

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, FEBRUARY 08, 2012**

**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, City Attorney Andy Stunich, TPW Director Bryan Buckman, City Engineer Rebecca Crow and Steve Allen.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION**

1. Government Code section 54956.9(b)(3): Pending Litigation
2. Government Code section 54957: Personnel Review

**IV. RECONVENE TO OPEN SESSION**

Nothing to report. No action taken.

**V. APPROVAL OF AGENDA**

- Read Engineer Proclamation aloud.
- Cherry Tree presentation moved to end of agenda.
- 10:30pm deadline established. Any remaining items postponed to next meeting.

*Motion (Fulkerson Davies) to approve the agenda as amended. **Passed unanimously.***

**VI. APPROVAL OF MINUTES – January 11, 2012 cc**

*Motion (Fulkerson/Miller) to approve the minutes as written. **Passed unanimously.***

**VII. COMMISSIONERS REPORTS**

Miller: Attended CNM Gateway Meeting. Discussed stormwater management project. Also reported on a successful start to this year's crab season. Planning and coordination between pier contractors, the Rancheria, and the fisherman was successful. Yurok Tribe is developing a visitor center. Marine Lab remodeled, and is considering a proposal to improve the entrance of the facility.

Fulkerson: **RREDC**: Announced that Gregg Foster is leaving RREDC for a position in the private sector.

Bhardwaj: Attended Tribal Council meeting at the Rancheria. Presentation was given by City Engineer Steve Allen on the scope of work for upcoming stormwater management project.

Davies: Nothing to report.

Morgan: OES report on upcoming Tsunami drill, and 2-way radio system testing. Also attended HCCVB meeting at the Eureka Zoo, and met with Land Trust members who are still working to secure the Trinidad Art Gallery property.

**VIII. STAFF REPORTS**

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet.

**Richard Johnson** – Planning Commission Chair

Regular meeting scheduled for the 15<sup>th</sup> of February has been rescheduled to February 21. Will be discussing Trinidad Head Trail maintenance, and a remodel project on Underwood.

**IX. ITEMS FROM THE FLOOR**

**Jim Cuthbertson** – Trinidad

Informed the public that the price of propane varies between local delivery companies and that customers should check prices. They may have less expensive options.

## X. CONSENT AGENDA

1. Acceptance of maintenance responsibility for flowering trees along city streets from Garden Club.  
*Postponed to next meeting.*
  2. Proclamation 2012-01; Engineer's Week February 19<sup>th</sup> through 25<sup>th</sup>, 2012.  
*Mayor Bhardwaj read the Proclamation.*
  3. Stormwater Management Improvement Project update.  
*Pulled for discussion. Motion Fulkerson/Miller to approve consent item 3. **Passed unanimously.***
  4. Update/Report on Prop 84 Implementation Grant Application  
*Pulled for discussion. Motion Fulkerson/Miller to approve consent item 4. **Passed unanimously.***
- *Motion (Fulkerson/Miller) to approve the consent agenda as amended. **Passed unanimously.***

## XI. AGENDA ITEMS

1. Public Hearing on Water Rate Increase & Consideration of adopting Resolution 2012-01; Amending Fees and Charges for Water Service.  
City Manager Karen Suiker explained that the Council has discussed various water rate scenarios over the last several meetings, and at the December, 2011 meeting, approved a proposed change in monthly water rates and directed staff to issue a Notice of Public Hearing to be held February 8, 2012 on the proposed water rate increase. A copy of the notice sent to all property owners and water customers is attached. At this public hearing, the council is to consider all protests against the proposed new rate structure, and if written protests are presented by a majority of the affected properties, the proposed rate change cannot be imposed.

As a reminder, the proposed rate structure approved by the Council will generate approximately \$50,000 through increased rates and provides for a uniform block rate with a \$40 monthly base and a 25% out-of-city differential, and a 2.5% annual increase to account for inflation.

Action proposed tonight is to:

1. Open the public hearing and hear all public testimony regarding the proposed rate increase and accept protest ballots.
2. Close the public hearing and direct the City Clerk to complete tabulation of the ballots, including those received during the public hearing (or continue to a future meeting to finish tabulating the ballots); and
3. If there is not a majority protest, adopt Resolution 2012-01 Amending Fees and Charges to be effective on the next billing cycle.

Council questions included:

**Bhardwaj:** Reminded the audience to respect the forum, not react out loud, and let everyone be heard without reactions.

**Morgan:** Can the rates be adjusted tonight even if there are not enough protest votes? Or will that disrupt the 218 process? Suiker stated that it would be safe to proceed if the dollar amount was adjusted, but not if the differential is changed.

**Fulkerson:** Confirmed with the City Attorney that there was no way around the Prop. 218 process. **Stunich** explained that the process is mandated by the State Constitution. **Fulkerson** asked TPW Director Buckman how old the water lines are. **Buckman** explained that the main lines were installed in the 1970's.

Public comment included:

**Jim Cuthbertson** – Trinidad

I agree that the increase is necessary. However, the city should be using its surplus when needed, not increase the rates. Also opposed to the automatic annual increase. Rates should only be increased when necessary.

**Pat Morales** – Trinidad

I received a flyer from Councilmember Morgan asking for my signature to protest the rate increase, and that he signed it as a conservation-minded Councilmember. She argued that he still does laundry at his B&B despite that he doesn't have permission to do so, and accused him of being unethical.

**Dick Bruce** – Trinidad

50% increase is extreme. Is it possible to spread this out over a 2 year period? Criticized the Council for considering spending money on studying the feasibility of a round-about at Edwards and Trinity.

**Janine Volkmar** – Trinidad Area Resident

I've been attending Council meetings for many years, and heard all the water rate discussions. The differential is unethical. Residents outside the city limits have always paid more. Why? Water is not a choice of lifestyle, it is a basic need. I don't mind paying a higher rate, but I don't want to pay a *different* higher rate.

**Paula Levine** – Trinidad Area Resident

I live on Mill Creek Lane, paid a much higher connection rate, and pay higher monthly rates. Received the public notice, shared some calculations with the Council. Submitted the calculations in a letter on file with the City Clerk. Proposal favors equal rates for all water customers.

**John Spyropolous** – Trinidad

Don't like the sneaky tactics. It's unfair for the Council to proceed. I vote NO for any water rate increases.

**John Walker** – Trinidad

Rancheria resident. I don't drink the water. There's too much chlorine in it. Oppose the increase.

**Kim Tays** – Trinidad

Too high of an increase. People think that we're rich just because we live in Trinidad. Not true. I will support an increase if the water plant is audited and is running effectively, and proof is given that delinquent accounts are being handled, not written off.

Council comments included:

**Miller:** It may seem that we don't listen. We do, and we hear you. I've seen politicians take positions on subjects counter to their political views or platforms. We need to increase water rates. I've been persuaded that \$50,000 additional revenue is needed. We listened to hours of testimony - 6 meetings, and discussions going back to 2009. 2 main issues: \$50,000, and rate differential. If I'm on the Council when this issue comes back to the Council, I will vote for zero differential. I hope this process lasts at least 3-5 years. If you don't like my opinion on this, vote me out of office, please. I do respect Councilmember Morgan. If we replaced \$20,000 worth of main pipeline next year, it will get us 400 feet of 15 miles of infrastructure. Passed out a document with budget assumptions for 2012-2013. Explained that expenses related to City Engineer was there to leverage grants that would generate much needed revenue to meet compliance standards. Complimented the staff, confirmed that the budget is tight and efficient, and the difference split by the Council is the best possible solution at this time.

**Morgan:** My numbers came out differently. I pulled out budgeted amounts for City Engineer to reduce the impact of new rates. City Engineer expenses can come from surplus and don't need to be recovered by rate payers. I think it's a better way to go than such high rates.

**Fulkerson:** The connection fee to Humboldt Bay – feasible or not – is far more than our small communities combined could afford. Our job as Councilmembers is not fun. We haven't been "sneaky" and shouldn't be "ashamed" of anything. We don't receive any personal benefit to raising our own water rates. We are doing it because we listened to our brilliant staff members and have Councilmembers with great skills and talents. 4 of us voted in favor of the proposal. I wanted more consequences for high users. I could have voted against, but voted yes in compromise. I can't vote on my personal interest. I vote in the City's best interest. People maintain their homes, and the City needs to maintain its water system.

**Davies:** We've had many long discussions about this. If we adjust the rates in the future, I hope we reduce the differential. If we have problems with our water system, it will affect our property values. This is a compromise. I'm not a politician. I'm just doing my civic duty. I'm not sneaky and have nothing to gain. I feel my decision to approve the current rates is in the city's best interest, certainly not to harbor any political ambition.

**Bhardwaj:** 90% of water systems throughout the U.S. have been given a grade D for infrastructure by the ASCE. The Fed's have helped pay for small water system upgrades, but not anymore. It is not the rate payer's burden. I ran for Council to help the city stay fiscally sound. It's not wise to allow infrastructure to deteriorate. Janine misquoted me. I *do* care. I can't consider anything less than a \$50,000 increase. It would be

irresponsible to approve anything less. System maintenance and ensuring financial health of the City's enterprises are my priority.

**Morgan:** I was ashamed because I thought we could have done a better job listening to the public.

**Suiker:** Confirmed that the 2.5% increase can only be applied for a maximum of 5 years.

*Motion (Fulkerson/Miller) to adopt Resolution 2012-01 Amending Fees and Charges to be effective on the next billing cycle. Motion passed 4-1. Morgan – No.*

2. Discussion/Decision to renew City Manager Employment Agreement.

City Manager Suiker explained that the renewed employment agreement has been approved by the City Attorney and continues as the current employment agreement with a 2% salary increase as was granted other city employees at the time of budget adoption. The term of this agreement, which provides for a City Manager work schedule averaging 21 hours per week, would be from March 09, 2012 and lasting until March 08, 2013.

Public comment included:

**John Spyropolous** – Trinidad

Questions about contract terms and salary. **Suiker** explained that the salary is equivalent to \$61,612/year plus a \$600 cell phone reimbursement.

**Patti Fleschner** – Trinidad Area Resident

The city is getting a bargain. Karen is an incredible asset to the community. **Richard Johnson** agreed.

Council comments included:

**Fulkerson:** Millions of dollars are flowing through Trinidad from numerous projects. The manager has a lot of responsibility. Keep in mind that this contract does not include any severance pay. This is highly unusual. It's typical for city managers to have at least 6 month severance in their contracts.

**Miller:** We are so lucky to have Karen. She's an asset bringing great skills to the city. The salary is modest relative to the service we get from her.

**Morgan:** Karen saved Trinidad thousands of dollars by adjusting so quickly to the ARRA grant denial crisis. She's worth every penny she earns from the City.

*Motion (Miller/Fulkerson) to approve the renewed City Manager Employment Agreement. Passed unanimously.*

**Council took a 5 minute break.**

3. Discussion/Decision regarding Van Wycke Trail closure.

*Councilmember Fulkerson recused herself from this discussion item.*

City Manager Suiker explained that considerable efforts have been directed at evaluating options for the repair of the failing Van Wycke Trail. In April 2011 Winzler & Kelly presented a feasibility report that outlined various repair options ranging in probable costs between \$120,000 and \$240,000 depending on the repair option selected. A geotechnical investigation was commissioned and recently completed that recommended a soldier beam and lagging retaining wall as the most viable option from a stability and constructability standpoint, which has a potential cost of about \$240,000. Other potential fixes could be more economical to construct in the short term, for a cost in the neighborhood of \$100,000, but ongoing movement of the trail would still be expected to occur requiring additional repairs in the future. The bottom line following extensive survey and review, is that there is no reasonable solution that could be implemented for close to \$25,000 as the council was hoping.

Suiker further explained that the trail is a convenience but there are other alternatives to access the same area served by the trail. The existing utilities under the trail are also of concern, and the water main located behind the existing retaining wall will remain at risk given the bluff's instability. For this reason, staff is evaluating options and probable costs to replace or install an additional parallel pipe in Edwards Street to assure adequate

water service for fire protection purposes in the event that the Van Wycke water main is damaged or abandoned.

Council questions included:

**Bhardwaj:** Is it possible to receive grant funds for this project? **City Engineer Steve Allen** suggested that it was highly unlikely given the conditions.

**Miller:** Could we consider a constructing a bridge over this section of the trail?

**Davies:** The trail is not dangerous. There are other trails within the Trinidad system that are far more dangerous. It's ridiculous that the sign says the trail is "unsafe". I suggest staff look into reducing the signage to "Trail Not Maintained", and open it back up.

Public comment included:

**Tom Odom** – Trinidad

Is it feasible to use grant funds for the water line repair?

**Kim Tays** – Trinidad

I use this trail frequently. What is the liability of sending traffic down Edwards Street? Is it worse than sending them down Van Wycke? Please keep the trail open.

**Julie Fulkerson** – Trinidad

I see how many people enjoy the trail. It is a pleasant route that deserves attention. Could we turn to HSU Engineering students for a creative solution? A more permanent sign identifying user risk would be preferred.

**Victoria Sackville** – Trinidad

The Van Wycke Trail is inspirational. There's no doubt that the bluff is slipping and should be taken into account when planning to maintain the trail and keeping it open to public use.

Council comments included:

**City Engineer Steve Allen** explained that even the most expensive option will not be permanent. It's not urgent, but the city should definitely consider relocating the water main and other utilities in the area.

**Miller:** We need to explore options that keep pedestrians traveling this route, but also limit liability exposure in the short-term. **Bhardwaj** agreed.

**Davies:** The bottom of the lighthouse trail washes out every year, but wasn't closed. This trail is not dangerous, period. Let's figure out how to sign it in a way that identifies user risk, keep it open, and search for options to relocate the utilities.

*By consensus, the Council agreed to allow TPW to make minor repairs and staff to develop appropriate signage based on guidance from risk managers.*

4. Update/Discussion regarding Water Plant Improvements.

City Engineer Rebecca Crow explained that the agreement with GHD to finalize the design, complete permit applications and environmental documentation, and provide a technical, managerial, and financial assessment for the City's water system improvement project was approved by the Council on October 12, 2011. She also explained that the project intends to address the following Safe Water Drinking Act issues:

1. Inadequate chlorine contact time.
2. Filter load rate exceedance.
3. High disinfection by-products.
4. Low disinfectant residual.
5. Reliable turbidity reduction.

Public comment included:

**Richard Johnson** – Trinidad Area Resident

Is there a plan in place to look at the Treatment Facility holistically? 20 year plan? **Crow** explained that the improvements required are regulatory driven, and assured the Council that they aren't putting band-aids on the system. The improvements are long-term focused.

*By consensus, the Council thanked Crow for the update, and agreed to receive and file the report.*

5. Discussion/Decision regarding contract with GHD to study the possibility of a roundabout at Trinity and Edwards.  
*Continued to a future meeting.*
6. Update/Discussion regarding Treasurer's Report & mid-year Financial Report.  
*Continued to a future meeting.*
7. Discussion/Decision to reconsider Event Host requirement for Town Hall events.  
*Continued to a future meeting.*

## **XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS**

## **XIII. ADJOURNMENT**

- Meeting ended at 10:35 pm.

**Submitted by:**

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**Gabriel Adams**  
City Clerk

**Approved by:**

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**Kathy Bhardwaj**  
Mayor