

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JANUARY 23, 2008

I. CALL TO ORDER/ROLL CALL

- Mayor Lin called the meeting to order at 7:00PM. Council members in attendance: Binnie, Ratzlaff, Fulkerson.
- City Staff in attendance: Police Chief Ken Thrailkill; TPW Troy Ivie, Assistant City Clerk Robin Fraser. City Attorney Paul Hagen, City Planner, Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Real Estate Negotiations Exception
 - a. Trinidad Head lease agreement with Verizon

IV. RECONVENE TO OPEN SESSION

Mayor Lin reported that the Council will have another meeting and will report during a future agenda item.

IV. APPROVAL OF AGENDA

- A request was made to move Consent Agenda Item 1 to Agenda Item 1
- Binnie requested to postpone Agenda Item 1 due to the absence of Council Member Bhardwaj.

Motion (Binnie/Ratzlaff) to approve the agenda. Passed unanimously.

V. ITEMS FROM THE FLOOR

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

Pat Morales -Trinidad

Complimented the Council on its cohesion. Inquired about the hiring of the City Manager as to when the decision would be made public and the impact on current staff. Expressed hope for compensation for Gabe Adams for his role in training the City Manager and Assistant City Clerk. Raised the question of her knowledge of the hiring of a City Manager possibly indicating a Brown Act Violation.

City Attorney Paul Hagen asked to speak privately to Morales regarding the Brown Act.

Dean Heyenga- Trinidad

Requested clarification regarding Agenda Item 2. Will there be public comment at that time? Pointed out a typo in the posted agenda of "agreement" in place of "easement," and asked if that prohibited discussion.

Jim Cuthbertson- Trinidad

Was under the impression that citizens would be informed about the City Manager position. Expressed frustration that the Council did not bring the hiring process to the public. Expressed continued interest in a dog ordinance.

Mayor Lin: Announced that the Council has decided to hold an election to extend the sales tax increase and has posted such in the newspaper and around town. There is an opportunity to submit opinions by the end of the month to be included on the ballot. Guidelines are included on the posted announcements. Announced that the Council has almost completed the hiring process for the new City Manager. A Special Meeting will be held on Friday to approve the hiring process, announce the hiring, and give the community an opportunity to meet the new Manager if the Council approves. The meeting will be held at Town Hall at 7pm on Friday.

IV. CONSENT AGENDA

1. Proclamation 2008-01; Declaring 2008 as the "Year of the Library". (Bhardwaj/Resident)
Pulled from the Consent Agenda for discussion.

Dean Heyenga – Library Committee Member

The library will take about a year to design, organize, fundraise, permit, and build. The library will be about 2000 square feet, built as green as possible, and in architectural harmony with the museum. They hope to open in the spring of 2009. The goal of the proclamation is to generate community support.

Kim Binnie - Trinidad

Inquired about the green building practices.

Motion (Ratzlaff/Fulkerson) Passed unanimously.

2. Appoint Councilmember Julie Fulkerson as the city's representative to the Redwood Coast Energy Authority.

Motion (Binnie/Ratzlaff) to approve the Consent Agenda. Passed unanimously.

V. AGENDA ITEMS

1. Continued discussion/decision regarding Council's comments on the draft Onsite Wastewater Treatment System (OWTS) ordinance. (City Planner)

City Planner Trever Parker explained that she attended the November 1st meeting for comments and has responded to them. The ordinance has changed after direction from the full Council. The City Planner is open to suggestions for modifications.

Council comments:

Mayor Lin: The City may take on some responsibilities, provide input. Inquired about implementation as no decision can be made at this time.

Binnie: Inquired about a memo with the county health department.

Parker: Stated that Bryan Cox and Dave Spinosa have reviewed it and give informal support. They are willing to take the position of health officer and could do objective inspections.

Binnie: Requested a rate sheet for the changes. Parker responded, stating that a rate sheet is unavailable at this time. She agreed to look into rates for the future, and will include any further comments.

Binnie also inquired about the timeline for initiating the program. **Parker** stated the sooner the better. The Planning Commission has drafted an ADU ordinance and is waiting for water quality issues to be handled. No deadline is set at this time, and it does not need to go to the Coastal Commission. A CEQA exemption has been done.

Public comment included:

Mike Morgan- Trinidad

The ADU ordinance is based on the ASBS, and is intended to protect the Bay. He urged Council to keep process moving. The Planning Commission wanted to have a certain amount of the ordinance completed to start the process. The rest can be reworked. The application should have clarity and follow State Law.

Lin: Can policy be separated from implementation? If so, can we work on the ordinance first?

Parker: The ordinance would require two public meetings. The guidelines were kept out of the ordinance for the sake of flexibility.

Council Action: No decision was made.

2. Discussion/Decision on directing the City Attorney to draft an ordinance to specify restricted uses of the Old Wagon Road (Wagner Street) Trail to comply with court-ordered agreements and existing agreements. (Binnie)

Councilmember Binnie explained that an ordinance is needed for the TPD to be able to enforce the specified restrictions for the Wagner Street Trail. City Attorney Paul Hagan agreed that guidelines should be relatively comprehensive for all trails, including punishment and sanction, if any.

Public comment included:

Jim Cuthbertson - Trinidad

The wording of the agenda item cannot be changed during a meeting and discussed. Also noted that an ordinance already exists from 2004 regarding Wagon Trail Road referencing dogs' use, hours permitted, etc. See Trinidad Municipal Code Title 6, Section 6.

Glenn Saunders - Trinidad

It should be kept in mind that trails are differentiated to include paved roads in the street system as well as gravel and

dirt trails. There are different ramifications for different types. The definition of "trails" needs differentiating. Also reminded the Council of the efforts and expenditure of the previous Council in this matter. He suggested getting a bond so Frame will follow through with his commitments: cutting the brush and removing the 4x4s.

Ned Simmons - Trinidad

Commented that he had seen the green flash at sunset and the full moon had been bright enough to cast a shadow. He intends to continue the tradition of watching the full moon rise. The next full moon will be an eclipse. Binnie asked for the date. Simmons had a list of dates. He expressed expectation of being ticketed for being on a trail after dark.

Dean Heyenga - Trinidad

This issue shows the importance of an updated Municipal Code, including a digital, searchable format. Only two trails currently have ordinances: Wagon Road and Trinidad Head. It is reasonable that all parties should comply equally with ordinances. Enforcement is dependent on communicating ordinance to trail users.

Mike Morgan - Trinidad

What prompted the need for this agenda item? I would like to see a more friendly attitude toward enforcement. Start with a warning. Keep a record of infractions but give a second chance. Punish repeat offenders. What the Planning Commission does is what Fulkerson suggested: find a practical way to start. The attorney is already working on projects and should not be overloaded. Will we get reports on his projects? Who sets the attorney's agenda? What is the status of the Chevron sign?

Fulkerson: Addressed the possibility of modifying an existing trail ordinance instead of having the attorney draft a new one. Suggested starting with something simple based on common sense. Further action must be taken appropriately to avoid repeating the mistakes of the past. Trails are a big liability for property owners. Let's find a template and get started.

Staff comments included:

TPD Chief Thraillkill: General knowledge does not need to be advertised; however, clarity is need for enforcement.

City Planner Parker: A trails plan was drafted in the past but was not comprehensive. It is intended to be part of the general plan update.

City Attorney Hagan:

Ordinance 2004-02 addressed earlier by Jim Cuthbertson has regulations that allow the Council to adopt rules and policies as drafted by Council ordinances. He is willing to investigate the court order non-compliance brought up earlier.

*Motion (Lin/Binnie) to continue to a future meeting. **Passed unanimously.***

VI. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Mayor Lin: Met with Tsurai Ancestral Society and will report back during the first meeting of March. Invited community to the Special Meeting to be held on Friday, Jan 25.

VII. ADJOURNMENT

- Council meeting ended at 8:30pm.

Submitted by:

Approved by:

Robin Fraser
Assistant City Clerk

Chi-Wei Lin
Mayor