

**TRINIDAD CITY HALL**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Dean Heyenga, Mayor**  
**Gabriel Adams, City Clerk**



**Posted: October 27, 2006**

## **NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**

**MONDAY, OCTOBER 30, 2006 at 4:00 PM**

in the Council Chambers at 409 Trinity Street.

### **No Closed Session**

- I. CALL TO ORDER/ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF AGENDA**
- IV. AGENDA ITEMS**
  - 1. Discussion/Decision regarding participation in Coastal Commission hearing on appeal of U.S. Cellular decision. (Heyenga)**
- V. ITEMS FROM THE FLOOR**
- VI. REQUEST FOR FUTURE ITEMS**
- VII. ADJOURNMENT**

Dean Heyenga  
Mayor

October 27, 2006

TO: City Council

FROM: Dean Heyenga

SUBJECT: Coastal Commission hearing on cellular appeal

This morning I spoke with Jim Baskin of the California Coastal Commission office in Eureka. Jim educated me on the Commission's process dealing with the appeal of our decision on the U.S. Cellular application. His comments give the City three alternatives, which we should discuss and decide at the special meeting Monday.

The Coastal Commission meeting will be November 15 at the Hyatt Regency in Huntington Beach. Our item is #8A on the agenda. For that item the Eureka Commission staff will prepare a report, which should be available next week. Jim said he would send a copy of that report to Gabe and it will be distributed and available to the public.

When the Commission takes up an appeal, two outcomes are possible:

1. If the Commission determines that "substantial issues" were raised by the appellant, they can set another hearing date without taking any testimony. The future hearing date gives parties a chance to address the "substantial issues" raised in the appeal. The new hearing is usually within a couple of months. The City Council's decision and any permits granted are set aside until the second hearing is held.
2. If the Commission determines that no "substantial issues" were raised in the appeal, the appeal stops and the Council decision and permits go into effect.

Jim said that cities have three alternatives when they have an appealed item on the agenda:

1. Do nothing and send nothing to the Commission meeting. Cities who feel that they have made their case and there is no need for further input take this route.
2. Send written materials to the Commission meeting, through the local office, but don't send any staff to support the city's position. If we select this route we need to get materials to the Eureka office by November 10 so the Commission staff there can have a chance to review and comment on the information.
3. Send a representative, i.e. Trever Parker, to the Commission meeting to explain Trinidad's position. This would involve airfare, two nights in a hotel, and some travel expenses.

According to Jim, the Commission does not have to accept testimony in order to make a determination of "substantial issues." He suggested that if the City wants to present its case that there are no substantial issues raised in the appeal we should request, in writing, that the Commission "conduct a hearing on the substantial issue question." Without such a request the Commission can, and has, simply rescheduled an item for a future hearing and representatives who traveled to the meeting do not get a chance to speak.

The issue before the Council Monday is whether we want to participate in the Commission meeting and, if so, to what extent. Since the present Council made the decision that led to the appeal, it is reasonable that the same Council decide whether or how to participate in the Coastal Commission process. I spoke with Jeff Guttero and Trever Parker and both said they would write short memos about the Council's options before the meeting Monday.

Sincerely,

Dean Heyenga

cc: City Attorney  
Jim Baskin, California Coastal Commission