

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, DECEMBER 14, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller, Bhardwaj, Davies, Fulkerson.
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, TPW Director Bryan Buckman, City Engineer Rebecca Crow and Josh Wolf.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation

IV. RECONVENE TO OPEN SESSION

Mayor Bhardwaj announced that the Council authorized the City Attorney to pursue settlement discussion with Pennisi & Ferrett for costs incurred by tree cutting incident below their property on Wagner Street.

V. APPROVAL OF AGENDA

Motion (Miller/Davies) to approve the agenda as written. Passed 5-0.

VI. APPROVAL OF MINUTES – October 12, 2011 cc & November 09, 2011 cc

Motion (Fulkerson/Miller) to approve the 10/12/11 cc minutes as written. Passed 4-0-1. Davies absent.
Motion (Fulkerson/Miller) to approve the 11/09/11 cc minutes as written. Passed 4-0-1. Morgan absent.

VII. COMMISSIONERS REPORTS

Miller: Nothing to report

Fulkerson: **HTA**: Commented on the 101 Safety Corridor project decision process at HTA meeting. Also announced that HTA hired Greg Pratt as Executive Director.

RREDC: May be additional flight service coming to Eureka/Arcata Airport in the near future.

Bhardwaj: **HCAOG**: Commented on the safety corridor meeting and decision process.

Davies: Nothing to report.

Morgan: Met with HCCVB Director Tony Smithers regarding Tourist Improvement District. Also gave brief report regarding Office of Emergency Services updates.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet.

Richard Johnson – Planning Commission Chair

Library building project was approved at the November meeting. Planning staff is updating ADU and VDU ordinances as LCP amendments. Next meeting scheduled for January 09, 2012 instead of the regular 3rd Wednesday.

IX. ITEMS FROM THE FLOOR

Mareva Russo – Trinidad

Asked to have a letter read on her behalf regarding agenda item 3 because she could not be here for the discussion.

X. CONSENT AGENDA

1. Staff Activities Report through November 2011
2. Financial Status Reports for October 2011
3. Authorize up to \$2,000 for City Planner to complete application to the Coastal Commission for processing the Local Coastal Plan amendment for review and approval of the Accessory Dwelling Unit and Vacation Dwelling Unit Ordinance.
4. Authorize City Manager to sign "Green Diamond CA Timberlands Master Land Use Permit" for the Luffenholtz Creek Sediment Reduction Project.
5. Award of Proposition 1B Projects to GRS (formerly Miller Farms)
6. Agreement with Humboldt County Sheriff's Office for Animal Control Services.
7. Agreement between the City of Trinidad and Winzler & Kelly for environmental, Engineering, and Construction Engineering Services for the Azalea & Pacific Street State Transportation Improvement Program (STIP) Project
8. Authorize the Mayor to Sign the Memorandum of Understandings for the North Coast Integrated Regional Water Management Plan.

- *Item 7 pulled for discussion. **Approved by the Council unanimously as Item 5 on agenda.***
- *Motion (Fulkerson/Miller) to approve the consent agenda as amended. **Passed unanimously.***

XI. AGENDA ITEMS

1. Presentation/Discussion/Decision regarding Trinidad Gateway Project Design.
City Manager Karen Suiker explained that the proposed Gateway Project includes pedestrian and streetscape improvements on Main Street and Trinity Street between the Highway 101 interchange and the Trinidad Elementary School. The proposed improvements include new ADA compliant sidewalks, crosswalks, curb ramps and driveway aprons, sidewalk bulb outs to enhance pedestrian visibility, landscaping and artistic enhancement elements. Replacement of the street light that was previously removed from the corner of Scenic and Main as part of the utility undergrounding project is also included.

This project has been in the works in some fashion since 2002, with substantial committee discussion and deliberation, planning and design efforts, working with property owners for necessary encroachments, dealing with legal and right of way issues and easements and utility providers for facility relocation, and we are finally ready to proceed to construction. The Council has approved an allocation of proposition 1B funds as the local match for this project, and those funds must be expended by June 30, 2012. Our Engineer has put together an ambitious schedule to assure construction can start in early May in order to spend the time-restricted Proposition 1B funds before the June 30 deadline.

The project funding includes \$45,000 for landscaping/artistic enhancement that has yet to be specifically defined, and at this late date it is not possible to so and still include in the bid package. The plan is therefore to include a structural foundation in one or more of the bulb out areas, together with low maintenance landscaping, which would allow for possible sculpture addition(s) to be considered at a later date. This could be in the form of outright sculpture purchase(s) if funds were identified, or consideration of rotating art displays such as are in place with the City of Arcata plaza area and City of Eureka fishermen's wharf area, in the event outright purchase is not feasible. In any event, the Gateway project itself should proceed so as not to lose available funding, with this component to be further defined as a separate and later project.

Funding currently available for construction is as follows: \$120,000 TE; \$335,475 HR3 and \$37,275 local match for a total \$492,750.

City Engineer Josh Wolf from GHD Engineering outlined the project details power point presentation. Multiple aerial views and maps of the proposed improvements were presented. Wolf emphasized that pedestrian safety and various beautification enhancements are the primary goals of this phase of the project.

Public comments included:

Terry Marlow – Trinidad

This has been a long process. A City Manager was hired to keep decisions from being made by the City without public discussion. The Gateway Advisory Committee was formed and made up of 7 members, including tribal representatives. The Committee unanimously decided to remove the light pole at the corner of Scenic and Main Street because it was not needed. The Council should be reminded of this before spending money to replace it.

Jim Cuthbertson - Trinidad

The intersection is dark and dangerous. A light pole IS necessary. It may be an ADA requirement to illuminate the crosswalk and intersection for pedestrian safety.

Brad Twoomey – Trinidad

Handed out photos of the old light pole at the corner of Scenic and Main to remind the Council of the eyesore it was and how it dissected a clear panoramic view of Trinidad Head. He summarized the history of the Gateway project, its purpose, and intentions. He argued that blocking scenic views of Trinidad Head should be prohibited, and lighting for the intersection should be lowered and focused on the area that needs illuminating.

Cindy Lindgren – Trinidad Area Resident

Native American groups were required by the grant to be included in the process. I can't believe the light pole is back on the agenda. It should not be re-installed.

Patti Fleschner – Trinidad

I think the new light poles at the Museum are wonderful. The light is soft and beautiful. Pedestrian safety is important, and should not be compromised. I appreciate the advise of our skilled professionals, and recognize the hard work of the committee members.

Tom Odom – Trinidad

I agree with Jim and Patti. It's too dark and dangerous at the intersection, and a light needs to be installed.

Janine Volkmar – Trinidad

During the recent construction project under the overpass, I parked at the park and ride and walked under the bridge at night. It is extremely dangerous crossing the intersection without lighting.

Richard Johnson – Trinidad

\$45,000 of Gateway funding was to be reserved for artistic enhancements and landscaping. The original intent of the project was to develop artistic enhancements at the entrance of town. Money should be allocated and available to use and promote art, sculptures, etc., not just concrete improvements.

Victoria Sackville – Trinidad

The lighting at the Museum is not soft. Trinidad is special and unique. People come here to get away from light pollution. We need to be thinking "less cookie cutter".

Kim Tays – Trinidad

If any lights are installed, they should be short and direct.

Mike Pinske – Trinidad

Requested that the Council prioritize public safety and illuminate the intersection.

Council comments included:

Fulkerson: Isn't this supposed to be a beautification project? I'm surprised to see nothing but concrete and bulbouts. Correcting ADA sidewalks with extra funding is great – let's get it done. However, what happened to the artistic element of the project?

City Engineer Josh Wolf explained that the grant requires \$45,000 for the artistic element to be competitively bid and submitted no later than mid January. If the committee has a specific project in mind, bids should be submitted immediately. However, I don't believe the Gateway Committee ever settled on a specific project or recommended one to the Council for consideration.

Miller: Lots of energy was put into removing the light pole. There may be ADA issues from not having the intersection illuminated that we're all unaware of. Is it reasonable to consider installing a lower light? It is very dangerous for pedestrians and vehicles to navigate that intersection in complete darkness. **City Engineer**

Josh Wolf explained that a low, ballard light WILL NOT illuminate the intersection adequately.

Morgan: I have no objection to the proposed light installation. Seems reasonable.

Bhardwaj: Is it possible to move the light back to the east of the southbound on-ramp? I've received a significant amount of feedback and complaints about the darkness of the intersection. I support the project as proposed.

Motion (Miller/Morgan) to approve the project as proposed and authorize staff to proceed with the construction phase.
Passed unanimously.

2. Continued Discussion/Decision regarding Proposed Draft Water Rate Increase.

City Manager Suiker explained that the Council has discussed various water rate scenarios over the last several meetings. At November's meeting, the Council directed staff to explore the possibility of rate structures that encourage conservation, while at the same time will not result in substantial rate increases on its larger customers, such as the school. To achieve this, it is possible for the Council to consider a uniform discount for volume used in excess of a specified amount (8,000 cubic feet). This would be in the form of a declining block rate for larger users, which could be defended as an economy of scale, in that at a certain point it does not cost as much to provide water.

The proposed Notice of Public Hearing is included in the packet, and the Council is requested to adopt the proposed change in monthly water rates to be incorporated in said Notice. A number of rate structures are also attached, each of which are estimated to generate an annual increase of \$50,000 per year.

- Uniform Block Rate with a \$40 monthly base rate, a 15% Out-of-City differential
- Consumption Block Rate with a \$40 monthly base rate, a 15% Out-of-City differential
- Consumption/ Declining Block Rate with a \$40 monthly base rate, a 15% Out-of-City differential

Based on use history, the uniform discount is expected to apply only to the school and the casino.

City Engineer Rebecca Crow echoed Suiker's comments, and summarized the need for the rates. She also referenced previous Council discussions that led staff to the conclusions proposed tonight.

Public comment included:

Jim Cuthbertson – Trinidad

Questions about protesting the rates, and comments about how unfair it was that the public doesn't get a chance to have the rate increase question on a ballot 😊.

City Engineer Rebecca Crow explained that Prop 218 specifies that each connection gets one opportunity to protest.

Don Allan – Westhaven Resident

Reminder that the proposed rates are still lower than Westhaven rates.

Council comment included:

Morgan: I prefer the same rates for in-city and outside-city residents, but will be satisfied with a 15% differential.

Motion (Miller/Davies) to approve the following Uniform rate structure and authorize city staff to complete the Prop.218 notification process:

- **In-City rates:** \$40.00 base, \$3.90/100cuft
- **Outside City rates:** \$50.00 base; \$4.88/100cuft

Motion passed by the following vote: 4-Yes, 1-No (Morgan).

3. Discussion/Decision regarding request from Trinidad Head Study Committee to expand Committee's Tasks to include vegetation management recommendations.

City Manager Suiker explained that the tasks of the Trinidad Head Study Committee as approved by the Council and set forth in the solicitation for committee applicants were as follows:

- *Determining who has regulatory authority over the Head;*
- *Determining who owns the Head and what are the boundaries; and*

- *Compiling the existing documents, treaties and agreements that regulate activities on the Head.*

Additional tasks that may be considered by the Committee include:

- *Identifying the top ten public concerns about the Head; and*
- *Determining the feasibility or organizing a trail steward program.*

At their October 25, 2011 meeting, the Trinidad Head Study Committee approved submittal of a number of recommendations to the Trinidad Planning Commission regarding the issue of vegetation management on Trinidad Head. Since this goes beyond the boundaries of the Committee's original charges as directed by the Council, the Committee is now asking the Council to expand its tasks to include vegetation management recommendations.

While the document as already submitted by the Committee will be taken into consideration in defining maintenance practices, staff does not support officially adding such a task to the list of Committee responsibilities. Staff is confident that they will be able to define historical maintenance practices to the satisfaction of the staff at the Coastal Commission, and thereby obtain a Coastal Development Permit to continue historical, routine trail maintenance functions for the continued enjoyment of trail users. **It should once again be emphasized that there is no intent to widen any road or trail areas or view sites beyond that which have historically been maintained.** Although committee members are no doubt well-intentioned and comments and/or suggestions from individual citizens are welcome on this or any other subject involving city functions, neither Council nor Committee involvement should be necessary to assist staff in defining historical, routine practices.

Public comment included:

Stan Binnie – Trinidad Head Advisory Committee member

Read a memo provided to the Clerk for the record. The letter summarized committee representation, and requested that vegetation management be added to the committee's assignment list.

Kim Tays – Trinidad

Read statement from Mareva Russo as submitted. Also read a letter submitted on behalf of the Friends of Trinidad Head criticizing current maintenance practices and in support of adding recommendations to the list of committee assignments.

Patti Fleschner – Trinidad

Preserving views from vistas on Trinidad Head is important. It is incredibly frustrating for city staff members to be micro-managed by residents. We should encourage our skilled staff and stop complaining.

Jim Cuthbertson – Trinidad

Trinidad Head has been maintained beautifully for over 30 years. This is the first time anyone has whined and complained. Why now? Let the City workers do their job.

Tom Odom – Trinidad

Would like to see Miller help find a resolution. A few residents shouldn't be telling City workers what to do.

Lorraine Cook – Trinidad

I support the recommendations made by the committee and believe we can work together and find a resolution to maintaining Trinidad Head that we all can live with. Since the mowing stopped, I've found a number of rare plants that I hadn't discovered before.

Mike Pinske – Trinidad

I appreciate the recommendations. However, the committee should not be actively involved or given maintenance authority in the Spring. Let Public Works do their job. There's also no need to push this to the Coastal Commission either.

Victoria Sackville – Trinidad

Solutions, not battles, please. We can't use history as a defense all the time.

Council comments included:

Miller: Submitted a list recognizing the work, goals, and recommendations made by the Trinidad Head Advisory Committee, and proposed acting as a mediator between Staff and the committee members to help find a solution to maintenance practices on the Head. Recommendations will be submitted to the Planning Commission for consideration prior to the upcoming meeting.

Julie: TPW are our ambassadors. They are in the field, interacting with residents and often the first people to hear criticism. It's a tough job. They should be thanked. I was expecting the committee to make recommendations, and think that new guidelines will make TPW's job easier.

Davies: We need to talk this out. The road work made this a much bigger issue than it ever should have become. These groups now want to control the Head based on this one incident – a knee-jerk reaction. There's no need to have the Coastal Commission babysit our work, and our city. Some recommendations may be acted upon, and others may not.

Morgan: I was concerned that this committee was turning into the Friends of Trinidad Head group. I'm sure staff will take this into account. I don't support giving the committee new powers and authority. I appreciate Miller's attempt to bridge the gap.

Bhardwaj: I originally proposed this committee to collect data and sort through regulations. I hope the committee goes back and focuses on the task they were given, and not expand their interests. The recommendations are good, but I don't want to put too many regulations and assignments on our staff. Staff should look at recommendations and determine which ones are feasible NOW, and include them in the upcoming permit hearing with the Planning Commission.

Motion (Fulkerson/Morgan) to appoint Councilmember Miller to:

- Act as liaison between City staff and the Trinidad Head Advisory Committee Chairman,
- To review management recommendations proposed by THAC and submitted to the City for consideration,
- Develop an agreement between staff and THAC as to what recommendations can be implemented,
- Format the agreed upon implementation into recommendations to be forwarded to Planning Commission for consideration at the upcoming Trinidad Head Maintenance Permit hearing.

Passed unanimously.

4. Discussion/Decision regarding proposal to purchase and finance 490 Trinidad Street property known as the Trinidad Art Gallery.

Councilmember Morgan explained that the City has an opportunity to purchase 490 Trinity Street from the Trinidad Coastal Land Trust. With this purchase, the City would preserve and protect one of the 5 oldest homes in our community. With the help of the Trinidad Museum Society and volunteers, the Trinidad Art Gallery would continue to operate as the local Arts hub it has become. Ned Simmons bought this house and has been running Trinidad Art here for over twenty years. In addition to being a focal point for showing selling, and promoting local artists, the gallery has served the community as a tourism attraction, and as a meeting place for various community organizations.

Ned has left the property to the Trinidad Coastal Land Trust, and there are financial encumbrances of about \$150K. Working with the Land Trust, the City would purchase the property for the encumbrance price, with the Land Trust holding an equity stake. The City would maintain the property and the Trinidad Museum Society *might* assist with managing Trinidad Art shows and gallery operations

Public comment included:

Don Allan – Land Trust

Ned left with a sizable reverse mortgage and unknown estate debts. The goal is to honor Ned's wishes but we understand the reality as well. The Land Trust will have more information soon as to what is needed, if anything, from the City.

Council comment included:

Fulkerson: I don't want to see this project overshadow the library fundraising effort. The Land Trust needs to decide what to do. The building needs to be saved, but it may not be a viable City project though. **Davies** agreed.

Morgan: Volunteered to be on the Land Trust's info gathering committee and report back to the Council.

By consensus, the Council appointed Mike Morgan to assist with Land Trust discussions on progress with the estate and report back to the Council as needed.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 11:10 pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor