

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, APRIL 08, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- 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 – *No Closed Session*

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- Pull items 2 & 3 for discussion.
- Motion (Miller/Baker) to approve the agenda as amended. Passed unanimously.*

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

VII. COMMISSIONERS REPORTS

- Miller:** Update regarding recent conversations with Del Norte County Transit service and providing vouchers to citizens stuck in Trinidad that need help getting to Crescent City for family and/or work.
- West:** Nothing to report.
- Fulkerson:** RREDC has job opportunities available. Also gave brief comment regarding recent Humboldt Lodging Alliance marketing campaign release party.
- Baker:** Update on Museum news and upcoming commercial fishing exhibit.
- Winnett:** Also attended the HLA marketing kick-off party unveiling an Alice in Wonderland themed campaign. Noted that HCCVB Director Tony Smithers claimed that the City of Trinidad does not make annual contributions to the board. As a member of that board for 6 years, I can say that they do a very good job marketing Humboldt County.

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

- BLM will be hosting a meeting to receive input from the public on 4/22 regarding Trinidad Head lighthouse property management plan.
- The Governor just issued drought response plan. The City will be working on this and update the Council at a future meeting.
- Stormwater Discharge Ordinance also being developed by the City per State mandate.

VII: PROCLAMATIONS & ANNOUNCEMENTS – *None*

VIII. ITEMS FROM THE FLOOR

Patti Fleschner – Museum

Thanked the City for continued support through bed tax revenue distribution for funding many local programs such as the Library, Museum, Chamber, Town Hall use, etc. Noted that the HCCVB receives benefits from all the Patrick's Point lodging businesses, so it may be a little misleading to think that they don't receive support from Trinidad.

Richard Johnson – Trinidad Area

Where did the "Oncoming Traffic has the Right of Way sign go" at the intersection leading out of town?

Lisa Espejo – Trinidad Skate Park Alliance

We have been working on this project for almost 5 years, and we're pleased to announce that the TSPA now has its own insurance policy to cover skate events, and now has its own mobile skate facility that will be brought out a few days a week on the school campus. Modular ramps have been purchased, along with an enclosed trailer to house them and move them from one area to another. We are also pleased to note that there have been little-to-no complaints from local community groups and business owners with regard to skateboarding in Trinidad. If anyone has any questions, feel free to contact me. Thanks for the continued support.

Rocky Whitlow – Chamber of Commerce

Fish Fest is changing dramatically this year. Join us for bi-annual dinner at Sunset Restaurant and find out more!

IX. CONSENT AGENDA

1. Financial Status Reports for February 2015.
2. Trinidad Rancheria Invitation to serve on Interchange Study Team.

City Manager Berman explained that the Trinidad Rancheria is moving forward with efforts to develop a new freeway interchange that would provide direct access to the Rancheria. The next step in this process involves working with Caltrans to develop and complete a Project Study Report. The Rancheria is establishing a Project Delivery Team that will provide oversight of the Project Study Report, and they have invited the City Manager and the Public Works Director, as well as many other stakeholders, to participate on that Team.

Rancheria Staff recommend that the City Manager participate on the Project Development Team for the City. This will help keep the City fully informed and involved in the project, and will provide valuable opportunities for the City to ensure the Project Study Report addresses issues of importance to the City. Staff will report back with more information after the planned kick-off meeting.

Public comment included:

Richard Johnson – Trinidad Area Resident

This is likely one of the most important issues that the city will face in years to come. It is extremely important to include all agency input, Fire, Police, and Public Works. The public should be notified of the interchange location, and when public input will be sought.

Andrew Hagen – Trinidad Area Resident

We are all stakeholders and should send a representative to these meetings.

Council comment included:

Winnett: Asked Richard Johnson if he had any other encounters with this project? **Johnson** explained that he lives in the vicinity of the proposed interchange and he, along with his neighbors have cause for concerns with the project.

*Motion (Miller/West) to appoint the City Manager and a willing Planning Commissioner as representatives to attend the PDT for the Trinidad Rancheria proposed freeway interchange meetings. **Passed unanimously.***

3. Seawood Estates letter regarding potential for Mad River water.

City Manager Berman explained that one of the potential water sources for Trinidad and the surrounding communities is to establish a pipeline connection to the existing water lines in northern McKinleyville (Dows Prairie), which would then provide Mad River Water from the Humboldt Bay Municipal Water District. The HBMWD has vastly more supply than demand due to the loss of the major industrial users of that system. This option has been considered in multiple studies over many decades, with the most recent study for the City in 2008. The cost of the pipeline infrastructure, the rural nature of the larger Trinidad community, and concerns over potential growth inducing impacts of additional water supply are some of the key issues that have been raised in prior studies of this option. The City has considered the past studies and repeatedly chosen to continue treating and providing water from Luffenholtz Creek.

The City recently received a letter from the Seawood Estates Mutual Water Company expresses their support for another study to look at this potential water source, and specifically the option of connecting such a line far enough North to serve their customers. The Trinidad Rancheria is also discussing such a study as part of their long term planning efforts.

Staff's recommendation is that the City should be supportive of and participate in further study of water supply options for the City and surrounding area. This would include political support (i.e. a letter supporting a study), but a request for financial support of a study would need to come back to the Council for consideration. This is based on the belief that water supply is a crucial issue for the region, having more information is only helpful, and the City should be an active participant in such a study. Any such study should begin with reviewing the existing work addressing this issue to avoid duplicating effort and ensure prior analysis are considered. We are requesting the Council either affirm this position by supporting staff's recommendation, or provide alternate guidance or clarification of the City's policy on this issue.

Public comment included:

Jim Cuthbertson – Trinidad

This has been discussed many times in the past.

Andrew Hagen – Trinidad Area Resident

I support the study and/or possible connections to HBMWD. I live on Stumptown Road and there are water issues in that area.

Council comment included:

Miller: I support collecting as much information on this subject as possible.

*Motion (Miller/West) to affirm a general policy of supporting additional analysis of water supply options for the City and surrounding areas. **Passed unanimously.***

4. Stormwater Discharge Permit update.

5. Letter of Resignation from Planning Commissioner Gale Becker, and Vacancy Announcement.

*Motion (Miller/West) to approve the consent agenda items 1, 4, & 5 as submitted. **Passed unanimously.***

X. DISCUSSION AGENDA

1. Discussion/Decision Regarding Results and Next Steps from Community Priorities Meeting.

City Manager Berman explained that on March 9th 2015 the City held a community meeting to gather input on goals and projects for the City. There was significant attendance and participation. A report submitted by the facilitator summarizes the input received at the meeting. However there was not an opportunity at that meeting for participants to prioritize among the ideas that were generated. Staff proposes the following approach to further engage the community in this process, and to help prioritize among the many projects that were suggested:

1. Number the project ideas for easier tracking
2. Print "ballots" for citizens to record their highest priority projects.
3. Announce widely that there is a two-week period to come in and have input re priorities at Town Hall.
4. Have a sign-up sheet to emphasize that we are trying to avoid people voting twice.
5. Tally and report back.

The intention is to utilize the input and priorities received through this process to help in guiding the work of the City, both through the annual budget and work plan, as well as in considering what projects to pursue through grants and other partnership opportunities.

Council comments included:

Baker: When will the ballots be ready? Rank voting is good, but it should be a simple ballot. Less options that better. **Berman** said they could be ready in one week.

Miller: I think the number of ideas should be summarized. There's just too much information in that report. This could easily overwhelm staff.

Winnett: I agree with Miller. We should prioritize by requesting 1, or top 3 votes of the 70 options listed.

Fulkerson: This is an advisory ballot that could be submitted on an index card listing top 14 ranked priorities.

*Motion (Winnett/Miller) to direct staff to develop a summarized list of priorities, and determine an efficient method to solicit public input for listing and prioritizing up to 14 options. **Passed unanimously.** Miller and Baker offered to help tally the ballots.*

The Council skipped to #3 next.

2. Discussion/Decision to Consider Response to Coastal Commission Letter Regarding the Wagner Street Trail. City Manager Berman explained that the Coastal Commission has notified the City by of their conclusion that certain signs and bollards (4x4 posts) on the Wagner Street Trail are in violation of the Coastal Act. The letter requests that the City either pursue immediate enforcement of these perceived Coastal Act Violations against the responsible party or request that the Commission move forward themselves with enforcement efforts.

There is a long history of expensive litigation surrounding the issues at question. The City has limited resources in terms of staff, relevant legal expertise, and finances to pursue this matter alone. In addition, the Commission is a party to many of the past legal proceedings, including the most recent legal settlement attempting to resolve conflicts about the Trail. Consistent with the request in the letter, Staff shared the letter and its request for immediate steps to resolve the perceived violations with the relevant property owner. The letter requests a rapid response by the City, now past due. Staff requested, and received permission for, additional time to allow for the City Council to meet and discuss a response.

Berman also noted that he spoke with Mr. Frame today, and that he threatened to sue the City if it proceeds to ask the Coastal Commission to intervene and pursue the issue.

Mayor Fulkerson stated Mr. Frame also contacted her, requesting a resolution be found locally.

Council comments included:

Baker: Why should we be afraid to enforce our own laws? All the Coastal Commission is asking us to do is to uphold our local ordinances. We can't keep kicking the enforcement can down the road. We need to make the first move. Also, I've heard that the boundary line between the City property and Mr. Frame's southern property boundary may be questionable. As a licensed surveyor I'm legally bound to acknowledge these issues if I'm made aware of them. The road right-of-way needs to be identified.

West: Agreed with Baker.

Miller: I'm completely in favor of the Coastal Commission taking primary responsibility.

Public comment included:

Jim Cuthbertson – Trinidad

I've had many meetings with Coastal Commission Director Bob Merrill. There are 2 things that the City hasn't done to fulfill the 2005 Settlement Agreement. 1) Put the trail markers in, and 2) keep the vegetation height on the South side of the trail to 3 feet. Other than that, Frame shouldn't have any grounds to threaten the City.

Mike Pinske – Trinidad

This is a very important decision for the City to make. Any opening for Frame to come back at you is dangerous. Let the Coastal Commission take the lead on this. There concern is public access, and the signs are in violation of numerous laws and issues. It's a no-brainer. Seize this golden opportunity.

Andrew Hagen – Trinidad Area

I'm a big fan of coastal access. The Council should take this opportunity and let the Coastal Commission take the lead.

Ann Pinske – Trinidad

Also in favor of letting the Coastal Commission handle it.

Steve Saunders – Trinidad

Thanked the City for taking this issue to the Coastal Commission. This is a gift that we should immediately accept. Ask the Commission to clarify the maintenance issue as well, insisting upon a 4 foot wide pathway at entrance, and also assist in the installation of trail markers.

Council comment included:

Miller: I'd like to minimize attraction of another lawsuit, so if the city hasn't complied with any pieces of the settlement, it should do so immediately to ensure minimal exposure.

Baker: Agree with Miller. Also very concerned about property line boundaries, and doesn't like the idea of one person running a town with legal threats.

West: Can we put the trail markers in right away? Berman explained that there is confusion about which markers were agreed upon, and until that's resolved the City shouldn't make jump to conclusions.

*Motion (West/Baker) to direct the City Manager to respond to the Coastal Commission requesting they assume primary responsibility in handling the enforcement effort related to the Wagner Street Trail as identified in the March 24, 2015 letter to the City. **Passed unanimously.***

The Council heard item #4 next.

3. Discussion/Decision Regarding Consideration of Revisions to the Vacation Dwelling Unit Ordinance. City Manager Berman explained that the City's Vacation Dwelling Unit Ordinance was approved by the Coastal Commission at their meeting of March 11th 2015, and is now in effect. Existing VDU's have until approximately June 11th 2015 to comply with the Ordinance. There has been interest expressed in revising or adding to the Ordinance by the Council and some members of the public. This agenda item provides information and recommendations about possible approaches to revising the Ordinance.

Process for Revising the Ordinance:

Any changes will require the following process:

1. A process to develop recommended changes is selected. (***This is where we are now***)
2. A draft revised Ordinance is developed and brought to the Council for preliminary approval. (1-3 months)
3. Coastal Commission staff input is solicited and incorporated, as the Commission will need to approve the revised version. (1 to 9 months – depends on extent of changes)
4. Council holds an initial reading of the revised Ordinance. (two weeks)
5. Council holds a final reading and adoption (1-2 months from initial reading)
6. The final ordinance is submitted to the Coastal Commission (two weeks from final reading)
7. Coastal Commission approves the revised ordinance. (3 to 6 months)

Total time involved could be 4-6 months for a very minor change, or 6-12 months for more intense changes.

Possible Revisions:

There are two specific changes that have been suggested in recent months. One is to change a single sentence to either relax, or make a specific exception to, the restrictions on multiple VDU's per parcel. The other potential change is to consider putting limits on the extent and number of VDUs. This might take the form of a cap on the number of VDUs allowed in the City, or to limit the time each year that a property can operate as a VDU.

The immediate questions for the Council are; 1) Whether to pursue revisions now at all, and 2) If so, what process is appropriate to develop any potential changes?

Staff's recommendation depends on the nature of the changes being considered. A significant change, like considering imposing a limit on the number of VDUs, should include input from affected stakeholders in developing any significant revisions to the Ordinance. Thus staff recommends the Council create (or re-create) a VDU Ordinance Committee with appropriate stakeholder representatives. This Committee would be given clear direction from the Council on the scope of changes they are to consider, and would then work, with Staff support, to develop a recommendation on a revised Ordinance for the Council.

In this scenario, staff recommends the Council appoint two Council members to serve on this Committee. Those appointees, with staff support, would consider appropriate scope and makeup of the Committee, solicit interested parties, and return to the Council at the next meeting for approval of the final membership and scope of the Committee.

Public comment included:

Adora King – Trinidad

I don't want to see this re-hashed again, but the way it went through and how it impacted only one property owner is wrong. I support making changes that don't cause the process to be completely redone, but rather correct the problem associated with the mistake.

Mike Reinman – RCVR Owner, and affected property owner

I appreciate the Council listening to our concerns. The 4-plex does not have a negative impact on the community. It is good for the town. We ask that the Council consider language that excludes/accepts the apartment from being prohibited from renting multiple units as VDU's. The Coastal Commission claims that this change will be inconsequential, and that the process can be handled at the staff level.

City Clerk Adams read (3) letters submitted for Council consideration from the following individuals:

1. **Ange and Chantal Lobue**, Whalesong Vacation Rental Owners.
2. **Katherine Wayne**, Property Owner
3. **Gail Covney**, Vacation Rental Owner

Council comments included:

Baker: This is a data problem. The apartment complex is in an appropriate location, but is zoned single family for some reason. I don't know how many multi-family buildings exist in Trinidad either. I voted to keep this property 1 VDU per parcel to keep the permanent vs. vacation housing inventory healthy. The economics of VDU's make sense, and I'm concerned about trends that may affect Trinidad over the next 10 years. The issue needs to be enforced, but we need to get on a track that keeps the town from becoming Disneyland.

Winnett: I'm hesitant to re-open this issue, but willing to do what it takes to correct this immediate issue if the Council agrees to do so.

West: I support considering a VDU cap discussion ASAP, but before we discuss the bigger issues, I'm in favor of directing staff to work to correct the issue Reinman faces first. **Miller** agreed.

Fulkerson: I was recently contacted by a realtor asking if there was a cap yet. I want to preserve the fishing village characteristics of Trinidad, but yes, a village of rentals has its advantages; clean and maintained properties and low neighbor tensions are just a few of the trade-offs. I too currently have a VDU license.

City Planner Parker advised that staff should have time to develop the appropriate language that resolves Reinman's issue, but doesn't single out any property. **Berman** agreed.

*Motion #1 (Miller/West) to direct staff to draft language intended to correct the issue affecting the apartment complex, seek advise from Coastal Commission Staff, and if supported bring revisions back to Council for review to amend the current ordinance. **Passed 3-2. No - Winnett & Fulkerson.***

*Motion #2 (Miller/West) to appoint Councilmembers West and Winnett to form a focus group to review and advise recommendations for developing a VDU cap. **Passed unanimously.***

4. Discussion/Decision Regarding Creation of an Ad-Hoc Budget Committee.

City Manager Berman explained that staff will be preparing a draft budget for Fiscal Year 2015-2016 for presentation at the regular meeting in May. It would be helpful to have one or two Councilmembers to assist in preparing and reviewing the budget.

There was no public comment.

*Motion (West/Miller) to appoint Councilmembers Miller and Baker to assist the City Manager in budget preparation. **Passed unanimously.***

XIII. ADJOURNMENT

- **Meeting ended at 9:40pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor