

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

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b);
 - a) Closed session with City Attorney re: Threatened Litigation Related to Wagner Street Trail.

IV. RECONVENE TO OPEN SESSION – *Nothing to report.*

V. APPROVAL OF AGENDA

Pull item #4 for discussion, and continue Resolution 2014-15 to the next meeting.
Motion (West/Miller) to approve the agenda as amended. Passed unanimously.

VI. APPROVAL OF MINUTES – No Minutes to approve.

VII. COMMISSIONERS REPORTS

Davies: Citizen Complaint Form process still being reviewed. Will have proposal in November.

Miller: Nothing to report.

West: Nothing to report.

Fulkerson: Recent oversea travel experiences and reflections; healthy people, pedestrian friendly, etc.

VIII. ITEMS FROM THE FLOOR - *None*

IX. CONSENT AGENDA

1. Financial Status Reports for August 2014.

2. Staff Activities Report

3. Law Enforcement Report

4. Authorize City Manager to Modify Deputy Sheriff Schedule Within Existing Agreement.

Councilmember Davies requested that Manager continue to work on this, but must take deputy Wilcox's input into consideration, and have both weekend days covered if possible. No bankers hours. Baker and Fulkerson also commented on deputy Wilcox's style, sense of humor, and dedication to the job. *Motion (Miller/West) to authorize the CM to modify the Sheriff's schedule within existing agreement as needed. Passed unanimously.*

5. Receive 2014 Report Card for Humboldt County's Infrastructure.

6. Neighborhood Disaster Preparedness Training Workshop Announcement Reminder

7. Report/Memorandum on Trinity Street Water Leak

Pulled item 4 for discussion.

Motion (West/Davies) to approve the consent agenda as amended. Passed unanimously.

X. DISCUSSION AGENDA

1. Discussion/Decision Regarding Verizon Proposal for Diplexer and Actuator Upgrade on Trinidad Head Site.

City Planner Trever Parker explained that Verizon is requesting the City's permission to install additional components on their existing Trinidad Head cellular antenna system, which is on property leased to Verizon by the City. Verizon is proposing to install three new diplexer units (6.0" x 7.7" x 3.7" each) on the existing Verizon Wireless pole, between the pole and existing antennas. The project also includes installing one actuator (8" x 2.8" x 2.1") on to the bottom of each of the three existing antennas and installing one new ½" RET cable along the pole from the antennas to an equipment cabinet. The purpose of the diplexers is to enhance service to accommodate increased usage. The purpose of the actuators is to allow remote adjustments in the tilt of the antennas, which is currently done manually. Verizon has provided construction details and existing and proposed elevations to show the visual changes (included in this packet).

The Ground Lease to Verizon for the cellular site on Trinidad Head owned by the City includes language as follows: "*Lessee...may make alterations, improvements, additions or utility installations to or on the Site that are*

necessary for the conduct of the permitted uses of the Site, subject to the prior written approval of the Lessor” (§5.05(a)), and “no such consent or approval shall be unreasonably withheld or delayed and all such determinations shall be made on a reasonable basis and in a reasonable manner” (§9.11).

City staff has determined that the proposed project would not require a Coastal Development Permit, and has received concurrence from Coastal Commission staff on that determination (attached). In 1978 the Coastal Commission adopted guidance for repair and maintenance exemptions for utilities (entitled ‘Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements’). This document includes the following language for communication facilities: “A coastal permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A coastal permit is not required ... [for] work required to supply increased demand of existing customers’ facilities in order to maintain the existing standard of service.” The purpose of the project is to supply increased demand to existing facilities and maintain the existing level of service, so this exemption applies.

Section 13252 of the Coastal Act Regulations (Repair and Maintenance Activities Requiring a Permit) states: “The provisions of this section shall not be applicable to those activities specifically described in the document entitled *Repair, Maintenance and Utility Hookups*, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands or public views to the ocean (emphasis added).” These exceptions are not applicable to this proposal because there will be no ground disturbance, no reduction in public access and very minor visual changes that will not affect views.

There were no comments from the public or Council.

Motion (Miller/Baker) to authorize Verizon to proceed with the project as proposed. Passed unanimously.

2. Discussion/Decision Regarding First Reading of Vacation Dwelling Unit Ordinance 2014-01, and Resolution 2014-15 Submitting Local Coastal Program Amendment to Coastal Commission.

City Planner Trever Parker explained that at the June Council meeting, and at the request of Coastal Commission staff, the Council approved a ‘Resolution of Withdrawal’ for the VDU Ordinance LCP amendment application. The reason for this was because the ordinance has changed so much since it was first adopted by the City, Coastal Commission staff would prefer to bring a clean, revised ordinance that both parties can agree on to the Coastal Commission to avoid confusion and also so they can recommend approval of the ordinance ‘as submitted.’ However, at that time, there was still one point of disagreement regarding the water use language in the ordinance.

The Coastal Commission wanted to see a numerical cap on VDU water use based on the design flow of the septic system, and the City wanted to ensure there was an appropriate allowance for landscaping. We had not reached an agreement on this number until now. At the August meeting, Parker presented information that showed that there was no relationship between lot size and water use, but also that very few residences are actually using more water than the design flow of their septic systems, even including landscaping and other outdoor uses.

She proposed two alternative solutions to Coastal Commission staff: (1) a 30% allowance above the design flow (150 gallons per bedroom per day) for landscaping, which was based on the national average of 30% (where the state average is around 55%); or (2) a broad sliding scale based on lot sizes that I found on the ‘Save Our Water Website’ maintained by the Association of CA Water Agencies. Coastal Commission staff researched the issue to see if they could come up with a number that is more specific to the north coast. However, water use is so variable around the state and country, they could not find anything definitive. Therefore, they have agreed on the 30% allowance.

The other outstanding issues was to come up with some language for an exception from the parking requirements for existing, established VDUs (§17.56.190.H.2). Parker worked on this language in cooperation with the City Attorney. There is already an appeal process for staff determinations in the zoning ordinance (§17.72.100) if someone disagrees with a determination on an exception. She made a few other minor changes for linguistic consistency.

Finally, there is also a new Resolution of Submittal to be adopted for the LCP amendment application that will need to be submitted to the Coastal Commission in order to certify this ordinance as part of the City's LCP and zoning ordinance.

There was no public comment.

The Council thanked Parker for the final version and all the legwork done to reach this conclusion.

*Motion (Miller/West) to approve the first reading of the revised VDU ordinance. **Passed unanimously.***

3. Update and Presentation on Strawberry Rock Trail Project.

City Manager Berman explained that the community has enjoyed trail access to Strawberry Rock for decades, however the rock and surrounding property are owned by Green Diamond Resource Company and managed for timber production, and no formal agreement for trail access has ever been in place. Green Diamond and the Trinidad Coastal Land Trust are working towards a Strawberry Rock Trail Project. The current working proposal would cover approximately 38 acres, and provide for:

1. a public trail from the end of the frontage road to Strawberry Rock;
2. protection of the Rock itself; and
3. protection of an approximately 24 acre grove of redwood forest that the current trail passes through.

Funding to complete this project has not yet been secured. There are a number of open questions to be decided, and the answers may depend in part on the funding sources that are found to complete the project.

1. Fee title ownership vs. Conservation Easement?
2. What entity will hold the title or easement?
3. Trail upkeep and maintenance?

The City has already indicated their enthusiastic support for the concept of a Strawberry Rock Trail Project in a letter (attached) provided in 2013. Staff will continue to engage with the parties to ensure that the City is doing what it can to help advance this project.

Public comment included:

Marc – Trinidad Treesitter

We need to work with the tribes. This is stolen sacred land. Open the door and pray and money will come to secure the forest. Close the circle.

Trinidad Treesitter #2

This is a culturally significant site. I did a lot of work with the McKay Tract. Too much money was on the table but the forest was saved. Signage may help acknowledge the significance of the area. Encourage including Friends of Trinidad Forest in the discussions. We spent a lot of time cleaning up this area.

Mahaia – Trinidad Forest Activist

I'm from Redding. The record heat threatens the Redwood Forest. Less redwoods, the hotter it will get. I work to ensure the 7th generation will inherit a healthy planet. All redwoods should be preserved because they defend against climate change. We should also work with the natives and allow them to have their ceremonies at Strawberry Rock.

Stan – Trinidad Forest Activist

As an activist, we can only do so much. The city could help. All harvest plans should be cancelled.

Jene McCovey – Trinidad Forest Activist

Strawberry Rock is a ceremonial site. Shared a brief story on the significance of the site. Concerned with forest practices surrounding the area as well. Non-GMO supporter. Walk together as California leads the way. Honored to be here tonight.

Trinidad Forest Activist #4

This is a unique opportunity to preserve the area and offer carbon offset credits. Property values in Trinidad could be improved if this area is protected.

Jack Nounan – Trinidad Forest Activist

Everything is up for grabs. There is a global climate crisis. Forests are the lungs of the earth. Corporate emissions vs. public interests. Is Green Diamond really a good neighbor? We must act now to ensure the planet is healthy for future generations.

Doug Smith – Trinidad area resident

Lived in Westhaven for 27 years. Logging companies used herbicides. When treesits started, I was invited to meet with Green Diamond. My vision for the area is a complete, healthy watershed.

Council comments included:

Fulkerson: This is a big, healthy list of concerns and priorities. I offer to re-write the original letter, add more strength to it, and put it on next months consent agenda.

Miller: We have limited power in this issue, and I encourage activists to look to national endowments for additional support. We support Strawberry Rock preservation.

Baker: Tribal Council's should be a part of this discussion.

No decision was made. Mayor Fulkerson volunteered to re-write the city support letter and bring it back to the Council at a future meeting for approval.

XIII. ADJOURNMENT

- Meeting ended at 7:40pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor