

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JULY 11, 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 was absent.**
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Engineer Josh Wolf, City Attorney Andy Stunich.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation
 - a. Tsurai Ancestral Society Liability Claims for Damages, etc. against the City of Trinidad.

IV. RECONVENE TO OPEN SESSION

Mayor Bhardwaj announced that there were no decisions made during closed session to report.

V. APPROVAL OF AGENDA

Motion (Miller/Davies) to approve the agenda as written. Passed 4-0.

VI. APPROVAL OF MINUTES – June 13, 2012 cc,

Motion (Davies/Miller) to approve June 13 minutes as written. Passed 4-0.

VII. COMMISSIONERS REPORTS

Davies: Nothing to report.

Miller: Coastal National Monument Gateway Committee met and discussed ways to promote birding in our area.

Morgan: Appointed to Humboldt County Tourist Improvement District committee.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet. Introduced Trinidad Rancheria Vice Chairman Fred Lamberson III, who is head of the TLC Church on Berry Road, and also the Redwood Teen Challenge Director. Teen Challenge has volunteered its services to perform general landscaping and maintenance of Saunders Park.

Richard Johnson – Planning Commission Chair

- Announced the upcoming regular meeting agenda: 1) Leach property rebuild, 2) Civic Club Lighthouse Terracing Project.

IX. ITEMS FROM THE FLOOR

Richard Garcia – Trinidad

Asked the Council how they plan to backfill the rental revenue lost if the lease for facilities on Trinidad Head doesn't get renewed.

X. CONSENT AGENDA

1. Financial Status Reports for May 2012
2. Ordinance 2012-03; Proposing an Extension of the ¾% Sales Tax Increase to be implemented pending voter approval at the November 06, 2012 Election.
3. Authorize Staff to Respond to SWRCB Letter Regarding ASBS Special Protections and Request for Monitoring Program Report.
4. Change in Employee Health Insurance Plan

- *Motion (Davies/Miller) to approve consent agenda. Items 1, 3 & 4 Passed 3-1. (No – Morgan).*

- **Item 2 did not pass since it requires a 2/3 majority vote. Will be brought back at the next meeting for a second chance with the full Council present.**

XI. AGENDA ITEMS

1. Discussion/Decision regarding Consideration of Verizon's request to make upgrades to existing cellular facility on Trinidad Head.

City Attorney Stunich explained that Verizon has requested permission under its cell phone tower Leasehold with the City of Trinidad to make certain upgrades to its cell phone towers. Verizon seeks to make some minor changes inside the existing structure, replace three existing antennas with three new antennas of the same height and dimensions at the same locations, and replace a four foot dish with a three foot dish. I spoke with Verizon's attorney, Mr. Heard, on June 25, 2012. He advised that pursuant to the City Manager's request, a detailed work plan has been prepared to show exactly what will be done. His subsequent letter dated June 28, 2012 sets for the exact details on page 2. As can be seen, relatively minor modifications are proposed that will not make substantial changes to the Leasehold.

Stunich further explained that when the term "substantial" is used, it is used in the legal sense with the full understanding that many people view the matter emotionally or politically and on that basis anything done to the Leasehold is substantial. However, under an objective legal analysis, the proposed changes are far from substantial. According to a thorough analysis of the legal aspects involved, I recommend giving immediate written consent to Verizon for the proposed changes, and further recommend that any necessary permits be issued as soon as possible.

Council comments included:
Bhardwaj: Noted that the equipment proposed to be installed is smaller than what's already there.

Morgan: Federal Law supersedes State and Local Laws. There's nothing we can do to fight it.

Public comment included:
Brad Twoomey – Trinidad
Shared statistics and history of Verizon buying out smaller companies. Suggested that the City be compensated for roaming agreements as well.

Mareva Russo – Trinidad
I doubt Federal Law supersedes local land use policy. I think it's reasonable to have Verizon apply for a coastal permit. The lease specifies that the plans must be submitted and reviewed. We should hold them to it. Furthermore, the "invisible" to Verizon is the core of their business. Verizon suggests that the City not be concerned with the invisible improvements. The lease needs to end and Verizon needs to move.

Jim Cuthbertson – Trinidad
Fisherman use cell phones. This conversation has gone on too long. Approve the request so Verizon can move forward. ☺

Council comments included:
Miller: We depend and rely upon our Attorney to give us sound advice. His staff report explains that we're locked into the approval. There's also a 5 year extension on the lease agreement that Verizon may choose to continue. The City has no say in that as well. The visible changes may be minor, but the "invisible" changes are significant. I'm inclined to support of the project given the advice of our Attorney.

Davies: There isn't a choice to be made. I'm voting yes, but not happy about it.

Morgan: Will this have to go through the planning process? **City Manager Suiker** explained that the City Planner will be asked to review and determine if a CDP is required.

Bhardwaj: Trinidad Head is the ideal location for this facility, but other places have better cell service than Trinidad. I'm confident in the long-run that other options will be found. The Head is a world class resource. The best question is how do we best use the Head now that provides the future with the best resource. This proposal fits the lease. Regardless, Trinidad can't take on Verizon's legal department. I support the approval.

*Motion (Miller/Davies) to grant Verizon approval to proceed with the application review process for proposed upgrades to their cellular facility on Trinidad Head. **Passed 4-0.***

2. Discussion/Decision regarding Azalea & Pacific State Transportation Improvement Project.

City Manager Suiker explained that the proposed Azalea and Pacific STIP Project includes the rehabilitation of Azalea Way and Pacific Street to bring the roads up to City standards, provide better emergency vehicle access and improve the road drainage facilities.

This project was initially included in the State/Regional Transportation Improvement Program (STIP/RTIP) in 2002 following a series of public meetings. State funds to complete the design on this project expired in 2008; however, the City Council more recently approved an allocation of Proposition 1B funds to replace those expired funds which enabled the archaeological review, survey and project design to move forward. Two public meetings have been held to present the proposed design specifics and respond to numerous citizen inquiries and concerns, in particular the need for a 20 foot width to meet fire code standards and the desire for a permeable surface.

City Engineer Josh Wolf explained that the resulting proposed improvements include roadway widening and paving, and installation of curb and gutters, concrete connections between the new paved roadway and adjacent existing residential concrete driveways, drainage swales, subsurface drainage systems, street signs, and trees. Azalea Way will be widened from approximately 9-feet to 20-feet, as required to comply with the California Fire Code, and paved with a combination of asphalt concrete and grass pavers. The grass pavers will allow for narrowing the visible pavement on Azalea to approximately 17 feet and achieve the remaining required width with a grass paver system. This is basically a plastic interlocking grid that is backfilled with soil and seeded with grass, and can be designed to support fire trucks. The disadvantage is that the City will need to maintain the grass on the grid and ensure that organic material doesn't built up so as to reduce its ability to support vehicles. It is felt this surface will address the citizen concerns for less paving and reduced width appearance, while still meeting fire code standards. Pacific Street's graveled surface will be replaced with an asphalt concrete paved surface that will generally follow the same extents as the graveled surface.

If funding allows, improvements may also include the replacement of an existing 2-inch water line and the addition of a new fire hydrant. The project is limited to work within the City Right-of-Way (ROW) with the exception of minor driveway transitions to the newly paved roadway.

The project is programmed for construction (construction capital and construction engineering) in FY 12/13 for the total amount of \$423,000.

Public comment included:

Susan Berresford – Trinidad

Requested that the curbs along Azalea Street to be painted red.

Jim Cuthbertson – Trinidad

If money doesn't become available, how will he pay the engineer for all the work he's doing? City Manager Suiker explained that the City allocated \$55,000 from Prop 1B funds for engineering and archeological review of this project.

Tom Odom – Trinidad

This is a great looking project. I support it.

John Spyropolous - Trinidad

The street is fine as-is.

There were no comments from the council.

*Motion (Miller/Davies) to authorize staff to finalize the design, CEQA documentation and permits, and request an allocation of construction funds from the California Transportation Commission. **Passed 4-0.***

Morgan was excused from the meeting at approximately 8:45pm.

3. Presentation of County's Draft General Plan and draft Environment Impact report. - 8:30 pm
City Manager Suiker introduced Martha Spencer, Supervising Planner from the County of Humboldt who presented a slide show documenting the General Plan process, current status, and overview of the changes made through the years of working on the project.

Council comments included:

Bhardwaj: In 2003 the County held Public meetings in Trinidad and worked diligently to be inclusive of the cities and communities affected by the plan. That was much appreciated. She also noted her surprise and satisfaction of the Telecommunication Element of the Plan.

No further comment was made from Council or the public.

Presentation item only. No decision was made.

4. Trinidad Head Study Committee Interim Report
Trinidad Head Study Committee Secretary Mareva Russo presented the Interim Report. The report outlined, in detail, bullet-point highlights of every meeting since the first one held on September 28, 2011. The report is on file in the City Clerk's office. To conclude, Russo requested (on behalf of the Committee) that the Council consider an extension of service so they may be able to make up for time lost from the distraction caused by road maintenance back in October 2011.

Council comments included:

Bhardwaj: Compiling knowledge of what's on the Head and what the issues are that involve the area seems useful. I hope to have a comprehensive, simplified resource that the City may reference from time-to-time.

Miller: Thanked the committee members, and expressed his support for continuation of the committee. I appreciate all the details they discover, and look forward to the info they will provide in the coming months.

Davies: Noticed that certain plants have been flagged, and asked if it was possible for permanent, informational markers be placed near established plant species throughout the trail system. Miller expressed his support for this as a future agenda item.

Motion (Miller/Davies) to approve an extension of the Trinidad Head Study Committee's service through the calendar year ending December 2012. Passed 3-0. Morgan & Bhardwaj absent.

5. November Election Schedule and Upcoming Deadlines
City Manager Suiker explained that the City's November 06, 2012 Election ballot currently includes two items; 1) A measure to continue the current ¼% Sales Tax Increase, and 2) Two (2) Councilmember seats.

City Clerk Adams provided the list of deadlines related to the Election is as follows:

- **On or before July 14 - Election Notice:** A notice will be published in the 3 locations throughout the City (City Hall, Murphy's Market, and the Trinidad Post Office), and in the McKinleyville Press announcing the November Election and the Council positions available.
- **July 16 – Candidate Nomination Period Opens:** Anyone who wants to file as candidate for one of the (2) open positions may pick up nomination packets from the Clerk's office at the Town Hall. Fee for filing a candidate statement in the election ballot is \$375. Payment must be made when the nomination packets are submitted. **Deadline for incumbents to file nomination papers is 2:00pm, Friday, August 10.**
- **On or before August 02 – Notice Published to Accept Arguments For/Against Sales Tax Increase:** The City Clerk must file a notice to the public announcing that anyone who wishes to file arguments for or against the Sales Tax Increase continuation measure may do so by the **deadline of 2:00pm Friday, August 10.**
- **August 10 – Deadline for Incumbents to file Nomination Packet, and Arguments For/Against the Sales Tax Increase.**

- **August 15 – Deadline for Nomination Packets IF NO INCUMBENTS file for the positions.**
- **August 20 – Deadline to file REBUTTALS to Arguments For/Against Sales Tax Increase.**
- **August 23 – Deadline to Appoint Council Candidates:** If only 2 candidates apply for 2 open positions, the Council may choose to appoint the members and cancel that part of the election. If this ends up being the case, the Council will have to hold a Special Meeting sometime between the August 15 and August 23 and make their announcement to the public.
- **November 06 – Election Day**

There was a brief discussion regarding how many Council members could meet to write the argument for the sales tax measure. City Manager Suiker agreed to look into it and respond to the Council.

By consensus, the accepted the calendar. No decision was made.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 10:00pm.

Submitted by:

Approved by:

Gabriel Adams
 City Clerk

Julie Fulkerson
 Mayor Pro-Tem