. Bowman felt the cell project would be "minimally intrusive" and that the staff report had persuasively addressed the issues raised by FROTH. The U.S. Cellular studies also convinced him that the project would improve cell coverage.

5. Marlow agreed with FROTH that the site was illegal and so was the U.S. Cellular application.

Motion (Heyenga/Cuthbertson): Based on application materials, information and findings included in original and appeal staff reports, I move to adopt the information and required findings and approve the project as submitted and as conditioned in the staff report. [Heyenga and Cuthbertson clarified that the motion is to approve staff conditions and findings but not the recommendations of the Planning Commission.]

Motion passed 3-1-1. Yes - Heyenga, Cuthbertson, Bowman; No - Marlow; Abstain - Lin.

VIII. ITEMS FROM THE FLOOR - there were no items from the floor.

IX. REQUEST FOR FUTURE AGENDA ITEMS - there were no requests for future agenda items.

X. ADJOURNMENT

There being no further business before the Council, Mayor Heyenga adjourned the meeting at 11:10pm

Submitted by:

Approved by:

Dean Heyenga

Mayor
09/15/06

Chi-Wei Lin

Mayor Pro-Tem