

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MAY 14, 2008

I. CALL TO ORDER/ROLL CALL

- Mayor Lin called the meeting to order at 7:00PM. Council members in attendance: Lin, Binnie, Ratzlaff, Bhardwaj, Fulkerson.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams, and City Attorney Paul Hagen, Police Chief Ken Thrailkill.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Binnie) to approve the agenda as submitted. Passed unanimously.

VI. APPROVAL OF MINUTES

April 09, 2008 cc

Motion (Fulkerson/Binnie) to approve the minutes as corrected. Passed unanimously.

April 23, 2008 cc2

Motion (Bhardwaj/Fulkerson) to approve the minutes as corrected. Passed unanimously.

VII. COMMISSIONERS REPORTS

Binnie - Parks and Recreation, Streets – Deferred to agenda items 1 & 3.

Bhardwaj – Health & Human Services, Planning

Planning: The Planning Commission's 3-2 approval of the Marshall project, application 2007-12, has been appealed to the City Council. The May meeting agenda includes a View Restoration Permit application submitted by a group of Underwood residents against the Morrison property. The General Plan update process is still underway.

Lin – Water, Town Hall – Asked the Council to support him in a vote of confidence for City Manager Steve Albright who has done an excellent job since taking office in early February. The Council agreed.

Fulkerson – Public Safety – **Nothing to report.**

Ratzlaff – Finance – **Nothing to report.**

VIII. STAFF REPORTS

City Manager - Albright: Summarized various highlights and updates made to the staff activities and managers report submitted to the council in the meeting packet.

City Attorney – Hagen: **Nothing to report**

Police Chief – Thrailkill – Announced service calls and statistics for the month.

City Clerk – Adams – Announced an upcoming E-Waste amnesty collection sponsored by HWMA on May 31. (location to be announced at a later date). Also, the City should be able to provide the entire council meeting packet online to the public via the website starting in June.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Robert Vogel – Westhaven

Provided the Council with an update of the Open City Hall program.

Jim Cuthbertson –Trinidad

Provided information to city staff regarding state guidelines for fire safe vegetation clearing around homes.

X. CONSENT AGENDA

1. Staff Activities Report through April, 2008
2. Financial Status Report through March, 2008
3. Resolution 2008-11; Request to join the Humboldt Waste Management Authority.
4. Staff Appointments to the PARSAC Board
5. Proclamation 2008-03; Recognizing "National Police Week".

*Motion (Fulkerson/Binnie) to approve the consent agenda as submitted. **Passed unanimously.***

XI. AGENDA ITEMS

1. First Reading of Proposed Ordinance 2008-02 Amending Sections of the Municipal Code Relating to the Wagner Street Trail.

City Manager Albright explained that at its meeting on April 9, 2008, the City Council instructed staff to pursue changes to the Trinidad municipal codes related to use of the Wagner Street Trail. City Attorney Paul Hagen has researched the issues involved and is providing both background information and recommended language to amend the existing codes.

In 2005, a lawsuit settlement (Frame vs. City of Trinidad) mandated certain actions be taken with regard to use of the Wagner Street Trail. The primary purpose at this time for proceeding with an ordinance changes for the use of the Wagner Street Trail is to provide an enforcement mechanism for the settlement. The current City ordinances provide insufficient means for the enforcement of all of the settlement's requirements. It is required that there be a 30-day or more period between the first reading of an ordinance and a public hearing to consider its adoption. The next City Council meeting that would be at least 30 days from this meeting is June 25, 2008.

City Attorney Paul Hagen presented the following information to the Council:

Access to the Wagner Street Trail

The City has no authority to control access *from Wagner Street* to the Wagner Street Trail, as that passes over private property. Specifically, right of access in this locale occurs under an easement held between the owner of the 475 Wagner Street property and the Humboldt Northcoast Land Trust. This easement is limited in the nature of its use to "orderly pedestrian traffic."

Proposed Ordinance Language

In order to address the full scope of the court's settlement terms as well as the intent of the easement for access to the Wagner Street Trail, I recommend the following amendments to current Chapter 12.20 of the Trinidad Municipal Code:

12.20.040 Restricted Use for Old Wagon Road Trail

Public use of the Old Wagon Road Trail (also known as the Wagner Street Trail) shall be restricted as follows:

- A. Use during daylight hours only (from the time of sunrise to sunset);
- B. Use by pedestrians only;
- C. Dogs are prohibited (see Trinidad Municipal Code, section 6.06.01);
- D. Interference with the public's right of use and quiet enjoyment is prohibited.

12.20.050 Violation - Penalty

A violation of any of the provisions of this chapter shall be either an infraction or a misdemeanor. Each violation is punishable by penalties as authorized by Government Code Section 36901.

Violations charged as infractions are punishable by fines as follows, Section 1.08.010(C) of the Trinidad Municipal Code notwithstanding:

- A. A fine not exceeding \$150.00 for the first violation;
- B. A fine not exceeding \$300.00 for a second violation within one year; and
- C. A fine not exceeding \$750.00 for a third violation within one year.

Violations charged as misdemeanors are punishable pursuant to the provisions of Section 1.08.010(B) of the Trinidad Municipal Code.

Public comment included:

Jim Cuthbertson – Trinidad

If the City trail ends at the bluff and doesn't connect to Wagner Street, the City really has no trail at all. Will the ordinance allow the City to enforce the rules on the easement from Wagner Street to the trail over Frame's property? **City Attorney Hagen** reiterated that the City has absolutely NO authority to enforce the easement. That is the sole responsibility of the Humboldt North Coast Land Trust. The proposed Ordinance applies only to the City trail.

Kim Binnie – Trinidad

If the property owner blocks access to the trail with an RV, for instance, who do we complain to? **City Attorney Hagen** replied, stating that if the RV's were on the easement, the HNCLT should be contacted, not the City.

Council comment included:

Fulkerson: This seems incredibly clear to me. Thanked Hagen and Albright for their guidance and expertise in the matter. The Council agreed.

*Motion (Fulkerson/Ratzlaff) to set a public hearing for June 25, 2008 for the purpose of considering the adoption of proposed Ordinance 2008-02. **Passed unanimously.***

2. FY 2007 Audit Presentation.

City Manager Albright explained that the Accounting firm of Nicholson & Olson has been preparing an annual Financial Audit for the City of Trinidad for a number of years. This year, the audit is being provided later than normal. The "Audited Financial Statements" provide a complete review and analysis of the financial situation for the City of Trinidad as of June 30, 2007. He also explained that the auditors include in the audit a report stating that there are no "non-compliance" issues with regard to accepted government accounting standards. It also states that there are "no material weaknesses" with regards to financial reporting and operations within the City government.

On Friday, May 09, the City received a management letter from the Auditor that included 6 recommendations to the Council for consideration. 5 of the 6 referred specifically to the Police Department issues, and the other to an inequitable distribution of employee benefits that should be looked into. Albright addressed each recommendation, and noted that the letter will be filed with the audit.

Public comment included:

Glenn Saunders – Trinidad

Police Officers should not be using City resources for personal business.

Council comment included:

Fulkerson: The contract with the Police Chief allows him to use the City vehicle for personal use at any time. This is a MAJOR benefit that the public should be made aware of.

Bhardwaj: It is equally important that the Council understand why this perk is available to the Police Chief.

Motion (Bhardwaj/Binnie) to receive and file the annual audit as submitted by Nicholson & Olson, CPA's.

Passed unanimously.

3. Update report on the Trinidad Gateway Project.

Councilmember Binnie explained that the Gateway Committee has been in place for several years, and has recently developed a project scope. The scope includes:

- Sidewalks upgraded or installed to include ADA standards.
- Sidewalks , crosswalks, and curb ramps at all intersections.
- Cut rock decoration on north slope under 101 and on column safety wall.
- Removal of bike box in teardrop area and expand area for 2 additional parking spaces.
- Artistic treatment on Teardrop area including changeable art pedestal.

The Gateway Committee was approaching a point in time when actual construction was being planned, but Caltrans recently notified the committee of plans to retrofit the bridge for earthquake safety. Construction will not begin until 2013, and possibly not finished until 2016. Caltrans assured the committee that any damage to Gateway improvements made prior to the retrofit will be repaired or replaced at Caltrans expense.

The Committee has begun to formulate a list of questions and concerns that will be presented to Cheryl Willis, Caltrans Deputy District Director or Planning and Local Assistance at a meeting tentatively scheduled for June 17.

No decision was made.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

- No second meeting will be held in May.
- Budget workshops scheduled for May 28.
- Draft budget will be scheduled for June 11 meeting, along with the Watershed Management Plan.
- Marshall Application #2007-12 appeal hearing will be scheduled for June 25.

XIII. ADJOURNMENT

- **Council meeting ended at 9:20pm.**

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Chi-Wei Lin
Mayor