

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, DECEMBER 10, 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

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – *no closed session***

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

*Motion (Miller/West) to approve the agenda as amended. Passed unanimously.*

**VI. APPROVAL OF MINUTES – *No Minutes to approve.***

**VII. COMMISSIONERS REPORTS**

**Davies:** Nothing to report.

**Miller:** Announced the RCEA LED Lightbulb Exchange Program.

**West:** HCAOG discussed Highway 36 safety issues, cancellation of December 18 CalTrans meeting, and the retiring of Sherman Shapiro.

**Fulkerson:** RREDC is \$14,000 short of 1 million goal to secure additional airline into Humboldt. Also presented a brief slide show of positive things that happened in Trinidad in 2014.

**City Manager Berman:** Highlighted and announced various updates, including:

- Fire Department and Town Hall re-roofing projects complete.
- Luffenholtz Creek Sediment Reduction grant project complete.
- Water Treatment Plant improvement grant project nearing completion.
- VDU Ordinance is in Coastal Commissions hands now.

**VII: PROCLAMATIONS & ANNOUNCEMENTS – *None.***

**VIII. ITEMS FROM THE FLOOR**

**Melissa Zarp – Trinidad Chamber of Commerce**

Chamber update including HLA fund distribution, and announced upcoming Holiday Ball.

**Richard Johnson – Trinidad Coastal Land Trust**

Invited the Council and public to the annual meeting this Sunday at the Museum, 3pm.

**IX. CONSENT AGENDA**

1. Financial Status Reports for October 2014.

2. Law Enforcement Activity For November 2014.

3. GHD Contract Amendment for Water Treatment Plant Upgrade Project. (Pulled for discussion)

City Manager Berman explained that In their role as City Engineer, GHD is under contract with the City for construction management in the ongoing upgrade of our Water Treatment Plant (WTP). There is a small parcel of privately owned land between Westhaven Drive and the WTP that presents challenges for access and maintenance at the WTP. The primary funder for the project, the California Dept. of Public Health, has agreed that survey, appraisal, and potentially acquisition of this parcel are allowable costs under our funding agreement with them.

This proposed contract amendment will add \$15,902 to our contract with GHD to cover the survey and appraisal of the property, and GHD's cost to secure and oversee these services. These funds would be covered within the existing funding from CDPH, so no additional cost to the City is proposed. These funds would be shifted from the contingency fund to the Contract fund in the existing grant agreement, reducing that contingency fund from a current balance of \$184,607 to a revised balance of \$138,705. Additional details are provided in the draft Contract Amendment (attached).

Council comment included:

**Baker:** Explained his concern for the issue in general, and that the City Engineer had not pointed it out to the City much earlier. It should have been dealt with immediately when the problem was noticed years ago.

*Motion (Miller/West) authorize City Manager to sign the attached contract amendment for services with GHD Inc. for survey and appraisal work associated with the Water Treatment Plant Upgrade Project. **Passed unanimously.***

4. Authorization to Accept Bid and Purchase Vector Mounted Trailer, Pending Concurrence from Trinidad Rancheria.
5. Approval of Draft Letter to Trinidad Rancheria for Planned Use of Remaining IHS Funds for Water Treatment Plant Upgrade.

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

## **X. DISCUSSION AGENDA**

1. Report on November 2014 Election Results and Councilmember Appointments.  
City Clerk Adams explained that the Tuesday, November 04 Election the city ballot included (3) Councilmember positions. The only name that appeared on the ballot was incumbent Jim Baker. There was one qualified write-in candidate, incumbent Dwight Miller.

The County certified the election results on December 02 (attached). Councilmember Miller received at 44 write-in votes, and Councilmember Baker received enough votes to retain his seat on the Council. Both their positions have been approved.

***One vacant seat remains open. The Council may fill that seat by appointment as soon as they find a qualified candidate, who must reside inside city limits and be a registered voter. At the time this meeting packet was published, no letters of interest have been received.***

Here is the updated list of current Councilmembers terms:

<b>Julie Fulkerson:</b>	Term expires December 31, 2016
<b>Jack West:</b>	Term expires December 31, 2016
<b>Dwight Miller:</b>	Term expires December 31, 2018
<b>Jim Baker:</b>	Term expires December 31, 2018
<b>Pending Appointment:</b>	Term expires December 31, 2018

### **Upcoming Schedule:**

- Councilmember Davies last meeting: Wednesday, December 10.
- Mayor Selection process: Wednesday, January 14.

### **Mayor Selection Process:**

City ordinance 2.06.010 states that "As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote one of their own to serve as mayor, and one to serve as mayor pro tem..."

*There were no comments from the council or public.*

*Report only. No decision was made.*

2. Resolution 2014-18; Acknowledging the Public Service of Councilmember Tom Davies.  
Mayor Julie Fulkerson read Resolution 2014-18, acknowledging the public service of Councilmember Davies. The Council thanked Davies and wished him well.

*Motion (Miller/West) to approve resolution 2014-18. **Passed unanimously.***

3. Discussion/Decision Regarding Planning Commissioner Appointments.  
City Clerk Adams explained that Planning Commissioner terms fall under the same odd-year timeline as City Councilmember terms. In December (3) Commissioners terms will expire. It is up to the City Council to appoint or reappoint qualified candidates, who serve at the pleasure of the Council. The process and commissioner qualifications are described in city ordinance 2.20, Planning Commission (attached).

Here is a list of current Planning Commissioner seats and term limits:

<b>Richard Johnson:</b>	Term expires December 31, 2014
<b>Chuck Vanderpool:</b>	Term expires December 31, 2014
<b>Diane Stockness:</b>	Term expires December 31, 2014
<b>Mike Pinske:</b>	Term expires December 31, 2016
<b>Gale Becker:</b>	Term expires December 31, 2016

As of Friday, December 05, the city received (4) letters of interest for (3) vacant positions. Three of the applicants are currently serving and would like to continue; Richard Johnson, Chuck Vanderpool, and Diane Stockness. The third letter is from Elaine Weinreb, a non-resident who resides in Westhaven. Under the current ordinance, the Planning Commission is allowed (2) non-residents to serve under certain conditions, as described below...

*In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.*

There was no public comment.

*Motion (West/Baker) to re-appoint Richard Johnson, Chuck Vanderpool, and Diane Stockness to the Planning Commission for the 2014-2018 term, and thank Elaine Weinreb for offering to serve and keep her in mind if positions open in the future. **Passed unanimously.***

4. Discussion/Decision Regarding Appeal of State Parks CDP Application #2014-01, Vegetation Removal.  
City Planner Trever Parker explained that the project involves a proposal by CA Dept. of Parks and Recreation, Trinidad State Beach to remove select vegetation in an area from the main parking lot off Stagecoach Rd. to the Marine Lab. This project was considered by the Planning Commission at a duly noticed public hearing on July 16, 2014. The Planning Commission approved the project by a 3-0 vote, with one Commissioner absent and one Commissioner recusing himself due to owning property adjacent to the project. Several people attended the meeting to speak in favor of the project, while two letters were written in opposition.

The State Park representative, Michelle Forsys, verbally addressed most of the concerns brought up at the hearing. On July 29, 2014, within the appeal period, Kim Tays appealed the Planning Commission's decision to the City Council. Because the appellant has since moved out of state, EPIC has been designated as her representative. Coastal Commission staff wrote a letter dated August 27, 2014 that indicated that they concurred with some of the points in the appeal and suggested that more detail be added to the project description. On August 28, State Park project manager, Michelle Forsys met at the project site along with myself, Coastal Commission staff Kasey Sirkin and EPIC representatives Natalynne DeLapp and Kimberly Baker. We toured the entire project area with Michelle as she described the proposed activities in more detail. It became apparent that some of the concerns of the appellant were a result of misunderstandings and a lack of detail in the written project description.

In addition, some of the controversial project components were removed from the proposal, including the removal of native vegetation to restore both grassland habitat and coastal viewsheds. Based on the site visit and the Coastal Commission's August 27 letter, the project description and attachments were revised. The project manager, Michelle, sent out a revised project description on October 15, 2014. On October 30, the appellant, Kim Tays, sent an email still objecting to and questioning a few aspects of the project. Coastal Commission staff, Kasey Sirkin, also wrote a letter dated October 29, 2014 with some additional suggestions for improving the project description. Michelle met with Coastal Commission staff on November 21 to ensure that their concerns were adequately addressed.

I believe that the State Park's December 4 letter and revised project description and reports have done a thorough job of addressing the appellant's concerns. EPIC representatives and Coastal Commission staff have indicated that they do not have significant concerns with the current project description. However, based on the support given for the project by the public at the Planning Commission hearing, much of which was focused on view restoration, and public safety, I would like to address some of the changes that have been made to the project since that hearing. Important public views of the coast are protected by both the City's LCP and the Coastal Act. The original project, as approved by the Planning Commission, included more substantial vegetation removal than the current proposal. That proposal included removal of native vegetation in addition to the exotics. The purpose was to increase native grassland habitat (as opposed to the existing coastal scrub, which is also native) as well as to improve public views of the shoreline and ocean from the parking lot and trail.

In terms of procedure and action, the City Council can uphold or deny the appeal, or modify the Planning Commission's decision through additional conditions of approval or other means. Because the project description has changed, the original decision will necessarily be modified if the current proposal is approved. This is somewhat unusual, and could be considered to be partially upholding both the Planning Commission's decision and partially upholding the appeal. However, I do not think that the Planning Commission's action was wrong or inappropriate in approving the original project. But because the project has changed, there is no need to analyze that decision beyond the current proposal. It is staff's opinion that the required findings can be made and **staff recommends approval of the revised project**. If the Council wishes to approve the project, it is suggested that the motion be worded to deny the appeal and uphold the Planning Commission action with the condition that the project conform to the revised project description. On the other hand, a denial of the project, upholding the appeal, should be based on not being able to make one or more of the required use permit findings or a finding that the project is not consistent with one or more City LCP or Coastal Act policies.

Public comment included:

**Dick Bruce** – Trinidad

I wish this project had not been scaled back. The overgrown bluff can be a fire hazard. Invasive species are taking over. This is an incredibly important project and I fully support it. I also support the State Park coming back with Phase II and restore views. I don't support doing less than what's required just to avoid a fight.

**Michelle Foyes** – State Parks

I hope to return with a vegetation management plan for future viewshed and fire fuels reduction. State Parks prioritizes natives and removing non-natives species. We also want to remove 2 large Monterey cypress trees.

**Mike Pinske** – Trinidad

The area included in the project is along the school's northern boundary fence line. I've talked to the school principal about illegal camping and transients that hang out at the State Park. Removing vegetation along that fence should be included in the proposal for safety reasons. Foyes explained that the proposal calls for removing that vegetation, but replanting with native vegetation. Pinske also happy to hear the 2 big pines being removed, and completely supports both phases of this project as submitted for the purposes of protecting views and fire reduction/safety reasons.

Council comments included:

**Baker:** I'm very concerned with illegal transient camps in the Park, and especially near the school, and support the State Park in their efforts to maintain this area.

**Miller:** Thanked Dick Bruce and Mike Pinske for their comments and contributions. The vegetation along that trail system to the west of Underwood is so much taller than it was a few years ago, and the fire danger is REAL. Camping in the brush is an ongoing issue that our law enforcement addresses periodically and as needed. Thanked City Planner Parker for the excellent summary.

**Fulkerson:** Just want to emphasize that removing the brush won't remove the homeless, and the term "viewshed" is subjective. Homes block views too.

*Motion (West/Baker) to deny the appeal and uphold the revised project description as proposed by the State Parks Department. **Passed unanimously.***

**XIII. ADJOURNMENT**

- Meeting ended at 8:40pm.

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
City Clerk

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**Julie Fulkerson**  
Mayor