

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, MARCH 09, 2011**

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

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Bhardwaj, Davies, Miller, Fulkerson.
- City Staff in attendance: City Attorney Paul Hagen, City Clerk Gabriel Adams, City Manager Karen Suiker, City Planner Trever Parker.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION** – No closed session scheduled.

1. Government Code section 54957(b): Personnel - City Manager Selection
2. Government Code section 54956.95: Liability Claims for Damages, etc. against the City of Trinidad, submitted by the following individuals:  
Tsurai Ancestral Society, Axel Lindgren III, Kelly Jean Lindgren, Christine Williams, Kris K.C. Lindgren, Tanna Lindgren-Tripp, Sarah Lindgren-Akana, George E. Nelson, Patricia Bailey, Gary Nelson, Parris Lindgren, Chet Jarboe.

**IV. RECONVENE TO OPEN SESSION**

- City Attorney Hagen reported that no final action was taken on the library item number 1.
- Regarding Personnel item number 2, the Council approved the contract with new City Manager Karen Suiker.
- Regarding pending lawsuit item number 3, no final action was taken.

**V. APPROVAL OF AGENDA**

- *Approved as submitted by consensus.*

**VI. APPROVAL OF MINUTES** – *No minutes were prepared for approval.*

**VII. COMMISSIONERS REPORTS**

Bhardwaj:

- **Indian Gaming Grant Program:** Money is available this year and grant proposals are due at the beginning of April.
- **Town Hall Report:** Read a statement regarding the Fundraiser held on February 05, 2011. The report concluded that all the appropriate documents were secure and in place for the event as described in the rental agreement. However, the size and scope of the event grew from how it was originally presented to the City after the agreement was signed. Due to the safety hazards it created, notification of residents and additional approvals from City officials were required.
- **Coastal Commission:** Resident Kim Binnie recently contacted the Coastal Commission regarding various complaints and issues involving recent maintenance projects on Trinidad Head and at various other locations in the City. Commission staff met last week with Binnie and toured the sites. City may be receiving a follow-up letter from the State.
- **Acknowledgements:** Congratulated John Shelter for being awarded Peacemaker by McKinleyville Press.

Morgan: Updated Council regarding letter submitted to Council regarding letter from Trinidad Skatepark Alliance committee research.

Fulkerson: Airport update. Announced PG&E Smart Meter Public Meeting being held on March 16 in Town Hall. Application process for HTA General Manager is open.

Davies: Attended RCEA meeting. Developing a support system for cities needing greenhouse gas inventory.

**VIII. STAFF REPORTS**

Bryan Buckman – Public Works Director

- Water System is in compliance with disinfection byproduct rule.
- Experimenting with different polymers. New polymer costs half as much as previous polymer.
- Buying chlorine in bulk now saves city 30%.

- Identified leaks this fall. 8-10% of production loss may have been saved.

## IX. ITEMS FROM THE FLOOR

**Pat Morales** – Trinidad Resident

Inquired whether the Skate Alliance committee would be subject to public noticing requirements?

## X. CONSENT AGENDA

1. Financial Status Reports for January 2011
2. Certify Conditional Use Permit and Coastal Development Permit to expand Trinidad Massage & Day Spa
3. Send letter of congratulations to Supervisor Ryan Sundberg
4. Send letter of gratitude to the Trinidad Rancheria Council
5. Proclamation designating March 20-26, 2011 as Tsunami Preparedness Week in the City of Trinidad.

*Motion (Fulkerson/Morgan) to approve the consent agenda as submitted. **Passed unanimously.***

## XI. AGENDA ITEMS

1. Discussion/Decision regarding Approval of Contract with City Manager  
Mayor Bhardwaj reported that the Council voted in closed session to approve a contract with new City Manager Karen Suiker. She briefly explained her resume, background, and relevant experience, and expressed her excitement and gratitude that Suiker took the job.

The Council agreed that Suiker was the best candidate for the position and that the City is fortunate to have her.

Public comment included:

**Sungnome Madrone** – Trinidad Area Resident

Thanked and welcomed Suiker.

**Jim Cuthbertson** – Trinidad

Requested salary details. **City Attorney Hagen** explained that the previous city manager contract was modified to include Suiker, and that the compensation package includes an annual salary of \$59,220 and \$50.00/month cell phone reimbursement.

2. Discussion/Decision/Update regarding Van Wycke Trail Project  
Public Works Director Bryan Buckman explained that the project includes 2 main elements: Culvert repair and Trail repair. A 6 inch water main exists below the surface along the trail. The line lays within the failure area. Valves have been installed above and below the failure area to isolate the vulnerable line in case of failure. A 6 inch line is required to supply fire hydrants. The remaining feed lines are 4 inch. The 6 inch line should be live as long as possible, and the repair is critical. Buckman recommended considering the Feasibility Study and move forward with options for trail failure repair. The main failure is within the city easement.

Public comment included:

**Sungnome Madrone** – Madrone Enterprises

Met with property adjacent property owners and discussed project scope. One resident refuses to sign access agreement due to issues with vegetation and view obstruction on Fulkerson property. Urged the Council to move forward quickly and insisted that the project is indeed an emergency. Also in favor of feasibility study for complete trail repair.

**Jim Cuthbertson** – Trinidad

Not in favor of using all money available for engineering. The trail must remain open.

Council comment included:

**Bhardwaj:** Are the alder trees that are blocking Erin Rowe's view on City property or on Fulkerson's property?

**Motion 1:** (Miller/Davies) to approve authorizing City Manager to negotiate up to \$5,000 with City Engineer to draft a Feasibility Study for repair of Van Wycke Trail. **Passed 4-0. Fulkerson recused from discussion.**

**Motion 2:** (Miller/Davies) to approve use of Prop1B funds for the study and repair, and proceed with project if info from City Attorney is favorable unilaterally. Council will not need to be notified if City is able to move forward with repair. **Passed 4-0.**

3. Discussion/Decision regarding Town Hall rental procedures.

Councilmember Fulkerson explained that Trinidad is well-known for civic and social events including the Fish Festival, Clam Beach Run, significant fundraisers for Trinidad Elementary School, the Library, the Museum, Skateboard Park and countless other significant fundraisers. The Hall is also used for weddings, family celebrations, memorials as well as countless classes. Along with beaches and trails, it might be said that Town Hall is the second most used and appreciated public facility in Trinidad.

For the most part, organizations and individuals who use City Hall and City streets for events, use the facilities responsibly. From time to time, Trinidad residents raise concerns about the use of City facilities and ultimate wear and tear. Last month's events held to raise funds for the local skatepark effort drew heightened attention to some specific issues that need to be addressed for future clarity.

- Is the rental process thorough and complete enough?
- Do the fees cover clean-up and damages?
- When is it appropriate to waive fees?
- Do the fees cover long-term need for repairs and upkeep such as curtain and light fixture replacement; floor refinishing?
- When events involve hazardous materials, is there a process to inform the Police Department, Fire Department, Council?
- What is the policy on encroachment permits?
- Is there a process to inform neighbors within X feet that an exceptional event is planned?
- When School grounds are involved, is there a solid communication process with School Administration?

The Council and public agreed that if large-scale events are planned, city officials and neighboring residents need to be fore-warned. When fire art is proposed, a flame effects plan must be submitted and approved by emergency service personnel as well.

*By consensus, the council agreed to hear the report from Clerk and Mayor, discuss and gather more information, refer to staff for full report at a future meeting, request back-up information from 3 other Humboldt County cities with similar facilities (Blue Lake, Arcata, & Ferndale).*

4. Discussion/Decision Regarding Removal of Pampass Grass from City Property.

Councilmember Miller suggested that the City Council supports effort of local citizens to discourage growth of pampass grass, and other non-native invasive species (such as English Ivy). Where such plants have a significant presence on City property, the Council approves the cutting or removal of those plants by volunteers or groups such as the California Conservation Corps under the supervision of said volunteers, subject to the following conditions:

1. The people involved must register their names and phone numbers with the City Clerk for the proposed date and time of removal.
2. That caution be observed that plant removal not significantly de-stabilize the slope.
3. No significant damage be done to other plants while removing the invasive plants.
4. The removal site be cleaned up to a reasonably "natural" state.

**City Clerk Adams** explained that the merits of the project were noteworthy. However, due to the sensitive nature of Trinidad Head and the layers of ordinances protecting it from development as identified in the Local Coastal Plan, removing any vegetation on the Head would require permits and cultural monitoring. Adams outlined the details in a memo provided in the meeting packet.

Council comment included:

**Bhardwaj:** Agree with City Clerk Adams that consultation, plan review, and permitting requirements must be fully understood before removal begins.

*Motion (Miller/Morgan) to support the concept of removing non-native and native invasive species on city property and encourage the permitting processes be fulfilled to the extent feasible.*

**Motion passed by the following vote: (3-Yes) – Bhardwaj, Miller, Morgan, (2-No) – Davies Fulkerson.**

5. Discussion/Decision Regarding Trinidad Library Lease Agreement

City Attorney Hagen reported that there was no action taken during closed session.

Public comment included:

**Bryce Kenny** – Trinidad

Urged the Council to maintain a viewpoint of not placing unnecessary roadblocks in the process. Every city faces issues that are not insurable. Encouraged fruitful negotiations with the parties involved.

*Motion (Miller/Morgan) to discuss details of closed session. Passed 5-0.*

**City Attorney Hagen** explained that he has discussed this issue with the Humboldt-North Coast Land Trust Attorney Bryce Kenny. The hold-up with negotiations is the acceptance of liability regarding a construction issue and idemnification.

**Councilmember Miller:** The soil on-site is un-engineered fill. LACO won't be held liable for bypassing engineering requirements to save money. They explained that this presents significant liability risks for them. The Land Trust wants to pass this liability onto the City. The City's insurance carrier PARSAC will not accept this risk.

**Land Trust Attorney Bryce Kenny** argued that the risk is minimal, and the likelihood of someone suing the City if the building failed in a mass-casualty event is minimal as well. The City should take risks...this is public business. We hope this doesn't become insurmountable.

**Museum Board Member Patti Fleschner** explained that the Museum has insurance that covers the Land Trust, believes that the risk is minimal, and urged the Council to proceed.

*By consensus, the Council agreed to direct staff to find a resolution and report back at a future meeting.*

## XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

## XIII. ADJOURNMENT

- Meeting ended at 9:45pm.

Submitted by:

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**Gabriel Adams**  
City Clerk

Approved by:

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**Kathy Bhardwaj**  
Mayor