

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JANUARY 08, 2014**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 7:20PM. Council members in attendance: West, Miller, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Karen Suiker, City Clerk Gabriel Adams, City Attorney Andy Stunich.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION**

- A. Liability Claims for Damages & Existing/Pending Litigation against the City of Trinidad, Government Code section 54956.9(b) and/or section 54956.95, from the following individuals: 1) Tsurai Ancestral Society, 2) Deborah Fitzpatrick.
- B. Possible courses of action to collect late occupancy tax payments and/or related interest and penalties.

**IV. RECONVENE TO OPEN SESSION**

Mayor Fulkerson requested that Attorney Stunich explain the actions taken in closed session. Stunich reported that the Council voted to file a writ of mandate in the Tsurai case, and approach the Tsurai and request mediation to resolve the dispute.

Regarding Deborah Fitzpatrick's claim for damages, City Manager Suiker explained that as a matter of routine, the Council must deny the claim and reject it by vote as required in open session. No action was taken on the T.O.T. penalty and interest item.

Mayor Fulkerson suggested moving the claim for damages decision to item 5 on the discussion agenda consider the amendment during the approval of agenda.

**V. APPROVAL OF AGENDA**

Discuss the Fitzpatrick claim for damages as Item 5 on the discussion agenda.

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

**VI. APPROVAL OF MINUTES – December 11, 2013 cc**

*Motion (West/Baker) to approve the minutes as written. Passed 5-0.*

**VII. COMMISSIONERS REPORTS**

Baker: Nothing to report.

Fulkerson: Nothing to report.

Davies: Nothing to report.

West: Reported that HCOAG board discussed active transportation funding opportunities.

**VIII. ITEMS FROM THE FLOOR**

**Pat Morales** – Trinidad, Edwards Street.

Read a statement of complaints and concerns that the Trinidad Bay Bed & Breakfast was not being penalized by the city for delinquent bed taxes owed. She quoted email correspondence between her and the City Manager and City Clerk. She then continued with explaining Brown Act definitions and objectives, and accused the Council of making policy decisions in closed session and thus, violating the Brown Act.

**City Attorney Andy Stunich** responded, stating that the Brown Act allows for closed session discussions when potential litigation exists. He agreed with Ms. Morales that policy decisions should be made in open session.

**Kim Tays** – Trinidad, View Street

Concerned with litter and transient camping in and around the freeway overpass. She requested that the Council make sure the hiding places under the bridge are filled in when the retrofit project is completed.

## **IX. CONSENT AGENDA**

1. Financial Status Reports for November 2013.
2. Community Input Process to Gather Resident Input on City Priorities.

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

## **X. DISCUSSION AGENDA**

1. Presentation on imagine Humboldt! "Build our Vision" Final Report.  
Marcella Clem and Kathy Moxon presented the report via slideshow. The presentation included the following slides: Process, Survey Participants, Principals, Vision 2050, Conserving Agriculture Land, Community Visions, Rural Living Preferences, Progressive Measures, and Summary.

There were no public comments.

The Council thanked Marcella and Kathy for presenting the report. No decision was made.

2. Discussion/Decision regarding Changing Starting Time for Regular Council Meetings.  
City Manager Suiker explained that Resolution 2007-05 provides for regular City Council meetings to be held on every second and fourth Wednesday of the month beginning at 7:00 p.m. For the past several years, the second monthly meeting has been on an as-needed basis, so the resolution should be amended to state the optional second monthly meeting. At the same time, the Council may wish to consider an earlier starting time to possibly promote greater participation, which is sometimes hampered due to the lateness of the hour when certain matters are under public consideration. The Planning Commission, for example, begins its meetings at 6:00 p.m. If the Council wishes to consider a modified start time, an enabling resolution will be brought back at the next meeting.

Members of the audience were in agreement that a 6:00pm start time was acceptable.

*The Council agreed, by consensus, that a 6:00pm start time would be good for all, and that the second meeting should be made optional. City Manager Suiker will bring a Resolution with proposed changes to the next meeting for approval.*

3. Discussion/Decision regarding Appointment of 2 Councilmembers to work with City Manager on Law Enforcement Contract Renegotiation.  
City Manager Suiker explained that the city's agreement with the County of Humboldt for the provision of law enforcement services by the Humboldt County Sheriff's Department will expire June 30, 2014. The City may be interested in proposing certain modifications to that contract, and it is recommended that two councilmembers be appointed to work with staff on contract renegotiation. Interested citizens will then have contact information to offer suggestions for this working group to consider. If a contract is recommended by this working group, it will be presented for consideration of the full Council.

The cost for services budgeted in FY 2013-14 under the current agreement is \$190,933. Cost calculations made at the time of the initial agreement identified a savings of about \$34,000 per year for contracted services compared to Trinidad maintaining its own police force. Police department assets have since been sold. The City's insurance authority strongly recommends small entities such as Trinidad contract for law enforcement services to minimize (transfer) liability exposure. The most practical and economical option is for the City to continue to contract its law enforcement services, and with the possible addition of accountability and evaluation criteria, we might be able to arrive at a recommended contract satisfactory to the vast majority of the citizenry.

Public comment included:

**Mike Pinske** – Trinidad, Underwood Dr.

This is a good time to evaluate and put into perspective the difference between a city police department and contracting with the sheriff department. I've lived in Trinidad for over 20 years, and noticed a significant increase this past year in transients and undesirable individuals hanging out here. Living next to the State Park this past summer was a nightmare, and the Sheriff's response time wasn't satisfactory. The City needs its own Police Department.

No comments from the Council.

*Motion (Miller/West) to appoint 2 Council members to work with the City Manager to consider renegotiation of law enforcement services contract. **Passed 5-0.***

4. Discussion/Decision regarding Appointment of Councilmember to Redwood Empire Division League of California Cities Legislative Committee.

City Manager Suiker explains that the Redwood Empire Division of the League of California Cities has a legislative committee that meets quarterly before division meetings or by phone if necessary. The role of the committee members is to review legislation brought forth to the committee and vote on whether or not the division should send in a letter of opposition or support to the legislators. A week prior to the quarterly meetings, the League staff sends a report on each bill for review and when the committee meets in person, the members take a vote on bills. Although City of Trinidad attendance at the Division meetings is somewhat inconsistent, depending on the meeting locations (which could be Del Norte, Humboldt, Lake, Mendocino or Sonoma County cities) and availability of councilmembers, the city may wish to appoint a councilmember to receive information and participate in voting if and when possible.

There was no public comment.

*Motion (Miller/Baker) to appoint Councilmembers Baker as representative to the League of CA Cities, and Miller as alternate. **Passed 5-0.***

5. Discussion/Decision regarding liability claim for damages submitted by Deborah Fitzpatrick.

City Manager Suiker explained that as discussed in closed session, the city's insurance agency PARSAC has advised the city to reject the claim as part of the formal procedure to pass the liability onto the contractor.

There was no public comment or Council discussion.

*Motion (Miller/West) to reject the claim for damages as submitted by Deborah Fitzpatrick. **Passed 5-0.***

### XIII. ADJOURNMENT

- Meeting ended at 8:20pm.

Submitted by:

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**Gabriel Adams**  
City Clerk

Approved by:

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**Julie Fulkerson**  
Mayor