

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JUNE 25, 2008

I. CALL TO ORDER/ROLL CALL

Mayor Lin called the meeting to order at 7:00PM. All Council members in attendance.

City Staff in attendance: City Manager Steve Albright, Assistant City Clerk Robin Fraser, City Attorney Paul Hagen, and City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION – *No Closed Session*

IV. APPROVAL OF AGENDA

Motion to move the consent item to discussion item and approve the agenda. Passed unanimously.

V. ITEMS FROM THE FLOOR –*No items from the floor.*

VII. CONSENT AGENDA – *No consent items*

VIII. DISCUSSION/ACTION AGENDA ITEMS

1. Declaration of Surplus Equipment to the Needs of the City of Trinidad

In 2007, the Trinidad Volunteer Fire Department purchased a new fire truck. The new (used) vehicle was obtained through a combination of grant funds, City general funds, and department savings that were accumulated over the years.

As a result of the purchase of the new fire truck, the existing and outdated truck is now surplus to the needs of the department. It is currently being stored behind the fire station, and any value that it may have will diminish as it sits unused and unmaintained.

As a result, the Fire Chief has requested that the old fire truck be declared surplus, and that he be authorized to dispose or sell the truck and its equipment that is no longer needed by the department.

Motion (Ratzlaff/Bhardwaj) to declare the old fire truck to be surplus equipment and authorize the Fire Chief to dispose of in any way that he determines to be in the best interest of the department. It is also recommended that any proceeds from the sale of the truck be reserved for future use by the Fire Department. Passed unanimously.

2. Public Hearing and Adoption of Proposed Ordinance 2008-02

City Manager Albright explained that at its meeting on May 14, 2008, the City Council had the first reading of proposed Ordinance 2008-02. City Attorney Paul Hagen provided the Council considerable research on the issues involved, and the Council was also given both background information and recommended language to amend the existing codes relative to the Wagner Street Trail.

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 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. In addition, the prescribed penalties for violating the Ordinance have been clarified and increased.

Motion (Binnie/Fulkerson) accept public testimony during the public hearing, close the public hearing, and approve the proposed Ordinance 2008-02. Passed unanimously.

3. Appeal of Planning Commission Decision on Marshall Project CDP/DR Application #2007-12.

City Manager Albright explained that the proposed project is for the construction of a single-family home on a currently vacant lot on Edwards Street. The proposal has been reviewed by the Planning Commission during noticed public meetings, where considerable public input has been received. As a result, certain compromises to the construction of the structure, its placement on the lot, its size and height, and other community concerns have been made. As a result, the Planning Commission recommended approval of the project with numerous conditions (on a 3-2 vote) this past April, including the issuance of a Coastal Development Permit.

The Planning Commission's approval has been appealed by Mike and Hope Reinman, who own property adjacent to the proposed project site. Their appeal challenges the findings of the Planning Commission relative to consistency with the General Plan, the Zoning Ordinance, the Local Coastal Plan, the Coastal Act, and the Northcoast Regional Water Quality Control Board.

The staff recommends that the Council concur with the findings of the Planning Commission and deny the appeal of the Commission's decision. No additional conditions are recommended to be placed on the project's current approval status.

Public comment included:

Mike Reinman – Trinidad

Explained the rationale for the appeal, and introduced his attorney Daniel Kosmel.

Daniel Kosmel – Attorney for Mike Reinman

Presented Political Reform Act (PRA) issues pertaining to two PC members and the vote on 2007-12a on January '07. Requested the vote be recast.

Michael Morgan – Planning Commission Chairman

Responded to comments from Reinman and Kosmel's presentation.

Kathy Moley - Pacific Watershed Associates

Spoke regarding the septic system design of the project and bluff stability.

Judy Lake – Planning Commission

Spoke regarding Planning Commission practice regarding recusal.

Kim Tays – Trinidad

Opposed the project.

Jim Cuthbertson -Trinidad

Spoke regarding the space above the Eatery being living quarters, his experience with the planning and building process, and on behalf of the property owner's right to build. Resident **Glenn Saunders** agreed with Cuthbertson.

Tom Odom –Trinidad

Discussed bluff stability and Trinidad history.

Cindy Lindgren – Trinidad Area

Raised questions regarding the septic system and setback requirements.

Staff comment included:

City Attorney Paul Hagan: Gave legal advice in open session and recommended going to a closed session and not going to a vote at this time due to written and oral threats of litigation.

Council and Staff discussed the planning process, property owners' rights, legal recommendations, water usage, and options.

*Motion (Ratzlaff/Bhardwaj) for a continuance to a closed session immediately prior to the July 9, 2008 regular City Council meeting. Fulkerson requested amending the motion to change the date to Wednesday July 2 at 7:00pm. Motion amended. **Passed unanimously.***

X. COUNCIL or STAFF REQUESTS FOR FUTURE AGENDA ITEMS

XI. ADJOURNMENT

Submitted by:

Approved by:

Robin Fraser

Assistant City Clerk

Chi-Wei Lin

Mayor

A full audio recording is available upon request at Town Hall.