



Posted: Friday, February 7, 2013

NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its regular monthly meeting on
WEDNESDAY, FEBRUARY 13, 2013 at 7:00 PM
in the Town Hall at 409 Trinity Street

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- I. **CALL TO ORDER**
 - II. **PLEDGE OF ALLEGIANCE**
 - III. **ADJOURN TO CLOSED SESSION** – *No closed session scheduled*
 - IV. **APPROVAL OF AGENDA**
 - V. **APPROVAL OF MINUTES** – 01-09-13 cc
 - VI. **COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS**
 - VII. **ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
 - VIII. **CONSENT AGENDA**
 1. Financial Status Reports for December 2012.
 2. Staff Activities Report for January 2013.
 3. Agreement for Updating Personnel Policies and Procedures.
 4. Proclamation 2013-01; Declaring the Week of February 17th as Engineer's Week.
 5. Tennis Court Signage in Memory of Donna Lin.
 6. Second Reading of Ordinance 2013-01; Appeal Fee Ordinance.
**Please note: This ordinance will enable the Council to set a fee by Resolution at a later date.*
 - IX. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Status Report/Discussion regarding ASBS Water Quality Monitoring Requirements.
 2. Discussion/Decision regarding Greater Trinidad Chamber of Commerce Request for Additional Funding.
 3. Discussion/Decision regarding Trinidad Coastal Land Trust Request for Holly Tree Removal Permit Fee Waiver.
 4. Discussion/Decision regarding City Manager Employment Agreement.
 - X. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

JANUARY 09, 2013 CC2

Supporting Documentation follows with: 3 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JANUARY 09, 2013

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 7:00PM. Council members in attendance: Bauman, Miller, Bhardwaj, Fulkerson, Davies.
- City Staff in attendance: City Manager Karen Suiker, City Clerk Gabriel Adams, City Engineer Josh Wolf

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session scheduled

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Davies/Miller) to approve the agenda as written. Passed unanimously.

VI. APPROVAL OF MINUTES – December 12, 2012 cc

Motion (Davies/Bhardwaj) to approve the minutes as amended. Passed unanimously.

VII. COMMISSIONERS REPORTS

Fulkerson: Presented a photo slideshow recognizing city staff and the work they accomplish.

Davies: RCEA meeting update - Solar installation incentives being offered through loans, and projects underway involving plug-in stations for electric vehicles.

VIII. ITEMS FROM THE FLOOR

Steve Ruth – Trinidad

Questions regarding appeal fee ordinance that will be discussed at the Jan.23 meeting: 1) How many appeals were there in 2011 & 2012, 2) were they successful?, and 3) how much did they cost the city. If successful, the appeal fee should be refunded.

Patti Fleschner – Trinidad

Thanked the City for the \$2000 contribution to the library/museum this year.

IX. CONSENT AGENDA

1. Financial Status Reports for November 2012.
2. Sheriff Activity Report for December 2012.
3. Authorize staff to advertise Azalea and Pacific Project.
4. Authorize City Manager to Sign the Draft Harbor Lands Lease Agreement.

Motion (Bhardwaj/Davies) to approve the consent agenda as submitted. Passed unanimously.

X. AGENDA ITEMS

1. Swearing in of new Councilmember Maria Bauman.
City Clerk Adams read Bauman the oath of office
2. Discussion/Decision to adopt Resolution 2013-01; Requesting Changes to the Road Classification Map.
City Engineer Josh Wolf explained that the Federal Highway Administration (FHWA) identifies functional classification as a key item in transportation data. Streets and highways are grouped into classes according to the service they provide. The California Road System (CRS) maps display functional classification which is used in determining Federal funding to maintain the roads. These maps are used in determining Federal funding to maintain the roads. Federal funds for a number of federal highway programs are apportioned and allocated to the local agencies based on the public road mileage in each jurisdiction.

The FHWA groups roadways into seven classifications:

1. Interstate
2. Other Freeways and Expressways
3. Other Principal Arterial
4. Minor Arterial
5. Major Collector
6. Minor Collector
7. Local

Incorporated cities are responsible for reviewing the California Road System (CRS) maps maintained by the California Department of Transportation (Caltrans) and initiating requests for changes to the functional classification of local streets and roads under their jurisdiction. The procedure for changing the functional classification of a street on the CRS maps involves seeking concurrence from Humboldt County Association of Governments (HCAOG) and submitting a request form to Caltrans with a City Council resolution approving the submittal.

In reviewing the City's current roadway network and comparing it to the CRS maps, it is apparent that several changes to the CRS map should be made to put the City in a better position to obtain Federal funding. The recommended changes are summarized in the following table:

Street Name	From	To	Existing Classification	Proposed Classification
Main Street	Westhaven Drive	Trinity Street	6-Minor Collector	5-Major Collector
Trinity Street	Main Street	Edwards Street	6-Minor Collector	5-Major Collector
Edwards Street	Trinity Street	Bay Street	6-Minor Collector	5-Major Collector
Bay Street	Edwards Street	western end of road	7-Local	5-Major Collector

Main Street, Trinity Street, Edwards Street and Bay Street are the main thoroughfare through town and connects US 101 (classified as a Principal Arterial) to Trinidad State Beach, Trinidad Head (designated as California Historic Landmark), and the Trinidad Pier and Harbor. Therefore changing their classifications to Major Collector is consistent with FHWA guidelines.

Public comment included:

Brad Twomey – Trinidad

Concerned with inconsistencies between the General Plan ordinances and the Highway Classifications.

Councilmember Fulkerson reassured the public that no matter how the streets get federally classified, the city will retain control of the streets.

*Motion (David Miller) to adopt Resolution 2015-01 requesting specific changes to the Federal Functional Road Classification Map. **Passed unanimously.***

3. Unmet Transit Needs public hearing:

City Manager Suiker explained that each year HCAOG conducts a citizen participation process to assess unmet transit needs within Humboldt County. The annual process helps HCAOG properly apply funds provided through the Transportation Development Act. Member entities conduct separate hearings to receive constituent comments from their jurisdictions. Comments will be forwarded to HCAOG for inclusion into the Unmet Needs Report of Findings each year.

Public comment included:

Steve Ruth – Trinidad

I'm impressed with the amount of public transportation Humboldt County has compared to how few people I see riding the bus.

Council comments included:

Bhardwaj: Thanked HCAOG for adding Sunday service.

Davies: Would like to have a more suitable storage system available at the Trinidad Bus Stop, similar to the one installed at the 6th Avenue stop in Westhaven.

Fulkerson: Even though the buses aren't full when they come and go from Trinidad, there's enough ridership in the more populated areas to keep HTA running and supporting itself.

Comments will be forwarded to HCAOG.

4. Discussion/Decision regarding Council Committee Assignments

City Manager Suiker explained that at the meeting in December, 2012, the Council authorized the Mayor to compile a list of recommended appointments for Council consideration at the January 2013 meeting. The list has been established and is up for consideration.

Motion (Miller/Davies) to adopt the following Committee Assignment list. Passed unanimously.

COMMITTEE	REP/ALTERNATE
California Coastal National Monument	Dwight
Park/Library/Museum Collaboration Committee	Maria
HCAOG Humboldt County Association of Governments	Julie / Dwight
Humboldt Mayors	Julie
HTA Humboldt Transit Authority	Julie / Dwight
Tsurai Mgmt Plan Implementation	Tom / Dwight
RCEA Redwood Coast Energy Authority	Tom
RREDC Redwood Regional Economic Development Corp.	Julie / Maria
Humboldt Waste Management Authority	Dwight
Indian Gaming Funds	Dwight / Tom
HCCVB Humboldt County Convention & Visitors Bureau	Mike, ex officio
Humboldt County Hazard Mitigation	Miller/Fulkerson
OES Office of Emergency Services	Mike, ex officio

5. Discussion/Decision regarding Reappointment of 2 Planning Commissioners.

City Manager Suiker explained that there are two vacancies on the Trinidad Planning Commission as of January 1, 2013 due to expiring terms. Both current Commissioners Pinske and Becker have indicated their interest in reappointment. The vacancies were posted at town hall through the month of December, and no letters of interest from other candidates have been submitted.

There was no public comment.

Council thanked Pinske and Becker for continuing their service.

Motion (Miller/Bhardwaj) to appoint Mike Pinske and Gale Becker to the Planning Commission for another 4 year term.

XIII. ADJOURNMENT

- Meeting ended at 7:55pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for December 2012.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 12/1/2012 Through 12/31/2012

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
41010	PROPERTY TAX - SECURED	0.00	0.00	72,200.00 (100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,025.00 (100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	60.00 (100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	220.00 (100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00 (100.00)%
41070	PROPERTY TAX - FINES	0.00	0.00	1,000.00 (100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	640.00 (100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,660.00 (100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	2,000.00 (100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(3,675.00) (100.00)%
41200	LAFCO Charge	0.00	0.00	(600.00) (100.00)%
41210	IN-LIEU SALES & USE TAX	0.00	0.00	23,620.00 (100.00)%
41220	IN LIEU VLF	0.00	0.00	26,520.00 (100.00)%
42000	SALES & USE TAX	3,194.04	79,817.70	190,000.00 (57.99)%
43000	TRANSIENT LODGING TAX	3,135.30	51,866.03	87,500.00 (40.72)%
47310	VEHICLE LICENSE COLLECTION	0.00	0.00	200.00 (100.00)%
49030	PATCH FUND	0.00	10.00	0.00 0.00%
49080	MOTOR VEHICLE FINES	0.00	0.00	720.00 (100.00)%
53010	COPY MACHINE FEE	0.00	73.60	50.00 47.20%
53020	INTEREST INCOME	6.96	11,979.29	20,000.00 (40.10)%
53090	OTHER MISCELLANEOUS INCOME	0.00	318.87	2,500.00 (87.25)%
54020	PLANNER- APPLICATION PROCESSIN	0.00	3,200.00	6,000.00 (46.67)%
54050	BLDG.INSPECTION APPLICATION PROCESSI	50.00	3,876.01	10,000.00 (61.24)%
54100	ANIMAL LICENSE FEES	0.00	54.00	100.00 (46.00)%
54150	BUSINESS LICENSE TAX	237.50	7,973.50	8,400.00 (5.08)%
54300	ENCROACHMENT PERMIT FEES	100.00	200.00	200.00 0.00%
56400	RENT - VERIZON	1,739.79	10,438.74	21,118.00 (50.57)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00 (100.00)%
56650	RENT - SUDDENLINK	0.00	2,206.09	3,920.00 (43.72)%
56700	RENT - TOWN HALL	288.00	3,058.00	10,000.00 (69.42)%
	Total Revenue	8,751.59	175,071.83	492,703.00 (64.47)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 12/1/2012 Through 12/31/2012

Expense	Current Month	Year to Date	Total Budget - Original	% of Budget
60000 INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	2,385.00	100.00%
60900 HONORARIUMS	300.00	1,500.00	3,000.00	50.00%
61000 EMPLOYEE GROSS WAGE	7,096.20	44,448.17	92,768.00	52.09%
61250 OVERTIME	0.00	0.00	500.00	100.00%
61470 FRINGE BENEFITS	46.16	300.04	0.00	0.00%
65100 DEFERRED RETIREMENT	277.74	1,735.81	3,657.00	52.53%
65200 MEDICAL INSURANCE AND EXPENSE	411.51	2,579.91	5,663.00	54.44%
65300 WORKMEN'S COMP INSURANCE	0.00	3,512.19	3,101.00	(13.26)%
65500 EMPLOYEE MILEAGE REIMBURSEMENT	50.00	289.87	1,200.00	75.84%
65600 PAYROLL TAX	567.12	3,552.90	7,377.00	51.84%
65800 Grant Payroll Allocation	(314.79)	(615.54)	0.00	0.00%
68090 CRIME BOND	0.00	525.00	525.00	0.00%
68200 INSURANCE - LIABILITY	0.00	9,400.30	9,919.00	5.23%
68300 PROPERTY & CASUALTY	0.00	3,705.00	4,466.00	17.04%
71110 ATTORNEY-ADMINISTRATIVE TASKS	0.00	7,001.85	20,000.00	64.99%
71130 ATTORNEY-LITIGATION	0.00	2,491.50	5,000.00	50.17%
71210 CITY ENGINEER-ADMIN. TASKS	0.00	398.00	1,500.00	73.47%
71310 CITY PLANNER-ADMIN. TASKS	8,383.95	28,026.20	38,600.00	27.39%
71400 BLDG.INSPECTOR-MEETINGS	0.00	349.12	0.00	0.00%
71410 BLDG INSPECTOR-ADMIN TASKS	192.42	1,427.42	10,000.00	85.73%
71420 BLDG INSPECTOR-PERMIT PROCESS	0.00	280.00	0.00	0.00%
71510 ACCOUNTANT-ADMIN TASKS	634.50	8,906.71	11,050.00	19.40%
71620 AUDITOR-FINANCIAL REPORTS	0.00	0.00	13,585.00	100.00%
72000 CHAMBER OF COMMERCE	2,000.00	2,000.00	4,000.00	50.00%
75110 FINANCIAL ADVISOR/TECH SUPPORT	0.00	722.50	1,200.00	39.79%
75160 LIBRARY RENT & LOCAL CONTRIB.	1,000.00	1,000.00	0.00	0.00%
75170 RENT	650.00	3,900.00	8,190.00	52.38%
75180 UTILITIES	505.61	2,522.88	6,000.00	57.95%
75190 DUES & MEMBERSHIP	79.20	239.46	1,100.00	78.23%
75200 MUNICIPAL/UPDATE EXPENSE	41.25	4,713.55	6,827.25	30.96%
75220 OFFICE SUPPLIES & EXPENSE	274.58	1,482.14	5,500.00	73.05%
75240 BANK CHARGES	8.20	68.20	200.00	65.90%
75300 CONTRACTED SERVICES	0.00	0.00	1,000.00	100.00%
75990 MISCELLANEOUS EXPENSE	0.00	61.50	0.00	0.00%
76110 TELEPHONE	106.26	655.39	2,500.00	73.78%
76130 CABLE & INTERNET SERVICE	160.95	965.70	2,400.00	59.76%
76150 TRAVEL	0.00	0.00	1,500.00	100.00%
78100 STREET MAINT/REPAIR/SANITATION	0.00	416.30	0.00	0.00%
78160 BUILDING REPAIRS & MAINTENANCE	40.00	1,548.62	5,000.00	69.03%
78190 MATERIALS, SUPPLIES & EQUIPMEN	42.89	3,272.05	6,200.00	47.23%
Total Expense	22,553.75	143,382.74	285,913.25	49.85%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 12/1/2012 Through 12/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	356.68	2,270.45	4,694.00	51.63%
65300	WORKMEN'S COMP INSURANCE	0.00	212.86	157.00	(35.58)%
65400	UNEMPLOYMENT COMPENSATION	0.00	1,065.44	0.00	0.00%
65600	PAYROLL TAX	27.28	173.66	359.00	51.63%
65800	Grant Payroll Allocation	(11.48)	(28.70)	0.00	0.00%
75170	RENT	650.00	3,900.00	8,190.00	52.38%
75180	UTILITIES	182.37	972.00	2,410.00	59.67%
75220	OFFICE SUPPLIES & EXPENSE	0.00	542.45	200.00	(171.22)%
75300	CONTRACTED SERVICES	0.00	0.00	85,372.00	100.00%
75350	ANIMAL CONTROL	113.00	678.00	1,796.00	62.25%
75380	INVESTIGATION	0.00	2.30	0.00	0.00%
76110	TELEPHONE	78.58	468.26	1,000.00	53.17%
Total Expense		<u>1,396.43</u>	<u>10,256.72</u>	<u>104,178.00</u>	<u>90.15%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 12/1/2012 Through 12/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	150.00	900.00	1,800.00	50.00%
75180	UTILITIES	84.63	439.34	1,315.00	66.59%
75190	DUES & MEMBERSHIP	0.00	0.00	10.00	100.00%
75280	TRAINING / EDUCATION	100.00	100.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	145.00	128.00	(13.28)%
76110	TELEPHONE	15.43	66.40	100.00	33.60%
76140	RADIO & DISPATCH	0.00	362.25	618.00	41.38%
78100	STREET MAINT/REPAIR/SANITATION	0.00	25.73	0.00	0.00%
78140	VEHICLE FUEL & OIL	50.20	82.80	400.00	79.30%
78150	VEHICLE REPAIRS	0.00	112.56	3,000.00	96.25%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	700.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	289.62	874.11	2,500.00	65.04%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	105.00	750.00	86.00%
90000	Capital Reserves	0.00	0.00	10,000.00	100.00%
Total Expense		<u>689.88</u>	<u>3,213.19</u>	<u>21,321.00</u>	<u>84.93%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 12/1/2012 Through 12/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	2,134.06	16,851.59	38,897.00	56.68%
61250	OVERTIME	0.00	0.00	1,500.00	100.00%
65100	DEFERRED RETIREMENT	200.34	1,673.41	3,943.00	57.56%
65200	MEDICAL INSURANCE AND EXPENSE	371.70	7,290.31	19,663.00	62.92%
65300	WORKMEN'S COMP INSURANCE	0.00	1,490.02	1,301.00	(14.53)%
65600	PAYROLL TAX	178.92	1,419.22	3,277.00	56.69%
65800	Grant Payroll Allocation	(14.37)	(579.16)	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	578.00	4,871.00	4,800.00	(1.48)%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	510.00	3,000.00	83.00%
75180	UTILITIES	0.00	495.84	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	111.00	3,000.00	96.30%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	90.66	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	2,214.50	5,000.00	55.71%
78120	STREET LIGHTING	383.82	1,862.80	5,000.00	62.74%
78130	TRAIL MAINTENANCE	0.00	385.99	1,000.00	61.40%
78140	VEHICLE FUEL & OIL	221.06	2,023.66	4,000.00	49.41%
78150	VEHICLE REPAIRS	675.12	706.43	2,500.00	71.74%
78180	OTHER REPAIR & MAINTENENCE	0.00	1.72	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	6.75	2,809.53	7,795.00	63.96%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	199.62	0.00	0.00%
90000	Capital Reserves	0.00	0.00	10,000.00	100.00%
Total Expense		<u>4,735.40</u>	<u>44,428.14</u>	<u>118,676.00</u>	<u>62.56%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 12/1/2012 Through 12/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
46000	GRANT INCOME	0.00	0.00	5,000.00	(100.00)%
47600	BLUE BAG SALES	237.50	2,096.00	3,600.00	(41.78)%
47650	RECYCLING REVENUE	1,792.11	14,006.34	33,060.00	(57.63)%
	Total Revenue	<u>2,029.61</u>	<u>16,102.34</u>	<u>41,660.00</u>	<u>(61.35)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	299.86	2,457.15	5,762.00	57.36%
65100	DEFERRED RETIREMENT	35.96	294.73	691.00	57.35%
65200	MEDICAL INSURANCE AND EXPENSE	11.08	910.85	2,543.00	64.18%
65300	WORKMEN'S COMP INSURANCE	0.00	212.86	193.00	(10.29)%
65600	PAYROLL TAX	25.70	210.52	493.00	57.30%
65800	Grant Payroll Allocation	(12.75)	(85.84)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	5,600.00	18,000.00	68.89%
75130	GARBAGE	557.70	1,566.70	0.00	0.00%
75140	BLUE BAG PURCHASES	0.00	1,650.00	3,600.00	54.17%
78100	STREET MAINT/REPAIR/SANITATION	0.00	955.00	6,500.00	85.31%
78120	STREET LIGHTING	0.00	76.30	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	542.55	1,000.00	45.74%
78210	Advertising Outreach & Project	0.00	0.00	100.00	100.00%
	Total Expense	<u>917.55</u>	<u>14,390.82</u>	<u>38,882.00</u>	<u>62.99%</u>
	Net Income	<u>1,112.06</u>	<u>1,711.52</u>	<u>2,778.00</u>	<u>(38.39)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 12/1/2012 Through 12/31/2012

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
53020	INTEREST INCOME	0.00	0.00	9,000.00 (100.00)%
53090	OTHER MISCELLANEOUS INCOME	180.00	252.26	1,000.00 (74.77)%
57100	WATER SALES	22,053.78	142,541.40	265,700.00 (46.35)%
57300	NEW WATER HOOK UPS	0.00	2,000.00	4,500.00 (55.56)%
57500	WATER A/R PENALTIES	2,135.76	(398.72)	8,000.00 (104.98)%
	Total Revenue	<u>24,369.54</u>	<u>144,394.94</u>	<u>288,200.00 (49.90)%</u>
Expense				
61000	EMPLOYEE GROSS WAGE	5,119.96	38,985.97	89,127.00 56.26%
61250	OVERTIME	0.00	0.00	2,000.00 100.00%
65100	DEFERRED RETIREMENT	586.52	4,503.97	10,332.00 56.41%
65200	MEDICAL INSURANCE AND EXPENSE	991.66	16,065.73	41,993.00 61.74%
65300	WORKMEN'S COMP INSURANCE	0.00	3,405.76	2,980.00 (14.29)%
65600	PAYROLL TAX	436.72	3,328.00	7,609.00 56.26%
65800	Grant Payroll Allocation	(70.96)	(1,505.34)	0.00 0.00%
68090	CRIME BOND	0.00	175.00	0.00 0.00%
68200	INSURANCE - LIABILITY	0.00	5,061.70	5,341.00 5.23%
68300	PROPERTY & CASUALTY	0.00	1,995.00	2,405.00 17.05%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00 100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	5,000.00 100.00%
71510	ACCOUNTANT-ADMIN TASKS	341.65	4,796.74	7,000.00 31.48%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,315.00 100.00%
72100	BAD DEBTS	182.14	323.19	200.00 (61.59)%
75180	UTILITIES	707.11	6,793.04	13,500.00 49.68%
75190	DUES & MEMBERSHIP	0.00	2,015.26	900.00 (123.92)%
75220	OFFICE SUPPLIES & EXPENSE	503.60	1,633.18	2,200.00 25.76%
75230	INTEREST EXPENSE	0.00	435.54	1,284.00 66.08%
75240	BANK CHARGES	10.00	30.00	100.00 70.00%
75280	TRAINING / EDUCATION	65.00	177.55	500.00 64.49%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00 100.00%
76110	TELEPHONE	88.71	593.50	900.00 34.06%
76130	CABLE & INTERNET SERVICE	49.00	245.00	620.00 60.48%
76160	LICENSES & FEES	0.00	468.61	2,475.00 81.07%
78100	STREET MAINT/REPAIR/SANITATION	0.00	22.45	0.00 0.00%
78140	VEHICLE FUEL & OIL	164.17	1,133.18	2,500.00 54.67%
78150	VEHICLE REPAIRS	632.23	990.82	2,000.00 50.46%
78160	BUILDING REPAIRS & MAINTENANCE	43.16	73.66	2,000.00 96.32%
78170	SECURITY SYSTEM	0.00	138.00	350.00 60.57%
78190	MATERIALS, SUPPLIES & EQUIPMEN	172.82	2,589.65	6,505.00 60.19%
78200	EQUIPMENT REPAIRS & MAINTENANC	84.54	500.44	1,000.00 49.96%
79100	WATER LAB FEES	120.00	1,155.00	4,500.00 74.33%
79120	WATER PLANT CHEMICALS	631.07	2,455.63	12,000.00 79.54%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00 100.00%
79150	WATER LINE REPAIR	0.00	1,086.00	30,000.00 96.38%
79160	WATER PLANT REPAIR	0.00	67.98	10,000.00 99.32%
90000	Capital Reserves	0.00	0.00	15,000.00 100.00%
	Total Expense	<u>10,859.10</u>	<u>99,740.21</u>	<u>294,386.00 66.12%</u>
	Net Income	<u>13,510.44</u>	<u>44,654.73</u>	<u>(6,186.00) (821.87)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 12/1/2012 Through 12/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	2,000.00	(100.00)%
58100	CEMETERY PLOT SALES	<u>1,000.00</u>	<u>4,645.00</u>	<u>6,000.00</u>	<u>(22.58)%</u>
	Total Revenue	<u>1,000.00</u>	<u>4,645.00</u>	<u>8,000.00</u>	<u>(41.94)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	299.84	2,457.07	5,762.00	57.36%
65100	DEFERRED RETIREMENT	35.98	294.83	691.00	57.33%
65200	MEDICAL INSURANCE AND EXPENSE	11.06	910.83	2,543.00	64.18%
65300	WORKMEN'S COMP INSURANCE	0.00	212.86	193.00	(10.29)%
65600	PAYROLL TAX	25.68	210.47	493.00	57.31%
65800	Grant Payroll Allocation	(12.75)	(85.84)	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	<u>0.00</u>	<u>18.43</u>	<u>500.00</u>	<u>96.31%</u>
	Total Expense	<u>359.81</u>	<u>4,018.65</u>	<u>10,182.00</u>	<u>60.53%</u>
	Net Income	<u>640.19</u>	<u>626.35</u>	<u>(2,182.00)</u>	<u>(128.71)%</u>



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

2. Staff Activities Report for January 2013.



STAFF ACTIVITIES REPORT

Through January 2013

City Administration:

1. On-Site Waste Water Treatment (OWTS) Ordinance. The materials to be mailed to property owners to advise of implementation of this program have now been finalized, with the first mailings to go out in early February. Within 30 days of that first mailing, those same property owners will receive a questionnaire and inspection report form necessary to demonstrate program compliance. Mailings will be staggered to spread out the initial workload that this new program will no doubt bring, and it is expected to take at least 6 months for all property owners to receive notification of the implementation of this program.

2. Library. The building construction is currently underway. Staff continues to work with the North Coast Land Trust on a long term lease for the subject property. A number of comments and concerns with the draft lease and associated exhibits were made by staff and provided to the Land Trust in November, 2012, and the City awaits an updated proposed lease for consideration. Development of an MOU with the County to provide library services within the new facility will be underway once the lease with the Land Trust has been completed.

3. Staff Recruitment. A formal recruitment was conducted to fill the vacant Public Works Maintenance Worker position, and the City was fortunate to hire Paul Rosenblatt to fill the vacancy. Paul has lived in the Trinidad-Westhaven area since 1989 and has been the Westhaven Volunteer Fire Department Chief for over 5 years. He holds a Water Treatment Operator grade T1 certificate and brings to the job substantial experience in construction, landscaping, automotive and traffic control operations. This position is necessary to share in the duties of operating the water distribution system and proper record-keeping of chemicals used, maintaining city roads, buildings, cemetery and recreation areas and sanitation facilities, mowing and debris removal in and near various city facilities, and sharing in on-call emergency response duty with two other public works employees.

4. Annual audit. The City's external auditor performed his fieldwork during the week beginning November 26, and the city's financial house is in good order. We are working through a number of reconciliation issues between the city's financial ledgers and the audited balances, and once the final journals are entered we will be able to close the prior year records and calendar an agenda report for Council review and consideration.

5. Streetlight replacement. The last streetlight project near Murphy's has now been installed and is operational. Three center bore wood lights (on or near Van Wycke and Edwards) are scheduled to be replaced by PG&E, and staff is working on upgrading (and paying the cost differential) to use same design as the recently installed lighting for the Gateway project. There were substantial difficulties in securing the specific street lighting fixtures for Trinidad and it is unknown at this time if they are available for future replacements, but staff continues to work with PG&E. Any other light replacements would be at city expense.

6. Disability Access Survey. In March of 2012 the Council authorized the submittal of a Grant Program Application for a disability access survey to be funded by the Public Agency Risk Sharing Authority of California (PARSAC). The grant was approved, and the project was on hold pending completion of the Gateway project because a number of disability access improvements were included in this project. Now that the Gateway project is complete, the survey is underway and nearing completion. This will provide for planning and prioritizing accessibility improvement projects as funding becomes available.

PLANNING ISSUES

1. General Plan. The Housing Element will be before the Planning Commission at their meeting of February 6. The Planner has sent letters to the TAS, Yurok and Trinidad Rancheria to initiate meetings on the proposed Cultural and Historic Resources Element, and is coordinating with Su Corbaley of the Coastal Conservancy on a meeting with the Tsurai Management Team to discuss incorporating the TMP into this general plan element. The Planner will also be reaching out to other groups and the public. This will likely be a longer process than some of the other elements. In the meantime, the Planning Commission will continue working on the Housing Element and potentially a Community Design Element.

2. Accessory Dwelling Unit (ADU)/Vacation Dwelling Unit (VDU) LCP Amendment. The City recently received another lengthy comment letter from the Coastal Commission staff on our proposed LCP amendment, asking for more detailed information, to which the Planner will respond. Hopefully this will be the final correspondence before a hearing is scheduled.

3. Civic Club Lighthouse Project. This project was conditionally approved by the Trinidad Planning Commission on August 15, 2012 and was subsequently appealed to the City Council. The Council met on September 26 and denied the appeal. A timely appeal of this decision was submitted to the California Coastal Commission.

Status of Grant Funded Programs

1. Project Name: Gateway Project

Source of Funds: Combination of Transportation Enhancement Funds, Federal High Risk Rural Roads Funds and local Proposition 1B funds

Status: The City-contracted portion of the project is complete and has been accepted by the Council at a prior meeting. A project management review was recently conducted by a Transportation Engineer from the Federal Highway Administration, with no issues/concerns raised. As a result of this favorable review, we can be assured of successful cost recovery and we have recently been notified of the removal of costly sanctions that were imposed by the failure to properly document and administer the museum landscaping project which resulted in denial of funding.

2. Project Name: Turbidity Monitoring (SCADA upgrade)

Source of Funding: CA State Proposition (\$113,628)

Status: GHD is acting as the project manager. All equipment has been installed; however, final programming has been delayed due to staff turnover at GHD. We now expect office work to be complete within the next two weeks followed by an on site meeting to bring the monitoring system fully up and running.

3. Project Name: Water Plant Improvement Project

Source of Funding: Safe Drinking Water Revolving Fund (\$193,100)

Status: The design of the water plant improvements project was submitted to the California Department of Public Health (CDPH) on December 23, 2012. All indications are that the project will be 100% funded by CDPH through the Proposition 50 program. GHD is coordinating closely with CDPH on the technical review of the project components. A resolution for the water improvement grant is on target for presentation to the Council for the March 2013 meeting.

4. Project Name: Luffenholtz Creek Sediment Reduction

Source of Funding: California Department of Public Health (\$1,670,720)

Status: The final draft plans, including specifications, were reviewed with the project team and submitted in December 2012 to secure the final funding agreement with CDPH. The Project team includes GHD, RCAA, LACO, City Planner, and Green Diamond Resource Company. Following anticipation execution of the funding agreement in early 2013, the project can go out for bid for construction to take place in summer 2013.

5. Project Name: Trinidad Pier Reconstruction (ASBS Project)

Source of Funding: CA State Proposition 84 (\$2,500,000)

Background: This is a Trinidad Rancheria project, in partnership with the City of Trinidad. The City has a grant from State Water Resources Control Board that will fund \$2.5 million of the estimated total cost of \$10 million for reconstruction of the Pier.

Status: The Trinidad Pier reconstruction is complete and the pier is open to the public. The remaining tasks for this grant are to complete the post-construction water quality monitoring and provide water pollution prevention education to the visitors, businesses and residents enjoying the pier and harbor.

6. Project Name: Storm Water Management Improvement

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: Planning for design of the stormwater system improvements is well underway. The Geotechnical Evaluation of the subsurface was completed and work on the hydrology and groundwater models of the City is underway. Staff worked with the North Coast Stormwater Coalition to organize a Low Impact Development workshop for the building trades, city and county officials and the public.

7. Project Name: Trinidad to Humboldt Bay Coastal Watershed Program

Source of Funding: Department of Conservation Watershed Coordinator Grant (\$293,910)

Status: Watershed Coordinator activities and accomplishments include organizing the Low Impact Development workshop in January 2013 for public officials, contractors and developers on how to improve stormwater runoff management during and following construction. The workshop was well attended with more than 100 participants.

8. Project Name: Azalea & Pacific

Source of Funding: State Transportation Improvement (\$423,000)

State Transportation Improvement Funds were allocated by the California Transportation Commission at their meeting of October 24, 2012, and staff was authorized by the Council at the January 2013 meeting to advertise the project for public bid. Bids are currently under solicitation with a bid opening date of February 22. Construction is anticipated to begin in May, and take approximately 30 calendar days to complete.

Public Works Department

Recent activities include:

- Preparing for long overdue annual California Department of Public Health inspection
- Recycling accumulated scrap materials
- Replacing dead trees and shrubs at Saunders Park
- Orientation and training of new employee
- Gathering fire flow data in the distribution system
- Accumulating and arranging for green waste/Christmas tree disposal

Law Enforcement

Staff has worked with the Sheriff's Department to modify assigned schedules to include the following special events as part of regular work hours coverage.

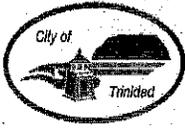
Clam Beach Run	Accommodate event
Casino Fight Night	9:00 p.m. to midnight
Fish Festival	Accommodate event
July 4 th	7:00 p.m. to 11:00 p.m.
Arts Night Events (summer only)	Fridays 6:00 p.m. to 9:00 p.m.
Halloween night	5:00 p.m. to 10:00 p.m.

A deputy will be on duty during these events as part of the current contract with the Sheriff's Department (no additional cost to the city). During other dates and times outside of the normal work schedule the Sheriff will continue to respond for other law enforcement issues.

PRIORITIES FOR NEXT FEW MONTHS:

- Address draft audit open issues; initiate journal entries to bring financial records into agreement with audit; close fiscal year 2011-12 books.
- Negotiating with Water Board on ASBS monitoring requirements
- Complete negotiations with Land Trust on library lease; begin negotiations for Memorandum of Understanding with County for the provision of library services in the new facility.
- Work with legal firm on updating personnel rules & regulations.
- Development of proposed solid waste ordinance (first step in process to join HWMA).
- Mid Year financial review and budget preparation for FY 2013-14

- Completion and submission of Strong Cities Profile for Trinidad, a program sponsored by the League of California Cities.
- Implementation of OWTS program



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

3. Agreement for Updating Personnel Policies and Procedures.

CONSENT AGENDA ITEM

Date: February 13, 2013

Item: Agreement for Updating the City's Personnel Policies & Procedures

Background: The City's Employee Policies and Procedures Manual was last updated in January, 2009. A number of inconsistencies have been identified, and the Council has since adopted a number of revisions (vacation leave policy, two-tier dependent health care insurance for example), and a re-write/update of the Manual is therefore appropriate.

Consistency and clarification of this Manual will minimize liability exposure due to possible inappropriate application of personnel rules and regulations. This makes the project eligible for funding under the Public Agency Risk Sharing Authority's grant program. Staff has applied and received notification of funding eligibility up to \$3,500 to complete this manual update. Other than staff time, there will be no net cost to the City.

A similar project is being conducted for the City of Ferndale by the local law firm of Mitchell, Brisso, Delaney and Vrieze. Using the same firm would allow a somewhat coordinated and hopefully cost effective approach.

Proposed Action:

1. Authorize the City Manager to execute the Attorney-Client Fee Agreement for personnel policies review, update and rewrite.
2. Approve the following supplemental budget with no overall net cost to the city:

Revenue:	201 49990 Other Grants	\$ 3,500
Expenditure:	201 75300 Contracted Services	\$ 3,500

Attachment: Proposed Attorney-Client Fee Agreement

ATTORNEY-CLIENT FEE AGREEMENT

MITCHELL, BRISSO, DELANEY & VRIEZE, LLP ("Attorney") and **CITY OF TRINIDAD** ("Client") hereby agree that Attorney will provide legal services to Client on the terms set forth below.

1. **CONDITIONS.** This Agreement will not take effect, and Attorney will have no obligation to provide legal services, until Client returns a signed copy of this Agreement.
2. **SCOPE OF SERVICES.** Client hires Attorney to provide legal services in the following matter: **Personnel Policies Review and Update.** Attorney will provide those legal services reasonably required to represent Client. Attorney will take reasonable steps to keep Client informed of progress and to respond to Client's inquiries. Services in any matter not described above will require a separate written Agreement.
3. **CLIENTS DUTIES.** Client agrees to be truthful with Attorney, to cooperate, to keep Attorney informed of any information or developments which may come to Client's attention, to abide by this Agreement, to pay Attorney's bills on time and to keep Attorney advised of Client's address, telephone number and whereabouts. Client will assist Attorney in providing necessary information and documents.
4. **DEPOSIT.** There will be no deposit requirement.
5. **LEGAL FEES AND BILLING PRACTICES.** Client agrees to pay by the hour at Attorney's prevailing rates for all time spent on Client's matter by Attorney's legal personnel. Current hourly rates for legal personnel are as follows:

Partners \$160/hour

Paralegals \$80/hour

Attorney will not exceed \$3,500.00 in attorney fees without prior authorization from Client's City Manager, Karen Suiker.

The rates on this schedule are subject to change on 30 days written notice to client. If Client declines to pay any increased rates, Attorney will have the right to withdraw as Attorney for Client.

Time is charged in minimum units of one tenth (.1) of an hour.

6. **COSTS AND OTHER CHARGES.**

Attorney may incur various costs and expenses in performing legal services under this Agreement. Client agrees to pay for all costs, disbursements and expenses in addition to the hourly fees. The costs and expenses commonly include, service of process charges, filing fees,

notary fees, long distance telephone charges, messenger and other delivery fees, postage, photocopying and other reproduction costs, travel costs including parking, mileage, transportation, meals and hotel costs, investigation expenses, consultants' fees, and other similar items. Except for the items listed below, all costs and expenses will be charged at Attorney's cost.

Mileage \$0.55/mile

7. **BILLING STATEMENTS.** Attorney will send Client periodic statements for fees and costs incurred. Each statement will be payable within 30 days of its mailing date. Client may request a statement at intervals of no less than 30 days. If Client so requests, Attorney will provide one within 10 days. The statements shall include the amount, rate, basis of calculation or other method of determination of the fees and costs, which costs will be clearly identified by item and amount.

8. **DISCHARGE AND WITHDRAWAL.** Client may discharge Attorney at any time. Attorney may withdraw with Client's consent or for good cause. Good cause includes Client's breach of this Agreement, refusal to cooperate or to follow Attorney's advice on a material matter or any fact or circumstance that would render Attorney's continuing representation unlawful or unethical. When Attorney's services conclude, all unpaid charges will immediately become due and payable. After services conclude, Attorney will, upon Client's request, deliver Client's file and property in Attorney's possession, whether or not Client has paid for all services.

9. **DISCLAIMER OF GUARANTEE AND ESTIMATES.** Nothing in this Agreement and nothing in Attorney's statements to Client will be construed as a promise or guarantee about the outcome of the matter. Attorney makes no such promises or guarantees. Attorney's comments about the outcome of the matter are expressions of opinion only. Any estimate of fees given by Attorney shall not be a guarantee. Actual fees may vary from estimates given.

10. **ENTIRE AGREEMENT AND MODIFICATION BY SUBSEQUENT AGREEMENT.** This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding of the parties. This Agreement may be modified by subsequent Agreement of the parties only by an instrument in writing signed by both of them or an oral agreement only to the extent that the parties carry it out.

11. **SEVERABILITY IN EVENT OF PARTIAL INVALIDITY.** If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

12. **EFFECTIVE DATE AND EXECUTION.** This Agreement will govern all legal services performed by Attorney on behalf of Client commencing with the date Attorney first performed services. The date at the beginning of this Agreement is for reference only. Even if this Agreement does not take effect, Client will be obligated to pay Attorney the reasonable value of any services Attorney may have performed for Client. This Agreement may be executed in

counterparts, the parts of which shall be taken to constitute one whole. Electronic scan signatures and/or facsimile signatures shall be deemed to constitute originals.

THE PARTIES HAVE READ AND UNDERSTOOD THE FOREGOING TERMS AND AGREE TO THEM AS OF THE DATE ATTORNEY FIRST PROVIDED SERVICES. IF MORE THAN ONE CLIENT SIGNS BELOW, EACH AGREES TO BE LIABLE, JOINTLY AND SEVERALLY, FOR ALL OBLGATIONS UNDER THIS AGREEMENT. CLIENT SHALL RECEIVE A FULLY EXECUTED DUPLICATE OF THIS AGREEMENT.

DATED: _____

Mitchell, Brisso, Delaney & Vrieze, LLP

Russell S. Gans

DATED: _____

City of Trinidad

By: _____

Name: _____

Its: _____



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

4. Proclamation 2013-01; Declaring the Week of February 17th as Engineer's Week.

TRINIDAD CITY HALL

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

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk



PROCLAMATION OF ENGINEER'S WEEK
FEBRUARY 17th through 23th, 2013

WHEREAS, America's Engineers transform ideas into reality, solving problems using science and technology to produce services and systems to better serve the needs of society; and,

WHEREAS, Civil Engineers serving the City of Trinidad, the State and the Country, work to design and construct the following types of projects:

- Airports
- Roads
- Railroads
- Harbors
- Parks
- Subdivisions
- Surveys
- Bridges
- Buildings
- Water Systems
- Flood Control Facilities
- Wastewater Treatment
- Seismic Safety Projects
- Environmental Enhancements

WHEREAS, Civil Engineers strive for quality, economy and the betterment of life of our community; and,

WHEREAS, throughout the Nation the week of February 17th through the 23th 2013 is being recognized as National Engineer's Week, coinciding with George Washington's birthday, our nation's first engineer; and,

WHEREAS, throughout the year, the San Francisco Section of the American Society of Civil Engineers (ASCE) is celebrating its 108th anniversary,

NOW, THEREFORE, BE IT RESOLVED that the City of Trinidad in recognition of the contribution of Engineers to society and in an effort to promote the interest of the youth in the community in math, science and engineering, does hereby declare the week of February 17th, 2013 as Engineer's Week in the City of Trinidad.

Attest:

Gabriel Adams
Trinidad City Clerk

Julie Fulkerson
Mayor, City of Trinidad



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

5. Tennis Court Signage in Memory of Donna Lin.

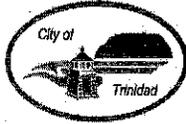
CONSENT AGENDA ITEM

Date: February 13, 2013

Item: Installation of Signing at the Tennis Court in Honor of Donna Lin

Background: A number of community members have expressed an interest in placement of a sign at the tennis court recognizing and acknowledging the contributions of Donna Lin in supporting and promoting that facility. Any such a proposal would take into account former Mayor Chi Wei Lin's preferences and/or suggestions.

Proposed Action: Authorize Mayor Fulkerson to solicit input from former Mayor Lin and work with staff on the wording, design and eventual installation of appropriate signage.



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 5 PAGES

6. Second Reading of Ordinance 2013-01; Appeal Fee Ordinance.

** Please note: This ordinance will enable the Council to set a fee by Resolution at a later date.*

DISCUSSION AGENDA

Date: January 23, 2013

Item: Appeal Fee Ordinance 2013-01 and LCP (Zoning) Amendment

Part 1

The primary purpose of this Zoning Ordinance amendment is to allow the City Council to set fees by resolution for appealing Planning Commission (or City staff) decisions. Currently, §17.72.100 (Appeals) states: "*There shall be no fee for filing an appeal.*" (see attached ordinance) This is in contrast to §17.72.120 (Application Fees), which allows the City Council to set application fees, including for variances, conditional use permits, design review, coastal development permits and zoning ordinance amendments, by resolution. In 1990, the City Council adopted a resolution (90-4) establishing an initial \$120 fee for filing an appeal. This was based on §17.72.120, which allows the Council to set fees for various types of applications and other zoning ordinance related actions. However, the City has been informed by Coastal Commission staff that the fee and resolution are invalid due to the language of §17.72.100 quoted above, which is more specific than §17.72.120 regarding appeals, and therefore takes precedence.

Likely, the original rationale for not having an appeal fee was because the Coastal Commission does not charge a fee for appeals, unless they are deemed frivolous. And appeals are allowed to be filed directly with the Coastal Commission, without exhausting local appeal options, among other reasons, if there is a local appeal fee (14 CCR §13573(a)(4)). This means that someone could bypass the City Council and go directly to the Coastal Commission with an appeal. This could avoid some expense and difficult / controversial decisions for the City, but the City Council has expressed a desire to promote local decision-making. However, with no appeal fee, there is a risk of frivolous or malicious appeals. Local Coastal Commission staff informed me that there are places where they do get direct appeals because of the local appeal fee, but that it is not very common in Humboldt County. The Council will have to carefully consider an appropriate appeal fee and resolution at a future public meeting if this amendment is approved.

A secondary purpose of this amendment is to clean up some of the language relating to the filing of an appeal. It is customary to require an appellant to have submitted comments or spoken against the project prior to filing an appeal. This is part of 'exhausting your administrative remedies,' just like you can't bring a lawsuit in court without trying other avenues first. The concern with the existing language is that the burden falls on the City Clerk to prove that comments were made and to determine if there was valid justification for not submitting comments. Therefore the amended language requires that the appellant submit proof of comments or justification for not commenting and puts the burden of determining if those reasons were valid on the appellate body.

Part 2

The purpose of the second part of the amendment (deleting subsections C and D from §17.72.120) is to remove language that exempts government bodies from payment of application fees. As far as I know, this is not standard practice, and most jurisdictions and government agencies charge fees for applications by other agencies. For example, the City had to pay a substantial fee to appeal the Humboldt County Planning Commission decision on the Moss subdivision. The language of this subsection is also fairly broad and could be argued to cover many entities. This could make the City

responsible for significant permit processing costs for projects that do not necessarily benefit the City. The City Council would still have the option of setting a lower fee deposit or other cost-reducing measures for certain types of applicants such as government agencies or non-profits based on subsection A of §17.72.120.

Also, the City Council should have the option to reduce or refund fees at the request of the applicant. Currently though, the language of subsection D could be read to prohibit the Council from waiving or refunding any application fees. However, this is not an unheard of practice in Trinidad. A current example would be the Trinidad Coastal Land Trust's request to refund fees paid for the recent tree removal permit application. Staff has determined that this is a decision that the Council should be able to make on a case-by-case basis rather than having it prohibited in the zoning ordinance.

Process

This Zoning Ordinance amendment was initiated by the City. All zoning amendments must be heard by the Planning Commission. After holding an appropriately noticed public hearing on the proposed amendments, the Planning Commission made a recommendation for approval to the City Council (see below). The amendment requires two readings of the ordinance, at a public hearing. If the City Council approves the ordinance amendment, then an application for an LCP amendment will have to be prepared and submitted to the Coastal Commission for consideration and certification. Therefore, the changes would not take effect until after the Coastal Commission decision. Also note that the City Council is not being asked to consider whether to set an appeal fee or to decide how much it should be at this time. That will be determined at a future meeting if the amendment is approved and certified by the Coastal Commission.

Planning Commission Action

The Planning Commission unanimously approved (5-0) a motion to recommend the ordinance amendment to the City Council. The motion included a note to the City Council that the proposed changes do not preclude the Council from setting varying application or appeal fees for different types of entities, or from reducing or waiving fees if it can be justified that the application or appeal furthers the public good. In essence, this last part was a suggestion that fees should not be reduced or waived unless a public good can be shown.

Consistency with the Local Coastal Program

The proposed changes are administrative in nature and will have no physical impacts; the changes will not affect development allowances, restrictions or densities. The amendment will not affect or be affected by policies of the Trinidad General Plan dealing with unstable slopes, seismic hazards, soil characteristics, water resources, biological resources, existing land uses, public services, housing, commercial development, visitor accommodations, recreation, public access or community design.

The proposed changes are consistent with other sections of the certified zoning ordinance. An appeal fee will help cover the costs to the City of processing the appeal. This is consistent with many other jurisdictions, and is also consistent with other sections of the zoning ordinance and municipal code that allow the City Council to set fees for permit applications by resolution. There is nothing in the Coastal Act or associated regulations that would prohibit a local jurisdiction from charging a fee for an appeal. Charging a fee for an appeal should promote responsible citizenship, and will not interfere with due process because of the ability to appeal directly to the Coastal

Commission. Further, the Council would have the option of waiving, reducing or refunding fees for good cause, such as a public benefit.

Proposed Action: Hold the first reading of Ordinance No. 2013-01 and approve for second reading at the regularly scheduled City Council meeting of February 13, 2013.

Attachments: (1) Ordinance No. 2013-01; (2) Resolution 2013-02 Authorizing submittal of an LCP amendment to the Coastal Commission.



ORDINANCE NO. 2013-01

**AN ORDINANCE OF THE CITY OF TRINIDAD
AMENDING SUBSECTION D OF SECTION 17.72.100 AND DELETING SUBSECTIONS C AND D OF
SECTION 17.72.120 OF THE TRINIDAD MUNICIPAL CODE (AMENDING SUBSECTION D OF SECTION
7.14 AND DELETING SUBSECTIONS C AND D OF SECTION 7.16 OF THE COASTAL COMMISSION
CERTIFIED ZONING ORDINANCE).**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2013-01, SECTION 1:

Subsection 17.72.100.D of the Trinidad Municipal Code (subsection 7.14.D of the Coastal Commission certified Zoning Ordinance) is hereby amended as follows:

Chapter 17.72 Variances, Conditional Use Permits and Design Review

17.72.100 Appeals

~~D. Filing Requirements. Appeals to the planning commission, hearings officer or city council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office of the city clerk within the appeal period provided in Section 17.72.060 (7.11). There shall be no fee for filing an appeal. Fees for appeals shall be set by resolution of the city council and may be modified from time to time by resolution of the city council. The city clerk shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments. As part of the filing of an appeal, the appellant shall submit proof that they submitted comments, either in writing or verbally, to each previous decision-making body. If such comments were not submitted, the appellant shall demonstrate that there were valid reasons why he/she could not attend the hearings or submit written comments. Failure to do so will result in the appeal being rejected by the appellate body.~~

ORDINANCE 2013-01, SECTION 2:

Section 17.72.120 of the Trinidad Municipal Code (section 7.16 of the Coastal Commission certified Zoning Ordinance) is hereby amended as follows:

Chapter 17.72 Variances, Conditional Use Permits and Design Review

17.72.120 Application fees.

A. The city council shall by resolution establish a schedule of fees, charges and expenses for variances, conditional use permits, design review, coastal development permits and amendments to the zoning map and other matters pertaining to this title. The schedule of fees may be changed or modified only by resolution of the city council.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, or other matters for which a fee, charge or payment of expense is required by this title or the fee schedule resolution adopted pursuant thereto.

~~C. Any municipal, political or governmental corporation, district body, or agency is exempted from payment of any fee or charge in connection with an application for any variance, conditional use permit, design review, coastal development permit, appeal or zoning title amendment.~~

~~D. No fee, charge or expense shall be refundable except in any case where the planning commission or hearings officer determines and certifies any such fee or portion thereof has been received in error, in which case the amount received in error may be refunded. (Ord. 166 §7.16, 1979)~~

ORDINANCE 2012-02, SECTION 3:

This Ordinance shall take effect upon certification by the Coastal Commission.

PASSED AND ADOPTED by the Planning Commission of the City of Trinidad, State of California on Wednesday, December 19, 2012.

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on **Wednesday, February 12, 2013**, by the following vote:

AYES: Bauman, Miller, Fulkerson, Bhardwaj, Davies
NOES: None
ABSTAIN: None
ABSENT: None

First Reading: Wednesday, January 23, 2013

Second Reading: Wednesday, February 13, 2013

Attest:

Gabriel Adams
Trinidad City Clerk

Julie Fulkerson
Mayor



AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

1. Status Report/Discussion regarding ASBS Water Quality Monitoring Requirements.

DISCUSSION AGENDA ITEM

Date: February 13, 2013

Item: **STATUS REPORT ON WATER QUALITY MONITORING TO MEET THE REQUIREMENTS OF THE AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE SPECIAL PROTECTIONS**

Background: In October 2004, the State Water Resources Control Board (SWRCB) notified the City of Trinidad, as a responsible party, to cease stormwater and nonpoint source waste discharges into the Trinidad Head Area of Special Biological Significance. In 2005, the city requested an exception. On March 20, 2012, the SWRCB approved a General Exception with Special Protections for beneficial uses.

In a letter received June 5, 2012 from the SWRCB (attached), the city was notified that under the *General Exception to the California Ocean Plan Waste Discharge Prohibition...Into Areas of Special Biological Significance*, the city is required to commence ambient water monitoring in the upcoming storm season (2012-2013). The city notified SWRCB August 1, 2012 of its intention to meet these monitoring requirements through participation in a regional monitoring program.

Staff sent the attached letter on January 28, 2013, informing the SWRCB that the City needs additional time to identify a source of funding for the required ASBS monitoring for the 2012-13 Storm Season. The monitoring cost estimate of \$18 – 31,000 from ADH Environmental is attached. The final cost is contingent on potential cost sharing among several additional agencies, as well as the options for data analysis and reporting. Staff is trying to negotiate a reasonable solution for the required monitoring and the necessary funding.

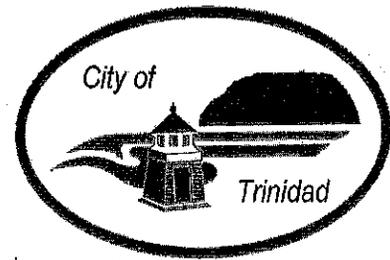
Staff Recommendation:

Hear staff report and take action as appropriate.

Attachments:

SWRCB Notification Letter received June 5, 2012
City Letter to State Water Resources Control Board 1-18-13
Cost Estimate for ASBS Monitoring

CITY OF TRINIDAD
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223
Fax: (707) 677-3759



January 28, 2013

Mr. Dominic E. Gregorio
Manger, Watersheds, Ocean and Wetlands Section
Division of Water Quality
State Water Resources Control Board

Re: City of Trinidad ASBS Monitoring

Dear Mr. Gregorio:

Due to the severe, unanticipated and unbudgeted financial impacts to the City of Trinidad, as well as numerous unresolved questions and issues regarding how best to meet the unfunded mandate for redundant monitoring after the City already adopted its fiscal year budget, we have no alternative but to request a delay in imposing the ASBS Special Protections compliance monitoring requirements.

To put the financial impact into proper perspective, we have received a quote from the single consulting firm apparently qualified to do the monitoring work, and the cost ranges from between \$27,000 and \$31,000 depending on data management options that are as of yet unresolved. There may be the opportunity to share in some of the cost with the City's ASBS stakeholders (the Trinidad Rancheria and Humboldt State University), but that will require those entities use the same consultant services and that is as of yet unresolved, as is the distribution of costs that could possibly be shared. Coordinating such a collaborative approach will require staff time that simply isn't immediately available to the City, with a total of 7 budgeted positions, 1 of which is dedicated 100% to grant management, 3 of which are part time, and 3 of which are dedicated to public works maintenance. The quoted cost represents between 5.5% and 6.3% of the City of Trinidad's **entire** budgeted General Fund revenues for the **entire fiscal year**, and will necessitate the mid-year diversion of funds from other as of yet unidentified programs and projects that will have to be sacrificed, in order to fund what we consider a redundant monitoring requirement when there is no evidence of threat to the natural water quality in the Trinidad ASBS. It is clear that the State Water Board has no concept of the magnitude of this requirement on the limited resources available to the City of Trinidad.

The City of Trinidad takes very seriously its commitment and responsibility to protect the water quality of Trinidad Bay and the Trinidad Head ASBS, which has provided the lifeblood of the community since before the City was incorporated in 1870. This commitment to water quality is evidenced by the City's watershed planning efforts, its regulatory septic system

management program, complying with all ASBS requirements to date, and applying for the Exception to Discharge into Areas of Special Biological Significance. More recently, the City has secured Prop 84 ASBS grant program funding for the Stormwater Management Improvement Project that will involve constructing major modifications to the city's stormwater system to reduce the quantity of stormwater and the quantities of pollutants discharged to the bay. This Stormwater project Monitoring Plan also includes water quality monitoring of the discharge and receiving water and other monitoring required in the ASBS Special Protections.

In these less than ideal economic times, the City is also committed to ensuring that every dollar spent is carefully considered. The City believes that protection of the water quality in the Trinidad Head ASBS would be best served by directing its resources towards reducing or ultimately eliminating the city's stormwater discharge, rather than spending limited resources on monitoring which duplicates two previous monitoring efforts, one of which took place as recent as 2011-12. Surely those involved in the ASBS Special Protections requirements are aware of the 2006 water quality monitoring results submitted in the City's application for an exception to discharge into an ASBS. Data results from both the 2006 monitoring and the more recent monitoring in 2011-12 showed no Ocean Plan water quality exceedences for the ASBS Special Protections constituents. In other words, there is no evidence that the City's stormwater discharge poses a threat to the natural water quality in the Trinidad ASBS.

Beyond the issue of funding, the time constraints for appropriate sampling in the upcoming wet season also seem insurmountable. The Trinidad Head ASBS was adopted in 1974, and the City received its Cease and Desist Order in 2005. It has taken 7 years to go through the exception process; there seems to be no justification to now rush sampling for this upcoming storm season without adequate information and resources. With so many of the issues not clear or not well-defined and severe and unresolved budget impacts coupled with an unreasonable schedule expectation, we don't understand how the State Water Resources Control Board can reasonably expect the City to move forward.

Thank you for your reconsideration of this unreasonable and unfunded mandate.

Very truly yours,

Karen B. Suiker
City Manager

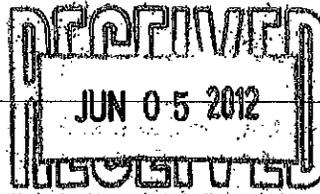
Cc: John Bishop, Chief Deputy Director
Hank Seamann, Deputy Director Humboldt County Public Works Department
Dr. Mariela de la Paz Carpio-Obeso, Unit Ocean Chief, SWRCB
Connie Anderson, Division of Water Quality, SWRCB
Dr. John Reiss, Director, HSU Marine Lab
Jacque Hostler, CEO, Trinidad Rancheria



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION



State Water Resources Control Board

MAY 30 2012

The Honorable Stan Binnie
City of Trinidad
409 Trinity Street
Trinidad, CA 95570

[Certified Mail: 7004 1160 0002 0464 3327]

COPY

Dear the Honorable Stan Binnie:

NOTICE OF ADOPTION OF THE GENERAL EXCEPTION TO THE CALIFORNIA OCEAN PLAN WASTE DISCHARGE PROHIBITION FOR SELECTED STORM WATER AND NONPOINT SOURCE DISCHARGES INTO AREAS OF SPECIAL BIOLOGICAL SIGNIFICANCE, INCLUDING SPECIAL PROTECTIONS FOR BENEFICIAL USES; REQUEST FOR MONITORING PROGRAM REPORT

On October 18, 2004, the State Water Resources Control Board (State Water Board) notified the City of Trinidad, as a responsible party, to cease storm water and nonpoint source waste discharges into Areas of Special Biological Significance (ASBS) or to request an exception from the California Ocean Plan ASBS waste discharge prohibition. On January 26, 2005, the City of Trinidad requested an exception. On March 20, 2012, the State Water Board adopted Resolution No. 2012-0012, approving an exception to the California Ocean Plan for the ASBS Waste Discharge Prohibition for Storm Water and Nonpoint Source Discharges, with Special Protections for beneficial uses (General Exception). Enclosed please find the General Exception and Special Protections. These documents are also posted on the State Water Board Web site at http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0012.pdf.

The purpose of this letter is to notify you of the adoption of the General Exception and Special Protections and additionally, to require, pursuant to the General Exception and to California Water Code section 13383, information you must submit regarding your plans to initiate monitoring in the next storm season.

According to the General Exception, monitoring shall commence during the first storm season following adoption of the Special Protections, which is the 2012-13 storm season. You are required to perform both core monitoring for runoff and ambient seawater monitoring for receiving water and reference sites. There are two options for fulfilling your ambient water monitoring requirements: an individual monitoring program, or a regional integrated monitoring program. While we strongly encourage you to participate in a regional monitoring program, you may elect instead to perform individual monitoring. You must identify your selected option and report that decision in a letter to the State Water Board by August 1, 2012. Please feel free to

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

contact staff if you need assistance in the development of a regional integrated monitoring program.

You should also be aware that the General Exception also requires the City of Trinidad to submit to the State Water Board by September 20, 2013, an ASBS Compliance Plan. The ASBS Compliance Plan shall describe your strategy to comply with these special conditions, including the requirement to maintain natural water quality in the affected ASBS. The ASBS Compliance Plan shall include a description of appropriate non-structural and structural controls, and a draft implementation schedule to comply with the General Exception. The State Water Board recommends that you initiate development of your ASBS Compliance Plan. If you need assistance in planning, please feel free to contact our staff.

Please feel free to contact Dr. Maria de la Paz Carpio-Obeso, Ocean Unit Chief, at (916) 341-5858 or e-mail mcarpio-obeso@waterboards.ca.gov, or Mr. Dominic Gregorio, Manager of the Watershed, Ocean and Wetland Section, at (916) 341-5488 or e-mail dgregorio@waterboards.ca.gov if you have any questions.

Sincerely,



Thomas Howard
Executive Director

cc: Mr. Matt St. John
Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Draft Cost Estimates

ADH will provide environmental consulting services to the City on a time and materials basis as follows:

Task	Task Description	Frequency	Total for City of Trinidad Alone	Total if Shared with TR and TSRA
1	Planning, Preparation, and Management	Ongoing	\$2,210	\$1,437
2	Stormwater Discharge Monitoring (during storm sampling x 3 storms)	3 events	\$5,244	\$3,409
	Ocean Receiving Water Monitoring (pre- and during storm sampling x 1 storm)	2 events		
	Direct Costs (mileage, shipping, expendables, etc.)	4 events	\$1,571	\$1,276
3	Laboratory Analyses:			
	Toxicity Testing – Stormwater	3 events	\$1,502	\$1,427
	Toxicity Testing – Receiving Water	1 event	\$1,590	\$1,511
	Analytical Chemistry – Stormwater	0 events	NA	NA
	Analytical Chemistry – Receiving Water	2 events	\$2,650	\$2,518
	Analytical Chemistry – Field Duplicate	1 event	\$1,325	\$420
	Analytical Chemistry – Field Blank	1 event	\$1,325	\$420
4	Annual Stormwater Runoff Volume Calculation	1 time	\$660	\$660
5	Option A: Data Management, QC Review, Data Upload to CEDEN, and Minimal Sampling & Analysis Summary Report including Runoff Calculation	Ongoing	\$8,730	\$4,802
	Option B: Data Management, QC Review, Data Upload to CEDEN, and Full Report with Discharge, Receiving and Reference Data Evaluation and including Runoff Calculation	Ongoing	\$13,260	\$6,242
Total for Tasks 1, 2, 3, 4 and 5A			\$26,807	\$17,877
Total for Tasks 1, 2, 3, 4 and 5B			\$31,337	\$19,317

Note that directs are at cost – no mark up.

TR = Trinidad Rancheria

TSRA = The Sea Ranch Association

Invoicing Schedule

ADH will invoice the City for Tasks 1 and 5 on a monthly basis over the life of the Agreement. Tasks 2, 3 and 4 will be invoiced as Services are rendered on a percent complete basis.





AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

2. Discussion/Decision regarding Greater Trinidad Chamber of Commerce Request for Additional Funding



Greater Trinidad Chamber of Commerce
P.O. Box 356 Trinidad, California 95570
707.677.1610

31 December, 2012

Karen B. Suiker, City Manager
City of Trinidad
409 Trinity Street
Trinidad, CA 95570

Dear Ms. Suiker:

At the meeting of May 9, the Council allotted \$2000 of Transient Occupancy Tax (TOT) funds to the Chamber of Commerce for tourism expenditures and, citing a concern about the upcoming vote to renew of the sales tax, asked that the Chamber return to the Council in the event that the sales tax was renewed. In accordance with that desire of the City Council, the Chamber of Commerce would like to request that the Council reopen the question of TOT allocation to the Chamber for FY 2013.

Below are the Chamber plans for this fiscal year, which I presented to the Council in May.

Web Site Expansion	\$800
Brochures	\$3000
Directional Signs	\$2500
Advertising	\$1300
Visitor Information Kiosk	\$1250
CCNM Hiking Trails	\$1000
Marketing for CCNM	\$500
	<hr/>
	\$10,350

The projects above, while a major part of the Chamber's tourism support, are only part of the budgeted tourism expenses. The projects interconnect, and many grow from the efforts of FY 2012. Our tentative plans for each project are as follows:

Web Site Expansion \$800

The current website focuses on tourism and drawing people to Trinidad for vacations. Judging from our inquiries and from visitors' reactions to the area, we will add four new pages to the site:

- Weddings Patrick's Point State Park, the Memorial Lighthouse, Houda Point, other area locations, and some B & Bs are perfect spots for romantic destination weddings. To promote weddings, we plan to design a page of pictures and draw together a list of resources (caterers, lodging, officiants, photographers, bands, etc.), all of which will be drawn from Chamber members.
- Relocation Vacationers often think about relocating to the area, and providing them with information and local resources all in one place is a first step in welcoming them to the city and the area.

- Clam Beach Run Design a page that highlights the scenery and the experience of the event and use the page as a marketing tool to bring out-of-area runners to the area. Our current page links to the company that operates the run. It has information, but not much local flavor and not enough pictures.
- California Coastal National Monument Design a page focusing on Trinidad's position as a Gateway to the Monument. The Monument has the potential to increase tourism considerably, especially as recreational activities can be linked to the Monument.

Brochures \$3000

Redesign the Trinidad brochure from four panels to three panels. \$500

A three-panel brochure could be downloaded from our website and printed on a home printer, and it would be less expensive to print in quantity.

Print & distribute brochures to other tourist services and ad sites. \$2500

Directional Signs \$2500

Restore the Directional Signs along Patrick's Point Drive. The area has two sets of direction signs along Patrick's Point Drive, one at Patrick's Point and one at Seagate Drive. A third set, near the Chevron station, was removed years ago. The signs are quaint, but in disrepair. Defunct businesses need to be removed, new businesses need to be added; paint in the carved names needs freshening, the boards need to be of uniform size, and the backings need repair. Locating a third set of signs near US 101 & Main Street will be explored, as this is the main entrance to town.

Advertising \$1300

Expand print advertising in travel sections of metropolitan newspapers in CA, OR, WA, and NV, and in travel magazines, particularly issues or publications that focus on Northern California.

Visitor Information Kiosk \$1250

1. Provide free wi-fi at the kiosk for travelers. \$350
2. Staffing of the kiosk for June-September. 400
3. Inside: post tourist map of town & the area from Moonstone to PP State Park. \$500

CCNM Hiking Trails \$1000

Design and print a map of Trinidad area hiking trails which includes length of trail, elevation gain/loss, degree of difficulty, handicapped accessibility, and parking. Map would be available from the website and at the kiosk. Entrance to some trails may need signage. Suitable trails would also include information on the California Coastal National Monument (CCNM) from overlooks.

Marketing for California Coastal National Monument \$500

Coordinate with the Bureau of Land Management and the North Coast Land Trust to make the CCNM accessible from the shore. Design a marketing approach that integrates our website (see above) and includes land-based access, kayaking, and boat trips (with or without fishing).

Sincerely,



Dennis Koutouzos
President



AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Discussion/Decision regarding Trinidad Coastal Land Trust Request for Holly Tree Removal Permit Fee Waiver.

CONTINUED DISCUSSION/ACTION AGENDA

Date: November 14, 2012, & February 13, 2013

Item: Request for City to Pay Costs for Tree Removal Permit

Background: The Trinidad Coastal Land Trust submitted an application for a use permit and Coastal Development Permit to remove a holly tree from their property and paid a \$750 deposit at the time of the request. This application was submitted to the City's Planner, and a six (6) page staff report was produced to address the zoning ordinance/General Plan consistency, slope stability, sewage disposal, landscaping and fencing, design review/view protection findings, and use permit findings all of which led to the staff recommendation to conditionally approve the project. The Planning Commission approved the project, including the condition to reimburse the City for all costs associated with processing the application.

The costs incurred by the City's Planner to date total \$995. The Land Trust has requested a refund of the \$750 deposit and presumably is requesting the City also absorb additional costs over and above that deposit.

As an outside consultant, the costs to the Planner need to be reimbursed in full, so simply waiving the fee is not an option. The question before the Council is whether to use City General Funds to refund costs already paid by the Land Trust and pay additional expenses beyond the deposit.

Proposed Action: In view of the city's financial situation, staff cannot recommend the City absorb 100% of the costs, particularly in light of the precedent this sets, but the Council may wish to consider a reduction such as a 50/50 cost share in consideration of the organization's non-profit status.

Attachment: Request for Reimbursement from Land Trust

City of Trinidad

From: Trinidad City Manager [citymanager@trinidad.ca.gov]
Sent: Thursday, November 08, 2012 9:34 AM
To: 'City of Trinidad'
Subject: FW: Tree Permit Fee Deposit Reimbursement Request

From: Ben Morehead [mailto:benm161@yahoo.com]
Sent: Tuesday, October 30, 2012 11:06 AM
To: Trinidad City Manager; kathy.bhardwaj@gmail.com; Julie Fulkerson; DWIGHT MILLER; tdavies@suddenlink.net; Michael Morgan
Cc: Gabriel Adams
Subject: Tree Permit Fee Deposit Reimbursement Request

Dear Trinidad City Council and Manager,

As volunteer president of our non-profit land trust board, I am making the request to your council, on behalf of our volunteer board of trustees, that the \$750 deposit we made to the city, re: the approved hazardous tree removal permit, be reimbursed in full. If and when we decide to remove the tree, we will need to use our limited organizational funds to pay for the actual cost of removing the tree. This is in addition to the thousands of dollars we are currently spending on the remodel of the Trinidad Art building. Note there is no immediate action being taken now or in the near future to take down the tree. Overall, the many community groups in Trinidad and all the public benefit projects these groups, including ours, take on depend on community and collaborative efforts. \$750 dollars is a lot of money to just get approval to cut a hazard tree next to our city's second oldest building. Please advise how I can provide additional information or documentation in regards to this request.

Thank you,

Ben Morehead. (please feel free to call my personal cell phone anytime: 707-496-33750)
Trinidad Coastal Land Trust
www.trinidadcoastallandtrust.org



AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

4. Discussion/Decision regarding City Manager Employment Agreement.

DISCUSSION AGENDA

Date: February 13, 2013

Item: City Manager Employment Agreement

Background:

The attached Employment Agreement has been reviewed and approved by the City Attorney and continues the same conditions as the current employment agreement except for the following changes:

- Two year agreement effective March 9, 2013 through March 8, 2015.
- Council to review and evaluate City Manager performance after the first year
- Annual compensation is at the rate of \$63,122.59, which provides for the same compensation adjustment granted to other city staff (annual COLA of 2% plus 2.5% step equivalent). The second year adjustment will be same as may be provided to other city staff (annual COLA plus 2.5% step equivalent assuming satisfactory performance). There are no health or dental benefits as provided to other City staff.

As a reminder, the agreement is based on the continued expectation of an average of 21 hours per week for forty-seven (47) weeks per year, or 987 hours per year. While the City Manager can terminate upon 60 day notice, the Council can immediately terminate the relationship upon a majority vote of the entire City Council, with or without cause, without prior written notice, and without any severance payment.

Proposed Action:

Consider approval of the City Manager Employment Agreement

Attachment

This EMPLOYMENT AGREEMENT ("Agreement") is made and entered into on _____, 2013, by and between the **CITY OF TRINIDAD, CALIFORNIA**, (hereinafter "Employer"), and **KAREN SUIKER** (hereinafter "Employee").

RECITALS

WHEREAS, the Employer desires to hire the Employee to perform the duties of City Manager for the City of Trinidad, California; and

WHEREAS, the Employer is represented in this Employment Agreement by its governing body, the City Council; and

WHEREAS, the Employee has significant applicable experience in local government and public sector management that qualifies her to perform the duties of City Manager; and

WHEREAS, the Employer and Employee have negotiated and agreed upon a job description, a compensation package, and an employment schedule that are acceptable to both parties.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

AGREEMENT

Section 1. DUTIES OF THE EMPLOYER

It shall be the responsibility of the Employer to provide timely support and assistance to the Employee in her role as the City Manager.

The Employer shall provide policy guidance to the Employee by ongoing acts of the City Council.

The Employer, as represented by the Mayor and four members of the City Council, shall assist the Employee in her role of assuming selected and designated functions which were previously the responsibility of the elected officials.

Section 2. DUTIES OF THE EMPLOYEE

A. City Management: It shall be the responsibility of the Employee to manage the daily affairs of the City of Trinidad in a manner that is consistent with the generally accepted practices of city management in the State of California.

B. Law Enforcement It shall be the duty of the Employee to see that all laws and ordinances of the Employer are duly enforced, and to see that all

franchises, licenses, and permits granted by the Employer, and that contracts entered into by the Employer are faithfully performed and observed.

C. Authority Over Other Employees: It shall be the duty and the authority of the Employee to control and give directions to all department heads except the City Attorney and any employee of the Humboldt County Sheriff's Department who may be acting in the capacity of Trinidad Chief of Police.

D. Power of Appointment and Removal: It shall be the duty of the Employee to appoint, remove, promote, demote, suspend, or dismiss all officers and employees of the Employer, except the City Attorney, subject to all applicable personnel ordinances, rules and regulations. No department head shall be appointed or removed until the Employee has first reviewed such appointment or removal with the City Council, and received approval of such appointment or removal from the City Council, in Executive Session.

E. Legislative Recommendations: It shall be the duty of the Employee to recommend to the City Council for adoption of measures, ordinances, and resolutions as she deems necessary or expedient.

F. Council Meetings and Records: It shall be the duty of the Employee to prepare agenda materials for City Council meetings, and to maintain a complete and up-to-date record of the City Council meetings.

G. Attendance at City Council Meetings: The Employee shall attend all meetings of the City Council except (1) when specifically excused from attending a particular meeting, or (2) when her removal is under consideration by the City Council.

H. Financial Reports: The Employee shall keep the City Council at all times fully advised as to the financial condition and needs of the Employer.

I. Budget Preparation: It shall be the duty of the Employee to prepare and submit the proposed Annual Budget to the City Council for its consideration and to be responsible for the efficient administration of the budget after its adoption by the City Council.

J. Fiscal Responsibility: It shall be the responsibility of the Employee to allocate funds and approve expenditures necessary for the ongoing operations of the City of Trinidad, in accordance with allocation made in the approved and/or amended Annual Budget.

K. Long Term Planning: The Employee, with assistance from staff and consultants, shall develop long-range plans and capital improvement programs for maintaining and upgrading of City of Trinidad facilities and buildings.

L. Tracking Laws: The Employee shall keep track of changes to State and Federal laws that are applicable to the Employer.

M. Grant Applications: It shall be the responsibility of the Employee, with assistance from staff and consultants, to apply for and administer Federal, State, and private foundation grant funding.

N. Employee Relations: It shall be the responsibility of the Employee to carry out the labor relations process on behalf of the City Council.

O. Additional Duties: The City Council may, from time to time by ordinance, resolution, or other action, fix any such other terms and conditions of employment as it may determine, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Trinidad's Municipal Code, or any other law. It shall be the duty of the Employee to perform such other duties and exercise such other powers as may be delegated to her by the City Council.

Section 3. SPECIFIC PROJECT DUTIES

The Employer may direct the Employee to undertake and manage specific projects leading to the betterment of the City of Trinidad and the established policy guidelines of the City Council

Specific projects will vary and will be defined by the City Council. Examples of specific projects may include updating of the General Plan, pursuit of improvements to the Water System, preparing or managing the preparation of new or amended plans or studies, undertaking of negotiations new or revised professional services, and solicitation of actions that would improve the revenue situation for the Employer.

Section 4. DIRECTION AND SUPERVISION OF THE EMPLOYEE

The Employee must be able to perform the duties of this position on an ongoing basis with minimal direction from the Employer.

The Employee shall take specific directions, orders, and instructions from the Employer through action of the majority of the City Council acting in a duly convened meeting, and no individual Council member shall give any orders or instructions to the Employee.

Section 5. WORK SCHEDULE OF THE EMPLOYEE

The Employer and the Employee agree that the Employee shall carry out the above responsibilities forty-seven weeks a year, at an average rate of 21 hours per week subject to approval by the Mayor, for an annual total of no more than 987 hours. Of the forty-seven weeks contracted for, it is anticipated and expected that the Employee shall work (a) at least one day each week, and (b) three days per week generally. The Employee shall receive advance approval from the Mayor for being absent any of the remaining five weeks of the year the Employee is not contracted to work at all.

The Employee will report for work at a work location to be provided by the Employer during normal work hours, and at such other times (such as evening

meetings) as to be determined and agreed upon by the Employer and the Employee.

Of the contracted 987 hours annually, some flexibility in hours worked per day or per week is assumed, to allow for personal/family events, or for extraordinary council sessions, etc.

Section 6. COMPENSATION

The Employee shall be compensated for services at a rate of \$63,122.59 for the first year (\$63.95/hour times 987 hours). Second year compensation to be adjusted by same percentage as granted other city staff (annual COLA plus 2.5% step equivalent, the latter increase assuming satisfactory performance, same as is required of other city staff).

To the extent allowed by law, the Employee will be allowed to pay some of her hourly compensation, before taxes, into the Employer's deferred compensation plan.

The Employee shall be additionally compensated \$50.00 per month (\$600.00 annually) for use of her personal cell phone to handle necessary city business after hours. This cell phone compensation assumes reasonable access to the City Manager after hours by City Staff.

There are no other compensation or benefits provided to the Employee by the Employer.

Section 7. TERM

The term of this Agreement shall be from March 9, 2013 through March 8, 2015.

Employee agrees that, during the periods described in Section 5 herein, Employee remains in the exclusive employ of Employer during the employment term, and will neither accept employment nor become employed by another employer which requires the performance of work duties during the periods described. Notwithstanding this, and at the sole discretion of Employer, Employee may accept compensation for outside consulting, writing, or speaking engagement; or while teaching or training; or while serving on the Board of Directors of one or more corporations; provided, however, that such outside activities or work are not inconsistent or incompatible with City of Trinidad employment.

At the end of the term of this Agreement, the Agreement shall be reconsidered by both parties and, at such time, may be terminated or extended with any modifications that are agreed upon by both parties.

Section 8. INDEMNIFICATION

In addition to that required under state and local law, the Employer shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of a lawful alleged act or omission occurring in the performance of Employee's duties. Employer will compromise and settle such claims or disputes as appropriate, and pay the amount of any settlement or judgment rendered thereon.

Section 9. PERFORMANCE EVALUATION

The City Council shall review and evaluate the performance of the Employee after the first year of this agreement concludes in March 2014 unless this Agreement has been terminated before that date. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee. Said criteria may be added to or deleted from as the Council may from time to time determine, in consultation with Employee. Further, the City Council shall provide the Employee with a summary written statement of the findings of the City Council and provide an adequate opportunity for the Employee to discuss her evaluation with the City Council.

Annually, the City Council and Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the City of Trinidad and the attainment of the City Council's policy objectives, and shall further establish a relative priority among those goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations involved.

In effecting the provisions of this Section, the City Council and Employee mutually agree to abide by the provisions of applicable law.

Section 10. AT-WILL EMPLOYMENT

This is an at-will employment relationship, and either the Employer or the Employee may terminate the relationship for any reason, with or without cause, and without prior written notice, except as specified in Section 11 of this Agreement.

Pursuant to the Trinidad Municipal Code, the parties acknowledge and agree that the City Manager serves at the pleasure of the City Council; that there exists no contract for or right of employment, either express or implied, with the sole exception of the provisions contained herein; that the City Council may terminate the employment of the Employee with or without cause; and that upon such termination, with or without cause, Employee's sole remedy under the laws of the State of California, the laws of these United States, the Trinidad Municipal Code, and this Agreement consists of the provisions contained herein.

Section 11. TERMINATION OF THE AGREEMENT

The removal/dismissal of the Employee shall be effected only by a majority vote of the entire City Council.

In the event of termination of this Agreement by the Employer, the Employee shall be provided no severance payment, and will be paid for any work done to the time of termination.

In the event of termination of this Agreement by act of the Employee, the Employee will act in a professional manner by giving 60 days notification to the City Council and will assist in whatever transition is necessary upon her termination of employment, within reason.

Section 12. AMENDMENTS

Unless otherwise specified herein, this Agreement may be changed or modified only upon written consent of the parties hereto.

Section 13. GENERAL PROVISIONS

If any provisions, or any portion thereof, contained in this Agreement are held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

If any provisions of the City of Trinidad's Personnel Rules, Regulations, and Policies conflict with the at-will employment status described in this Agreement, such conflicts will be resolved in favor of the at-will status contained in this Agreement.

Employer and Employee agree that they will, at all times, assist each other in defending any litigation involving the City of Trinidad, or Employer's duties with Employer, and Employer agrees to defend Employee against any claim or action against him arising out of an act or omission occurring with the scope of Employee's employment. The parties shall each comply with the requirements of Section 825 of the Government Code or its successor implementing this paragraph.

Section 14. ENTIRE AGREEMENT

This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the provision thereof and supercedes any and all prior agreements and understanding, oral or written, in connection therewith.

Section 15. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together, shall constitute one and the same Agreement.

EXECUTION OF THE AGREEMENT

IN WITNESS THEREOF, the Employer and the Employee have executed this Agreement effective _____, 2013

EMPLOYER

EMPLOYEE

By: _____
Mayor

By: _____
Karen Suiker

Date: _____, 2013

Date: _____, 2013