

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 12, 2007

I. CALL TO ORDER/ROLL CALL

- Mayor Lin called the meeting to order at 7:00PM. Council members in attendance: Ratzlaff, Bhardwaj, Fulkerson. **Councilmember Binnie was absent.**
- City Staff in attendance: City Clerk Gabriel Adams; Police Chief Ken Thrailkill; City Attorney Paul Hagen.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Pursuant to Government Code, Section 54957
 - a. Personnel Appointment

IV. RECONVENE TO OPEN SESSION

Mayor Lin reported that the Council agreed to promote Bryan Buckman as the new Director of Public Works and Chief Water Plant Operator. The Council will wait to vote after public input is heard during agenda item 1.

V. APPROVAL OF AGENDA

*Motion (Fulkerson/Bhardwaj) to approve the agenda as amended. **Passed 4-0.***

VI. APPROVAL OF MINUTES

August 08, 2007 cc

*Motion (Fulkerson/Bhardwaj) to approve the minutes as amended. **Passed 4-0.***

August 22, 2007 cc2

No minutes were submitted.

VII. COMMISSIONERS REPORTS

Binnie - Parks and Recreation, Streets - **Absent**

Bhardwaj – Health & Human Services, Planning

Planning: Previewed the upcoming agenda.

Health: Announced the upcoming Village Keeper program.

Lin – Water, Town Hall: Nothing to report.

Fulkerson – Public Safety: Deferred to Police Chief's report.

Ratzlaff – Finance

Finance: If the sales tax increase was intended to reestablish the general fund reserve, the Council should carefully monitor expenditures and make sure funds are being reserved.

VIII. STAFF REPORTS

City Clerk/IWMC – Adams: Nothing to report.

City Attorney – Hagen: Nothing to report.

Police Chief – Thrailkill: Announced arrests, service calls, and statistics.

IX. ITEMS FROM THE FLOOR

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

Glenn Saunders – Trinidad
Town Hall should be painted.

John Spyropolous – Trinidad

1. Gave the City Clerk a vote of confidence for the City Manager position.
2. The underpass/intersection at the entrance of Trinidad is too complicated, confusing, and dangerous.
3. Pelican Bay inmate shuttle from Crescent City that stops at Chevron should not be allowed.
4. The new police facility seems reasonable.
5. Town Hall should have a pay phone.

X. CONSENT AGENDA

1. Proclamation 2007-04; Designating September 13-19, 2007 as Noel Ponniah Memorial Week. (Lin)
Motion (Lin/Bhardwaj to proclaim the week of September 13-19, 2007 as "Noel Ponniah Memorial Week", as an expression of appreciation for his contribution to the City . Passed 4-0.
2. Approval of the Knapp minor subdivision and coastal development permit following the recommendation of the Planning Commission, approving the Tentative Map as submitted and as conditioned, and adopt the Mitigated Negative Declaration for the project. (Bhardwaj/City Planner)
Motion (Lin/Fulkerson) to pull consent agenda no.2 from the agenda and bring it back on September 26 with more background information from the City Planner. Passed 4-0.

XI. AGENDA ITEMS

1. Discussion/Decision regarding filling the vacant position of Chief Water Plant Operator and Public Works Director. (Lin)
The passing of Noel Ponniah has left an employment vacancy within the City. Ponniah served as both the Director of Public Works and the Chief Water Plant Operator. The Council must decide how to fill the positions as soon as possible.

Mayor Lin announced that the Council would like to offer the promotion to Bryan Buckman. His tenure, training from Ponniah, breadth of knowledge of the City, and demonstrated dedication to his job qualifies him for the promotion. The City must begin recruitment of the position he will be leaving vacant.

Public comments included:

Jim Cuthbertson – Trinidad

We might not need a Public Works Director if we hire a City Manager.

Terry Marlow - Trinidad

The intention of hiring a City Manager isn't to replace another employee, it's to create a new position.

Council comments:

Ratzlaff: Maybe we should give Buckman the title of "Acting" Public Works Director and allow the future City Manager to decide if the job is appropriate. Fulkerson agreed.

Motion (Lin/Bhardwaj) to:

1. *Appoint Bryan Buckman to fill the vacant positions of Chief Water Plant Operator and Acting Public Works Director with the starting pay of \$18.00/hr (retroactive Sept. 1) and;*
2. *Authorize staff to start the recruitment process to fill the vacant Public Works position, and;*
3. *Establish a selection committee to review application, interview applicants, select and recommend a candidate to the Council. Committee members shall include Mayor Lin, Councilmember Binnie, TPW Director Buckman, and City Clerk Adams.*

Motion passed 4-0.

2. Discussion/Decision regarding proposed schedule and process to consider the adoption of the Tsurai Management Plan. (Lin)
The Council must decide to adopt the Tsurai Management Plan, which provides a framework to protect, preserve and restore the historical Tsurai Village Site. Mayor Lin proposed the following adoption process for the Council to consider:

1. Conduct several workshops at weekly or bi-weekly intervals to examine and discuss the main elements of the Plan.
2. Work together to draft a document stating the Council's positions on various key issues of the Plan.
3. Present recommendation at a regular meeting for public discussion and final approval. A final approved position statement will represent the Council's decision on the Management Plan.

Mayor Lin also proposed meeting in a workshop format on the following dates at 2-5 PM to examine and discuss the main elements of the Plan:

1. September 24: Background on the Plan, goals, executive summary and vision statement.
2. October 1: Part 1 to Part 9, (p1-p54), Backgrounds, history, issues and public comments, etc.
3. October 15: Part 10 to Part 12 (p55-p78). Findings, recommendations, and proposed projects
4. October 22: Drafting Council's position statements.

If the scheduled workshops achieve an agreeable position statement, the issue should come to the Council for decision at the first regular council meeting in November (11/14/07).

Public comments:

Jim Cuthbertson – Trinidad

Has the City Attorney finished his review? If so, when will he present his report to the Council?

Terry Marlow – Trinidad

Don't get bogged down in the background/history segment of the plan.

Staff comments:

City Attorney: I can complete my review and give a brief presentation to the Council on Sept. 24.

Council comments:

Fulkerson: The process seems reasonable. May I suggest we consolidate the meetings and try to complete the review in 2 sessions? Mayor Lin agreed.

Motion (Ratzlaff/Fulkerson) to approve holding the following meetings to discuss and consider the adoption process of the Tsurai Study Area Management Plan:

1. Monday, September 24 from 2-5pm to discuss up to p.54.
2. Monday, October 01 from 2-5 to discuss p.55-78.

Motion passed 4-0.

3. Discussion/Decision on a proposed location for the City's police station and a request for approval to proceed in preparing a permit application to the Planning Commission. (Fulkerson/Thraillkill)

Councilmember Fulkerson deferred to Chief Thraillkill & Richard Johnson for background. Johnson explained that the Trinidad Police Department requires a new facility. Several alternative locations within the City have been investigated, but none were found that met the majority of the City's selection criteria. The latest proposal, a lease arrangement for 463-A Trinity Street, meets the majority of the criteria and is deemed the best compromise while also meeting some of the City's future requirements for additional office space to house the City Manager.

The proposed location currently houses Trinidad Clothing and Gifts, but will be vacated at the end of September. The property is currently zoned Planned Development (PD) and staff has determined that the police facility can be located in this area, if it is determined to be a compatible use by the Planning Commission. A Use Permit is required. Therefore, it is requested that Council authorize City staff and the property owner to continue the permit process to obtain the necessary Use Permit, and to authorize staff to hold a determination hearing at the October Planning Commission meeting.

Approval of this request does not obligate the City in any way, but only allows the involved parties to move forward with the process. Final approval of any subsequent leasing arrangement will be required by the City Council.

Council clarification:

Bhardwaj: Suggested that the Provolt building (363 Trinity) not be overlooked. It is adjacent to the Town Hall, and large enough to accommodate other city programs in the future. Asked the Council to consider authorizing the City Attorney to review purchase options – specifically co-ownership.

Fulkerson: On one hand, I would like to see the City invest in the community. However, the headaches and issues that will come with 363 Trinity may be too much of a burden. Mayor Lin agreed.

Staff comments:

City Attorney Hagen: It is not at all unusual for a city to own the buildings that house its police, fire, and administrative departments. With the Council's authorization, I would be happy to look into this and report back at a future meeting.

Public comments:

Jim Cuthbertson – Trinidad

The tennis court would be a perfect location for the police department building. Maybe the Council should consider moving the court over to Saunders Park?

1. *Motion (Fulkerson/Ratzlaff) to:*

- a) *Authorize staff to continue the Use Permit process, resolve any outstanding zoning or permit issues, and to move forward with arrangements to lease a new police facility;*
- b) *Authorize staff to prepare necessary reports for presentation to the Planning Committee for a determination hearing to be held at the October Planning Commission meeting;*
- c) *Recommend that the Planning Commissioners review any possible conflict of interests that may exist regarding this issue.*

Motions passed 4-0.

2. *Motion (Fulkerson/Bhardwaj) to direct the City Attorney to draft a preliminary report regarding purchase options for the Provolt building at 363 Trinity, specifically whether co-ownership with a private business is an alternative.*

Motions passed 3-1 (No – Lin).

4. Discussion/Decision regarding the Planning Commission's recommendation to the Council to waive the Cox tree removal permit fees. (Bhardwaj/City Planner)

Bhardwaj explained that at their July 18, 2007 meeting, the Planning Commission issued a permit to Dan and Dorothy Cox to remove two trees at their 436 Ocean Avenue home. During the hearing, a citizen reported that two trees on Underwood Dr. were recently removed without a permit. There was a brief discussion about the high price (over \$400) of a permit to remove trees, the aspect of property rights, and the unfairness of some people paying for a permit, while others do not. The Commission recommended that the Cox fee be waived.

Bhardwaj noted several aspects to this situation.

1. **Equitable treatment:** It is unfair that the Cox family pays to do things properly, while other people cut trees without a permit.
2. **High price of a permit.** Relative to the size of the project, a permit to remove a tree is expensive. Many people may not understand why one is needed. People will be tempted to cheat.
3. **Cost to the City to waive the permit fee.** The fee to the Cox family for their permit is \$547.75. If the fee is waived, the City (taxpayers) will cover the cost.
4. **Precedent set by waiving one person's fee.** A permit to cut trees was issued in November 2006; will we refund that payment? What about future applicants? There are other projects that have been done both legally (with permits) and illegally (without). Should we waive the fees for those permits also? Where do we stop?

The current situation, in which some people pay and others do not, is unfair. However, waiving the fee to one applicant creates new problems, as discussed above.

Bhardwaj suggested the following alternatives:

- Direct Staff to investigate the tree-cutting episode on Underwood; if the trees were of a size to require a permit (and the City can show it), require a permit retroactively.
- Alter the fee structure to charge less for a permit to cut a tree. Trever Parker suggested several possible alterations to the City's fee schedule. The price of the "tree-cutting permit" can be considered as part of that package.

Public comments included:

Richard Johnson – Trinidad

It is cost prohibitive for people to cut their trees. People who come to the Planning Commission should not be punished. More importantly, however, is the issue of enforcement. The Council should clarify who enforces planning & zoning ordinances.

Council comments:

Mayor Lin: The Planning Commission should enforce zoning ordinances, which should be applied equally to all residents. I disagree with the Planning Commission's recommendation.

Ratzlaff: The Council must be consistent with its decisions. If we agree to uphold the required fees, then everyone else should be required to do so as well.

Fulkerson: Has anyone considered that the fees may very well be appropriate and reasonable?

Motion (Bhardwaj/Fulkerson) to not waive the permit fees charged to the Cox family to remove two cedar trees from 436 Ocean, and to direct staff to investigate the report of tree cutting done on Underwood without a permit and report back to the Council at a future meeting. Passed 4-0.

5. Discussion/Decision regarding hiring a temporary, part-time assistant to the City Clerk. (Lin)

Mayor Lin explained that during the last Council meeting (8/22/07), Council member Radzlaff expressed his concern that minutes and records of some meetings were not completed or done in a timely manner. A suggestion was made to hire an assistant to write up the minutes so that they can be available timely for review by the Council and the public.

Over the past couple of years, the workload of the City Clerk has been increased significantly. The situation may be a reflection of the Council's desire to accomplish more and the increased capability and willingness of the Clerk to accept responsibility. Tasks such as waste management, insurance administration, and the management of the cemetery have been added on as the Clerk's responsibilities. The City Clerk has also increased his participations in the formulation of City budget, financial bookkeeping activities, and City planning activities.

Mayor Lin further explained that there is simply not enough time for the Clerk to deal with non-urgent matters immediately. He therefore proposed that the City hire an assistant to relief the work overload in the City Office.

The duties of the Assistant City Clerk will be to assist the City Clerk in all areas of City Office operation, including, but not limited to attending Council meetings in the absence of the City Clerk and recording minutes for those meetings.

The Assistant City Clerk position will be 10-15 hours per week at a salary of \$12-\$13 per hour without benefits. The position will be temporary; from now until the Office of City Manager is established (about 6 months from now.) The Assistant will work under the supervision of the City Clerk who will determine and vary the Assistant's weekly working hours and schedules depending on the office workload.

Qualifications for the position shall include completed high school education with some college education preferred, experience in working in an office environment, and proficient in computer word processing and email communications.

An opening recruiting process shall be followed including posting and newspaper ads, interviewing and selection by a selecting committee made up of the Mayor, City Clerk and a Council member.

Staff comments included:

City Clerk Adams: My workload continues to increase substantially. I really could use the help.

City Attorney Hagen: The Council should clearly define when the job ends.

Motion (Lin/Ratzlaff) to:

- a) Approve creating a temporary, part-time position of Assistant City Clerk, and;
- b) Authorize the City Clerk to start the recruiting process, and;
- c) Appoint Mayor Lin, City Clerk Adams, and Councilmember Ratzlaff as the selection committee to review the applicants and make a recommendation to the Council for consideration.

Motion passed 4-0.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Council meeting ended at 9:50pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Chi-Wei Lin
Mayor