



Posted: Friday, September 09, 2016

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

The Trinidad City Council will hold a regular meeting on
WEDNESDAY, SEPTEMBER 14, 2016 at 6:00 PM
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

No Closed Session

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ADJOURN TO CLOSED SESSION – *No closed session scheduled*
- IV. RECONVENE TO OPEN SESSION
- V. APPROVAL OF AGENDA
- VI. APPROVAL OF MINUTES – *August 10, 2016 cc, August 23, 2016 scc*
- VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS
- VIII. STAFF REPORTS
- IX. ITEMS FROM THE FLOOR
(Three (3) minute limit per Speaker unless Council approves request for extended time.)

- X. CONSENT AGENDA
 1. Financial Status Reports for July 2016.
 2. Proclamation in Recognition of LGBT Awareness Month, September 2016.
 3. Declaration of City Council Nominees for Public Office for the November 2016 Election.
 4. Approve Amendment to Contract for Firehouse Expansion Plans
 5. Approve Proposal for Luffenholtz Creek Flow Monitoring

- XI. DISCUSSION/ACTION AGENDA ITEMS
 1. Presentation from the County of Humboldt regarding Ballot Measure S, the Local Commercial Marijuana Cultivation Tax.
 2. Van Wycke Trail Project - Update and Authorize Initial GHD Scope
 3. Update and Discussion on Wagner St. Trail and related Judgments and Settlements.
 4. Discussion/Decision (Continued) regarding Amending Ordinance 2014-01, the City of Trinidad Vacation Dwelling Unit (VDU) Ordinance.
 5. Discussion/Decision regarding Second Reading of draft Ordinance 2016-02; Proposing an Extension of the ¼% Sales Tax Increase to be implemented by the State Board of Equalization pending voter approval at the November 08, 2016 Election.

- X. ADJOURNMENT

APPROVAL OF MINUTES FOR:

AUGUST 10, 2016 CC
AUGUST 23, 2016 SCC

Supporting Documentation follows with: 9 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 10, 2016

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 6:00PM. Council members in attendance: West, Fulkerson, Miller, Baker, Tissot.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session.

IV. RECONVENE TO OPEN SESSION – Nothing to report.

V. APPROVAL OF AGENDA

*Move Discussion #4 to Consent, and Move Consent #4 to Discussion #1.
Motion (Baker/Tissot) to approve the agenda as amended. **Passed unanimously.***

VI. APPROVAL OF MINUTES – July 13, 2016 cc

*Motion (West/Baker) to approve the minutes as written. **Passed unanimously.***

VII. COUNCIL MEMBER REPORTS

Fulkerson: RREDC update.

Tissot: Thanked Staff for Water Treatment Plant Open House showcasing all the system upgrades.

Miller: HCAOG – Discussed options for Last Chance pass on Hwy 101.

VIII. STAFF REPORTS:

City Manager Berman submitted a report to the City Council at the meeting highlighting various accomplishments and project status for the month. Introduced **City Engineer Rebecca Crow** who presented a brief report about recent upgrades completed to the Water Treatment Plant.

Councilmember **Baker** requested the City complete whatever documentation is necessary to ensure that the Water Treatment Plant is on City-owned property, not in County right-of-way.

By consensus the Council agreed to leave Consent #4 as-is. No need to discuss.

IX. ITEMS FROM THE FLOOR:

Jim Cuthbertson – Trinidad

Requested a copy of the city trail maintenance schedule to find out when the Wagner Street Trail would be cleared. Also requested that the Town Hall entry doors be reviewed for ADA accessibility.

Stan Wood – Trinidad

Requested that the City consider writing a letter of support for the Trinidad Coastal Land Trust to purchase 1000 or more acres surrounding Strawberry Rock.

Jack Nounan – Trinidad

Forest Defender/Klamath Crisis Defender. Requested that the City ask Green Diamond to support TCLT effort to purchase land around Strawberry Rock and to stop clear-cutting nearby.

Mike Reinman – Trinidad

Two neighbors that live near a rental home I manage in Moonstone Heights frequently complain about anything related to vacation rentals. RCVR has taken many steps to mitigate and minimize issues, but those neighbors are not reasonable.

Susan Rotwein – Trinidad

Thanked Deputy Wilcox for excellent service. Support Caltrans repair efforts of Last Chance pass. Concerned about development at Hidden Creek RV Park. Concerned about view protection on Underwood

Drive, specifically for long-time resident Carla Powell. Consider adopting policy to limit the length of meetings.

Alan Grau – Trinidad

Why are there parking variances for certain Ocean Avenue homes?

Jonna Kitchen – Trinidad

Concerned about all three major trails in Trinidad being in states of disrepair.

X. CONSENT AGENDA

1. Financial Status Reports for June 2016.
2. Notice of Deadline for Submission of Arguments in Favor or Against Sales Tax Extension Measure G.
3. MOU with the County of Humboldt to Accept Measure Z Grant Funds
4. Approve Closeout Documents for Water Treatment System Upgrades
5. Agreement for Labor Compliance Services and MOU with the County of Humboldt for Proposition 84 Grant Project.

Council added Discussion #2 to Consent.

Motion (Fulkerson/West) to approve the consent agenda as amended. Passed unanimously.

XI. DISCUSSION/ACTION AGENDA:

1. Discussion/Decision regarding Amending Ordinance 2014-01, the City of Trinidad Vacation Dwelling Unit (VDU) Ordinance.

City Manager Berman introduced the item by highlighting the following information:

Note on Terminology: Staff and the Planning Commission are recommending that the City use the term 'Short Term Rental' (STR) in place of Vacation Dwelling Unit (VDU). STR is more widely used, and, staff would argue, a more accurate title. Unless directed otherwise by the Council, staff will use STR in place of VDU going forward.

PC Recommendations: The Planning Commission's recommendations regarding amendments to the Ordinance include both a summary table and a 'track changes' draft of the Amended Ordinance, showing all changes from the existing Ordinance. The public record from the Planning Commission's meetings on this recommendation are available on the City website and are compiled in a hard copy binder available at the Clerk's Office.

Staff Comments: The Council initiated this process of considering amendments to the STR Ordinance primarily out of concern that some limitations to the number of STRs in Trinidad may be necessary. The amendment process also provides an opportunity to revisit and improve the existing STR Ordinance approach to basic issues such as occupancy, parking, noise, and enforcement. The Planning Commission has covered all of these issues and more in a very thorough effort.

Staff advises Council to carefully consider the complexity of any new regulatory system you adopt in this matter, both in terms of staff effort necessary to oversee it, and potential for confusion and conflict in its implementation. With this in mind, staff sees the buffer distance approach, and the five year lottery cycle, as particularly complicated systems to implement on an ongoing basis.

Staffing and Costs: An important related discussion is about the staff resources necessary to implement and oversee this Ordinance. It seems appropriate that this cost should be borne primarily by the STR industry. The specific fees can and should be set by separate Resolution, not within the Ordinance. However the Ordinance can spell out the intent to do so. Staff recommends you direct us to draft such language for the Ordinance, and agendize a discussion of the appropriate staffing level and fees for discussion in parallel with the completion of the revisions to this Ordinance.

Public comment included:

Alan Grau – Trinidad

Take your time with this process. Make sure applicants submit all required documents and no exceptions are made. Count children when considering occupancy restrictions. Complaints should be made on Trinidad website. There are many issues caused by vacation rentals.

Lore Snell – Trinidad

There's no provision in the ordinance that allow for vacation rental guests to complain. I've had visitors come to my shop and complain about resident behavior and harassment.

Mike Reinman – Trinidad/RCVR

"Local contact" should add "or designee". Clarification is needed where it says "manager must personally respond...". Backup emergency contact number would be helpful. "Meeting guest on arrival date" should say "within 24 hours of arrival". Regarding Dispute Resolution, complainants should be required to participate.

Jonna Kitchen – Trinidad/Trinidad Retreats

Permit fees should cover implementation. Enforcement should be applied across the board with all ordinances, not just vacation rentals. I agree that a cap is necessary, but losing 30% of rentals could mean a loss of up to \$40,000 in revenue. Pencil this out first. No Lottery! Treating owner-occupied rentals differently is making assumptions. Guest registry and Meet and Greet policies are very difficult to implement. Communicating City policy with guests is very doable.

Dorothy Cox – Trinidad

I agree with a cap, and less rentals in the UR zone. I agree with buffers, 60-day minimum activity, No permit transferability, kids count with occupancy, vegetation maintenance component, 300ft notification, no exceptions for properties with issues, 10pm quiet time, and no visitors. Submitted comments in writing.

Susan Rotwein – Trinidad

Echo Dorothy Cox's comments. Support cap numbers proposed by PC. Visitor Service zones were designated by the City in the early 80's back when travel trailer courts were fish camps. Now they're long-term low-income housing. The City should take that into consideration. Also, no lottery. That's gambling. We need to balance, manage, and learn to accept the visitor economy. Attrition and enforcement will get us to the new numbers. Overall noise ordinance should be equal for all residents. I have heard criticisms of residents by visitors too.

Barbara Snell – Trinidad

Read a letter on behalf of her daughter Karen Hicks, who depends on the vacation rental for income. It meets all the requirements. Vacation rentals are the only option for visitors wanting to stay in town. Tourists are the livelihood of this community. They love the town and support it.

Jim Cuthbertson – Trinidad

I live next to 2 rentals and have never had any problems. Treat visitors nice and they'll treat you nice.

Leslie Farrar – Trinidad

Read from a submitted letter that included ordinance preferences such as license renewals, visitor clarification, water use limits, number of occupants, etc.

Council comments included:

Miller: Supports the vacation rental industry, a cap, and good enforcement.

West: This represents the coming together of many community minds, and excited that with compromise we're getting closer to a conclusion.

Fulkerson: Thanked the PC for recommendations. It may seem unfair to some, but balancing quality of life, tourism industry, and village values are the priorities. I support a cap, but no lottery or 5-year license limit. I support gradual attrition through enforcement. I have no problem with a higher permit fee of up to \$1000. I support greeting guests, but I'm not ok with taking permits from good rentals.

Baker: I support more administrative decisions, the need for enforcement, increased fees, less micro-managing ordinance, more discretionary authority, and getting to the cap in the most direct way possible. The lottery concept doesn't seem defensible. Planned Development Zones should not be limited in the same way UR and SR zones are.

Tissot: No one can say that Trinidad doesn't care. These are very passionate discussions. My family moved here with a good quality of life as an expectation. Others purchased here with business or investments in mind. I agree with the cap, but how we get there is challenging. Enforcement is a big issue, but managers must be able to defend themselves from complaints too. There should be limits on complaints. Property management needs to do their job, and the buffer approach is not fair.

City Attorney Andy Stunich suggested that a fair way to get to the cap is to get rid of bad properties. The City is light-years ahead already. The very presence of enforcement authority is a huge incentive for compliance.

Regarding the 5-year permit period, the concept was dismissed by West, Fulkerson, Baker, and Tissot.

Regarding transferability, Council consensus was that permits should only be transferred once to a spouse. There was further discussion regarding corporations, family trusts, and LLC ownership loopholes. City Attorney Stunich was asked to provide guidance and draft language that would prohibit homeowners from bypassing the transfer limit through such types of arrangements.

Regarding buffers, Baker proposed a more simple solution of 1 or 2 non-STR's separating STR's, but West, Fulkerson, Tissot, and eventually Baker agreed to NO buffers.

*Motion (West/Fulkerson) to continue the discussion to a future meeting. **Passed unanimously.***

2. Discussion/Decision regarding Reinman Appeal of the City Manager's "Significant Violation" Determination made against a VDU on Ocean Avenue.

City Manager Berman explained the information regarding the incident and the Manager's determination was included in the Planning Commission packet and in the appeal of the Planning Commission decision filed by Mr. Reinman. Section 17.72.100 of the Zoning Ordinance allows affected parties to appeal staff determinations to the Planning Commission within 10 working days of being notified of the decision. Likewise, the Planning Commission's action in this matter was appealable to the City Council.

Planning Commission took action to unanimously deny the appeal and uphold the City Manager's determination on June 16, 2016. Mr. Reinman filed an appeal of the Planning Commission's decision later in June. The Planning Commission's motion for denying the appeal was as follows:

*Motion (Scott/Roulton) that based on based on the application materials and information and findings included in the Staff Report, and based on public testimony, I vote to uphold the City Manager's determination. **Passed (5-0). Passed unanimously.***

Public comment included:

Leslie Farrar - Trinidad

This second appeal explains why STR's are not compatible in residential zones.

Alan Grau – Trinidad

Who is protecting the residents? This is a waste of time. Trinidad belongs to the residents, not visitors.

Gail Covney – Trinidad

Owned home since 1999. It has been a vacation rental for 9-years, enabling us to visit our local family here every summer.

Mike Reinman – RCVR Owner/Manager/Appellant

The City Manager left testimony out of his staff report that came from the immediate neighbors, who explained that they were not affected at all by the incident that night. RCVR was not called until 8:15 am the following morning. It's not my fault that the city put the wrong number on the neighbor notifications for RCVR. Had the city put the right number on the notification, we might not be having this discussion. I

disagree that this home is considered a bad rental. My staff does a great job. Nothing in the ordinance says there can't be 15-20 people at that house at one time. I can react and be proactive, and we work very hard to do that. The same people who always complain are after me. They are hyper-sensitive to everything. Had I known about the issue, I would have responded immediately. When the ordinance was written, significant violations were reserved for non-responsive managers. People exaggerate and make repeated false complaints. I should be protected from them.

Richard Johnson – Trinidad Planning Commission

There's no question that there were clerical errors made in the process. As a customer/neighbor, there's an opportunity to work with neighbors and develop a better relationship. Reinman explained that he has contacted both neighbors and requested mediation. Neither have responded.

Council comments included:

Fulkerson: You have a right to appeal. The PC voted 5-0 to uphold the manager's decision. Sorry to see so many people involved. Apologize and move on. I support upholding the PC and Manager's decision.

Miller: Questioned RCVR internal procedures. Reinman clarified.

West: Significant violation does not mean bad management. This may have been a one-time problem.

Baker: Standing behind the PC and Manager.

Motion (Fulkerson/Baker) to uphold the City Manager and Planning Commission's decision to declare the incident a significant violation. Passed 5-0.

- 3. Discussion/Decision to rescind Resolution 2015-02 and approve Resolution 2016-10; Amending Drought Restrictions for Trinidad.

Moved to consent agenda and approved.

- 4. Discussion/Decision regarding draft Ordinance 2016-02: Proposing an Extension of the 3/4% Sales Tax Increase to be implemented by the State Board of Equalization pending voter approval at the November 08, 2016 Election.

Motion (West/Tissot) to approve the first reading of Ordinance 2016-02. Passed unanimously.

XII. ADJOURNMENT

Meeting ended at 10:40pm

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, AUGUST 23, 2016

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 1:00PM. Council members in attendance: West, Fulkerson, Miller, Baker. *Tissot was absent.*
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – *No closed session.*

IV. RECONVENE TO OPEN SESSION – *Nothing to report.*

V. APPROVAL OF AGENDA

Motion (West/Baker) to approve the agenda written. Passed unanimously.

VI. APPROVAL OF MINUTES – *No minutes to approve.*

VII. COUNCIL MEMBER REPORTS – *No reports.*

VIII. STAFF REPORTS – *No reports.*

IX. ITEMS FROM THE FLOOR:

Zackkary Zoah – Humboldt Pride

Announced September as LGBT Awareness and Humboldt Pride month. Requested the City consider a Proclamation at their September meeting.

Jim Cuthbertson – Trinidad

The Wagner Street Trail has been maintained poorly. The City must honor their agreements to keep that trail in better shape than it is.

Susan Rotwein – Trinidad

Why hasn't the City arranged mediation with the Ocean Avenue residents as per the VDU ordinance? Requested that critical infrastructure such as the Last Chance Grade and Humboldt Bay be maintained to support commerce. The City should be careful when drafting a noise ordinance to not undermine town fishing operations at the Harbor or in areas where fishermen do business.

Alan Grau – Trinidad

Complained about the meeting time.

X. CONSENT AGENDA – *None*

XI. DISCUSSION/ACTION AGENDA:

1. VDU Ordinance Amendment: Continued consideration of an amendment to the existing VDU ordinance (§17.56.190 of the Trinidad Zoning Ordinance) and development of additional regulations to cap the number and / or density of VDUs in Trinidad. Specific topics of focus include, but are not necessarily limited to: definitions of different types of VDUs/STRs, cap, distance buffer, license transferability and enforcement.

Policy #1: Limiting the number of short-term rentals

By consensus, the Council agreed to the PC recommendations of the following cap; (19) in the UR Zone, (6) in the SR Zone. No restrictions on the number of STR's in Commercial or PD Zones.

Policy #2: Density Buffers

Baker: The proposed 100ft buffer brings up too many implementation problems. I suggest something more simple, such as one or two non-STR's should separate a permitted STR.

West: Agree with Baker. Would like to avoid over-complicating things and support Baker's suggestion. Concerned about new STR's and discretion issues the PC or Council may encounter if numerous applications have to be reviewed.

Miller: Suggested that density restrictions be placed in areas like Ocean & View Street due to congestion issues. Also that we could recommend a review period every few years to ensure enforcement requirements are working.

Fulkerson: I prefer a more common sense approach by letting the cap and strict enforcement solve the problem without buffers. We could create an interesting economic system by limiting the ability of owners on Ocean or View Street to rent their homes, and giving the more expensive ocean view homeowners less restrictions. Not sure if I agree with that.

City Attorney Stunich explained that the ordinance can allow the permit as a right if all the conditions are met. If the owner can't meet them all, then discretionary authority could be exercised by Staff, for example, as in the conditional use permit process. All permits could be subject to the non-transferability clause until the cap is met. He also explained property values related to STR permits.

Council unanimously agreed that for new STR licenses, no adjoining property lines should be shared with another STR.

Policy #3: Transferability

Council unanimously agreed that STR licenses could only be transferred to a spouse. No long-term or multi-generational transfers allowed.

Policy #4: Hosted (owner-occupied) vs. non-owner occupied

Council unanimously agreed to no cap or activity required for hosted rentals. 1-bedroom, 2 guest max for hosted rentals.

Policy #5: Minimum Rental Activity

Council unanimously agreed to require a minimum of 60 days per year rented, and retro-active for 2015 and 2016. City Manager Berman suggested the city rework it's occupancy tax form so it calls out number of days rented.

BREAK FOR PUBLIC COMMENT

Public Comment included

Alan Grau – Trinidad

Submitted a letter and read it aloud. Suggested ways of reaching the desired cap and emphasized enforcement.

Dick Bruce – Trinidad

I support Baker's suggestion regarding no new VDU's sharing property boundaries. Clustering has been an issue since the beginning.

Joe Moran – Trinidad

Current ordinance is good, and enforceable. Cap will be reached through weak links. Thanked the Council and PC for their effort.

Jan Hunt – Trinidad

Own property on Scenic Drive. Disagreed with the City Attorney, stating that long-term rentals – in fact – generate more profit. Clamp down on problems, but don't punish good managers and properties. Please set a deadline to resolve this and move on.

Jim Cuthbertson – Trinidad

Half of Van Wycke street is vacation rentals. I don't support buffers. Follow the rules and enforce them.

Susan Rotwein – Trinidad

Fix what is broken, not what's working well. New rentals should be on a wait list. Exceptions to noise should be granted to fisherman at the doc. Clustering should be up to the Planning Commission to use discretion when issuing permits. Transferability should not be allowed until the cap is reached.

Jonna Kitchen – Trinidad

We've had over 1100 stays this year with Trinidad Retreats and had no complaints. Focus on noise, or gatherings, but not public parking. The line between when guest and management responsibility should be clarified. Complaint process should be clear. Concerned about sharing private guest information. Submitted comments in writing.

Dorothy Cox – Trinidad

Support Baker's suggestion that STR's don't share a property boundary.

Tom Davies – Trinidad

Density issue must be addressed, and a cap must be reached asap. Enforcement is not the silver bullet that it's supposed to be. Signage issues still exist. No transferability, 1-STR per parcel, and please consider PC recommendations.

Alan Grau – Trinidad

Read a letter on behalf of wife Leslie Farrar. Explained expectations when they bought their home, and how things have changed since they built their home. Asked why property owners are granted commercial permission in residential areas.

Reid Kitchen – Trinidad

Handed out Trinidad Retreats guest contract to illustrate the details his company covers with all guests, and the communication level that is achieved prior to arrival.

BACK TO COUNCIL FOR FURTHER DISCUSSION

Fulkerson: The special meeting was held at 1pm today to expedite a process that has been going on for years. I'd like to see STR's become self-funded with dedicated staff. Permits should cost at least \$1000 to cover cost of hiring someone to enforce all these rules. *Council agreed to direct staff to find ways of funding this position.*

Baker & Miller agreed to be a committee of 2 to review contract requirements and license fee sliding scale based on 2 or 3 night stay with a max fee of \$1000.

Policy #8: How to get to the cap

Council unanimously agreed that attrition is the way to get to the cap, not a lottery system.

Policy #9: How to manage wait list

Council unanimously agreed to a lottery system for new STR licenses. Applicants will have 180 days to comply with all regulations. If they fail, a new name will be drawn.

Policy #10: Hold Harmless Agreement

Council unanimously agreed to remove this from the list of requirements.

Policy #11: Complaint Process

City Attorney Stunich suggested including clause in contract for intended 3rd party beneficiary. That would allow disturbed neighbors and/or city to file suit against offensive guests, impressing upon person signing contract the seriousness of the consequences handed down for disturbing neighbors. It essentially adds strength to the neighbors ability to take action against tenants.

Policy #12: Violations/Penalties

Violations of ordinances are misdemeanors or infractions.

Policy #13: Good Neighbor Contract

Good neighbor contract needs to be improved.

Policy #14: Guest Registry

Council agreed to require managers keep a guest registry for all stays.

Policy #15: Meet & Greet

Council agreed that this was overly burdensome for the benefits received. As an alternative, managers should require that phone contact should be made with guests upon arrival.

Policy #16: Noise Ordinance

Council will consider a noise ordinance in the future.

Policy #17: Administrative Fees/Fines

Council/Staff will consider the possibility of enacting a tiered system for issuing administrative fines for costs incurred for violations of the ordinance.

Policy #18: Contact Info

Council agreed there should be one number listed as primary contact for rental management.

Policy #19: Occupancy limits

Council agreed to change the current policy of (2) guests per bedroom plus (2), to only (2) guests per bedroom. However, first (2) children under the age of 12 are not counted in the guest headcount.

Policy #20: Visitors

No guests allowed between the hours of 10:00pm and 7:00am.

Baker suggested that STR Licenses should be withheld or revoked if the owners vegetation is encroaching into the public street or right-of-way.

Conclusions reached at this meeting will be included in a new draft and brought back to the Council at the regular meeting in September for further consideration.

XII. ADJOURNMENT

Meeting ended at 5:15pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Dwight Miller
Mayor



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

1. Financial Status Reports for July 2016

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
From 7/1/2016 Through 7/31/2016

201 - GFAdmin

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	250.00	250.00	3,500.00	92.86%
61000	EMPLOYEE GROSS WAGE	5,664.30	5,664.30	115,022.00	95.08%
61470	FRINGE BENEFITS	46.16	46.16	600.00	92.31%
65100	DEFERRED RETIREMENT	415.18	415.18	12,342.00	96.64%
65200	MEDICAL INSURANCE AND EXPENSE	1,766.81	1,766.81	14,801.00	88.06%
65250	Health Savings Program	15.98	15.98	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	21.45	21.45	3,451.00	99.38%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	45.22	45.22	750.00	93.97%
65600	PAYROLL TAX	466.95	466.95	9,743.00	95.21%
65800	Grant Payroll Allocation	(993.90)	(993.90)	(6,000.00)	83.44%
68090	CRIME BOND	455.00	455.00	455.00	0.00%
68200	INSURANCE - LIABILITY	10,160.80	10,160.80	10,400.00	2.30%
68300	PROPERTY & CASUALTY	3,807.05	3,807.05	4,680.00	18.65%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	10,000.00	100.00%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	0.00	0.00	45,000.00	100.00%
71410	BLDG INSPECTOR-ADMIN TASKS	820.00	820.00	4,500.00	81.78%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	0.00	9,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	848.45	848.45	14,000.00	93.94%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	14,000.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	16,200.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	130.00	130.00	5,500.00	97.64%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	500.00	100.00%
75170	RENT	650.00	650.00	8,200.00	92.07%
75180	UTILITIES	874.26	874.26	9,000.00	90.29%
75190	DUES & MEMBERSHIP	0.00	0.00	500.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	275.71	275.71	4,500.00	93.87%
75220	OFFICE SUPPLIES & EXPENSE	226.53	226.53	5,500.00	95.88%
75240	BANK CHARGES	0.00	0.00	250.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	2,500.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	91.15	91.15	2,000.00	95.44%
76130	CABLE & INTERNET SERVICE	170.40	170.40	3,300.00	94.84%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78170	SECURITY SYSTEM	0.00	0.00	1,500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,500.00	100.00%
	Total Expense	<u>26,207.50</u>	<u>26,207.50</u>	<u>341,194.00</u>	<u>92.32%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
From 7/1/2016 Through 7/31/2016

301 - Police

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	2,520.51	2,520.51	5,330.00	52.71%
65100	DEFERRED RETIREMENT	282.78	282.78	222.00	(27.38)%
65200	MEDICAL INSURANCE AND EXPENSE	558.86	558.86	0.00	0.00%
65250	Health Savings Program	5.40	5.40	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	160.00	100.00%
65600	PAYROLL TAX	212.29	212.29	425.00	50.05%
65800	Grant Payroll Allocation	(17.13)	(17.13)	0.00	0.00%
75170	RENT	650.00	650.00	8,200.00	92.07%
75180	UTILITIES	164.61	164.61	2,500.00	93.42%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	226,500.00	100.00%
75350	ANIMAL CONTROL	113.00	113.00	1,500.00	92.47%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	500.00	100.00%
76110	TELEPHONE	<u>32.90</u>	<u>32.90</u>	<u>1,200.00</u>	<u>97.26%</u>
	Total Expense	<u>4,523.22</u>	<u>4,523.22</u>	<u>247,537.00</u>	<u>98.17%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
From 7/1/2016 Through 7/31/2016

401 - Fire

		Current Month	Year to Date	Total Budget - Original	% of Budget
	Expense				
60900	HONORARIUMS	150.00	150.00	1,800.00	91.67%
75180	UTILITIES	42.40	42.40	1,150.00	96.31%
75190	DUES & MEMBERSHIP	0.00	0.00	100.00	100.00%
75280	TRAINING / EDUCATION	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	5,000.00	100.00%
76110	TELEPHONE	54.12	54.12	1,000.00	94.59%
76140	RADIO & DISPATCH	0.00	0.00	900.00	100.00%
78140	VEHICLE FUEL & OIL	87.34	87.34	350.00	75.05%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	2,500.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	<u>0.00</u>	<u>0.00</u>	<u>400.00</u>	<u>100.00%</u>
	Total Expense	<u>333.86</u>	<u>333.86</u>	<u>17,100.00</u>	<u>98.05%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
From 7/1/2016 Through 7/31/2016

501 - PW (Public Works)

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	(178.24)	(178.24)	71,561.24	100.25%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	(66.65)	(66.65)	8,891.13	100.75%
65200	MEDICAL INSURANCE AND EXPENSE	703.72	703.72	29,514.02	97.62%
65250	Health Savings Program	7.00	7.00	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	2,222.78	100.00%
65600	PAYROLL TAX	(17.52)	(17.52)	6,348.27	100.28%
65800	Grant Payroll Allocation	(1,561.30)	(1,561.30)	(22,500.00)	93.06%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	6,000.00	100.00%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	0.00	2,300.00	100.00%
75220	OFFICE SUPPLIES & EXPENSE	392.22	392.22	0.00	0.00%
75300	CONTRACTED SERVICES	75.00	75.00	24,000.00	99.69%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	500.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	7,500.00	100.00%
78120	STREET LIGHTING	372.59	372.59	4,500.00	91.72%
78130	TRAIL MAINTENANCE	0.00	0.00	3,500.00	100.00%
78140	VEHICLE FUEL & OIL	390.09	390.09	4,000.00	90.25%
78150	VEHICLE REPAIRS	0.00	0.00	2,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	3,114.80	3,114.80	4,000.00	22.13%
78190	MATERIALS, SUPPLIES & EQUIPMEN	357.36	357.36	5,000.00	92.85%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
	Total Expense	<u>3,589.07</u>	<u>3,589.07</u>	<u>165,337.44</u>	<u>97.83%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 7/1/2016 Through 7/31/2016

Revenue	Current Month	Year to Date	Total Budget - Original	% of Budget
41010 PROPERTY TAX - SECURED	0.00	0.00	91,500.00	(100.00)%
41020 PROPERTY TAX - UNSECURED	0.00	0.00	3,300.00	(100.00)%
41030 PROPERTY TAX - PRIOR SECURED	0.00	0.00	50.00	(100.00)%
41050 PROPERTY TAX - CURRENT SUPPL	0.00	0.00	600.00	(100.00)%
41060 PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	(100.00)%
41071 MOTOR VEHICLES	0.00	0.00	1,000.00	(100.00)%
41110 PROPERTY TAX EXEMPTION	0.00	0.00	1,300.00	(100.00)%
41130 PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,600.00	(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	(1,500.00)	(100.00)%
41200 LAFCO Charge	0.00	0.00	(1,500.00)	(100.00)%
41210 IN-LIEU SALES & USE TAX	0.00	0.00	12,000.00	(100.00)%
41220 IN LIEU VLF	0.00	0.00	20,000.00	(100.00)%
42000 SALES & USE TAX	0.00	0.00	220,000.00	(100.00)%
43000 TRANSIENT LODGING TAX	5,504.80	5,504.80	140,000.00	(96.07)%
43100 TRANSIENT LODGING TAX-TBID	0.00	0.00	(10,000.00)	(100.00)%
46000 GRANT INCOME	0.00	0.00	100,000.00	(100.00)%
46100 Measure Z Grant Income	0.00	0.00	75,000.00	(100.00)%
53010 COPY MACHINE FEE	8.74	8.74	30.00	(70.87)%
53020 INTEREST INCOME	155.92	155.92	5,000.00	(96.88)%
53090 OTHER MISCELLANEOUS INCOME	1,500.00	1,500.00	1,000.00	50.00%
54020 PLANNER- APPLICATION PROCESSIN	750.00	750.00	8,000.00	(90.63)%
54050 BLDG.INSPECTION APPLICATION PROCESSI	1,892.26	1,892.26	9,000.00	(78.97)%
54100 ANIMAL LICENSE FEES	0.00	0.00	200.00	(100.00)%
54150 BUSINESS LICENSE TAX	5,432.00	5,432.00	7,500.00	(27.57)%
54170 VDU License Fee	0.00	0.00	9,000.00	(100.00)%
54300 ENCROACHMENT PERMIT FEES	0.00	0.00	400.00	(100.00)%
56400 RENT - VERIZON	2,125.89	2,125.89	23,500.00	(90.95)%
56500 RENT - HARBOR LEASE	0.00	0.00	5,135.00	(100.00)%
56550 RENT - PG& E	0.00	0.00	9,500.00	(100.00)%
56650 RENT - SUDDENLINK	0.00	0.00	3,800.00	(100.00)%
56700 RENT - TOWN HALL	1,017.50	1,017.50	5,000.00	(79.65)%
59999 INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	30,000.00	(100.00)%
Total Revenue	<u>18,387.11</u>	<u>18,387.11</u>	<u>772,615.00</u>	<u>(97.62)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
From 7/1/2016 Through 7/31/2016

204 - IWM

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
47650	RECYCLING REVENUE	0.00	0.00	7,000.00	(100.00)%
56150	FRANCHISE FEES	<u>0.00</u>	<u>0.00</u>	<u>6,000.00</u>	<u>(100.00)%</u>
	Total Revenue	<u>0.00</u>	<u>0.00</u>	<u>13,000.00</u>	<u>(100.00)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	451.40	451.40	10,605.00	95.74%
65100	DEFERRED RETIREMENT	54.16	54.16	1,359.00	96.01%
65200	MEDICAL INSURANCE AND EXPENSE	379.22	379.22	5,825.00	93.49%
65250	Health Savings Program	3.50	3.50	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	340.00	100.00%
65600	PAYROLL TAX	38.67	38.67	971.00	96.02%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	500.00	100.00%
75130	GARBAGE	11.60	11.60	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	<u>0.00</u>	<u>0.00</u>	<u>1,200.00</u>	<u>100.00%</u>
	Total Expense	<u>938.55</u>	<u>938.55</u>	<u>20,800.00</u>	<u>95.49%</u>
	Net Income	<u>(938.55)</u>	<u>(938.55)</u>	<u>(7,800.00)</u>	<u>(87.97)%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
From 7/1/2016 Through 7/31/2016

601 - Water

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
53020 INTEREST INCOME	0.00	0.00	1,500.00	(100.00)%
53090 OTHER MISCELLANEOUS INCOME	0.00	0.00	2,500.00	(100.00)%
57100 WATER SALES	23,955.24	23,955.24	305,000.00	(92.15)%
57200 Water Sales - Wholesale	600.00	600.00	3,000.00	(80.00)%
57300 NEW WATER HOOK UPS	0.00	0.00	1,000.00	(100.00)%
57500 WATER A/R PENALTIES	363.43	363.43	1,000.00	(63.66)%
Total Revenue	<u>24,918.67</u>	<u>24,918.67</u>	<u>314,000.00</u>	<u>(92.06)%</u>
Expense				
61000 EMPLOYEE GROSS WAGE	3,885.75	3,885.75	98,044.00	96.04%
61250 OVERTIME	0.00	0.00	500.00	100.00%
65000 EMPLOYEE TAXES, INSUR & BENEFIT	(311.86)	(311.86)	0.00	0.00%
65100 DEFERRED RETIREMENT	408.63	408.63	11,766.00	96.53%
65200 MEDICAL INSURANCE AND EXPENSE	2,898.69	2,898.69	40,587.00	92.86%
65250 Health Savings Program	23.77	23.77	0.00	0.00%
65300 WORKMEN'S COMP INSURANCE	11.55	11.55	2,994.00	99.61%
65600 PAYROLL TAX	640.64	640.64	8,534.00	92.49%
65800 Grant Payroll Allocation	(1,195.14)	(1,195.14)	0.00	0.00%
68090 CRIME BOND	245.00	245.00	0.00	0.00%
68200 INSURANCE - LIABILITY	5,471.20	5,471.20	6,125.00	10.67%
68300 PROPERTY & CASUALTY	2,049.95	2,049.95	2,275.00	9.89%
71110 ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	1,000.00	100.00%
71210 CITY ENGINEER-ADMIN. TASKS	0.00	0.00	4,000.00	100.00%
71510 ACCOUNTANT-ADMIN TASKS	456.85	456.85	6,500.00	92.97%
71620 AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,000.00	100.00%
72100 BAD DEBTS	67.75	67.75	350.00	80.64%
75180 UTILITIES	1,240.83	1,240.83	11,000.00	88.72%
75190 DUES & MEMBERSHIP	0.00	0.00	1,000.00	100.00%
75220 OFFICE SUPPLIES & EXPENSE	207.41	207.41	3,000.00	93.09%
75240 BANK CHARGES	10.00	10.00	0.00	0.00%
75280 TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75300 CONTRACTED SERVICES	0.00	0.00	25,000.00	100.00%
76110 TELEPHONE	121.09	121.09	1,800.00	93.27%
76130 CABLE & INTERNET SERVICE	67.35	67.35	750.00	91.02%
76160 LICENSES & FEES	0.00	0.00	2,750.00	100.00%
78120 STREET LIGHTING	0.00	0.00	1,600.00	100.00%
78140 VEHICLE FUEL & OIL	44.51	44.51	1,500.00	97.03%
78150 VEHICLE REPAIRS	0.00	0.00	2,000.00	100.00%
78160 BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,000.00	100.00%
78170 SECURITY SYSTEM	73.50	73.50	500.00	85.30%
78190 MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	14,000.00	100.00%
78200 EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100 WATER LAB FEES	338.00	338.00	3,500.00	90.34%
79120 WATER PLANT CHEMICALS	0.00	0.00	7,500.00	100.00%
79130 WATER LINE HOOK-UPS	0.00	0.00	1,000.00	100.00%
79150 WATER LINE REPAIR	830.46	830.46	15,000.00	94.46%
79160 WATER PLANT REPAIR	479.56	479.56	8,000.00	94.01%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
From 7/1/2016 Through 7/31/2016

90000	Capital Reserves	<u>0.00</u>	<u>0.00</u>	<u>15,000.00</u>	<u>100.00%</u>
	Total Expense	<u>18,065.49</u>	<u>18,065.49</u>	<u>307,075.00</u>	<u>94.12%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
From 7/1/2016 Through 7/31/2016

701 - Cemetery

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
58100	CEMETERY PLOT SALES	100.00	100.00	9,500.00	(98.95)%
58150	Cemetery Plot Refunds	(1,410.00)	(1,410.00)	0.00	0.00%
	Total Revenue	<u>(1,310.00)</u>	<u>(1,310.00)</u>	<u>9,500.00</u>	<u>(113.79)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	568.23	568.23	13,291.00	95.72%
65100	DEFERRED RETIREMENT	68.20	68.20	1,718.00	96.03%
65200	MEDICAL INSURANCE AND EXPENSE	469.13	469.13	7,344.00	93.61%
65250	Health Savings Program	4.35	4.35	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	0.00	429.00	100.00%
65600	PAYROLL TAX	48.66	48.66	1,227.00	96.03%
75180	UTILITIES	44.13	44.13	750.00	94.12%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	<u>1,202.70</u>	<u>1,202.70</u>	<u>25,259.00</u>	<u>95.24%</u>
	Net Income	<u>(2,512.70)</u>	<u>(2,512.70)</u>	<u>(15,759.00)</u>	<u>(84.06)%</u>



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

2. Proclamation in Recognition of LGBT Awareness Month, September 2016.

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

Dwight Miller, Mayor
Gabriel Adams, City Clerk



**PROCLAMATION IN RECOGNITION OF LESBIAN, GAY, BISEXUAL, AND
TRANSGENDER AWARENESS MONTH SEPTEMBER 2016.**

WHEREAS, one of our nation's greatest strengths is the rich diversity of its people. Lesbian, Gay, Bisexual, and Transgender Americans form an important part of our national tapestry, and have contributed to many facets of our society. However, they are still marginalized, discriminated against, physically and emotionally attacked; and

WHEREAS, the City of Trinidad recognizes and celebrates the steps forward our nation has made, but the challenge and struggle for full equality continues for Trinidad residents or visitors, including those in its Lesbian, Gay, Bisexual and Transgender community; and

WHEREAS, the 24th Annual Humboldt Pride Parade and Festival will be held in the City of Eureka on September 10th, 2016; and

WHEREAS, the Humboldt Pride 2016 Parade and Festival invites all people from Humboldt County, Northern California and Southern Oregon to celebrate our diverse community with a week-long series of events from September 3 through 11, 2016, culminating with the Humboldt Pride Parade and Festival at Halvorsen Park.

THEREFORE, LET IT BE PROCLAIMED that the City Council of the City of Trinidad designates September 2016 to be LESBIAN, GAY, BISEXUAL AND TRANSGENDER AWARENESS MONTH in the City of Trinidad.

Attest:

Gabriel Adams
Trinidad City Clerk

Julie Fulkerson
Mayor, City of Trinidad

City of Trinidad

From: Humboldt Pride Vendor Coordinator [vendor@humboldtpride.org]
Sent: Monday, August 22, 2016 2:14 PM
To: City of Trinidad
Subject: Re: Proclamation

Attachments: Proclamation 2016 - LGBT.docx



Proclamation 2016 -
LGBT.docx ...

Hi Gabe,

Thanks so much for your quick reply.

I realize that we're very late in asking for the proclamation. Unfortunately, we lost our Festival Coordinator last month. All of us on the Board of Directors are working together to fill in, but the proclamations got lost in the shuffle.

If you could possibly have the Council read the attached proclamation at the 8/23 meeting I'd be very grateful. I'm happy to be at the meeting.

If you can't do tomorrow, I think the 9/14 meeting will be just fine.

Please thank the Mayor & Council for their support.

Cheers,

Zakkary Zoah
Vendor Coordinator
Member, Board of Directors

2016 Humboldt Pride Festival & Parade
Saturday, September 10, 2016
Noon-5
Halvorsen Park in Eureka

vendor@humboldtpride.org
Vendor info line: 707-273-6936

Registration info: humboldtpride.org/vendors/ [facebook.com/humboldtpride](https://www.facebook.com/humboldtpride)

On 8/22/2016 1:57 PM, City of Trinidad wrote:

> Zak.
>
> Attached is last year's proclamation. Read it over, make adjustments
> as you see fit, and return when ready.
>
> Gabriel Adams
> Trinidad City Clerk
> P.O. Box 390
> 409 Trinity Street
> Trinidad, CA 95570
> Ph: 707.677.0223
> Fax: 707.677.3759
> www.trinidad.ca.gov
>
>



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

3. Declaration of City Council Nominees for Public Office for the November 2016 Election.



NOMINEES FOR PUBLIC OFFICE

Notice is hereby given that the following persons have been nominated for the offices mentioned below to be filled at the general municipal election to be held in the City of Trinidad on TUESDAY, NOVEMBER 08, 2016.

TRINIDAD CITY COUNCIL

JACK WEST (Incumbent)

STEVE LADWIG

Dated, Friday, August 19, 2016

Gabriel Adams
Trinidad City Clerk



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

4. Approve Amendment to Contract for Firehouse Expansion Plans

Trinidad City Council

Consent Agenda

September 14th 2016

Item: Approve amendment to Manhard Consulting contract for Firehouse Expansion plans.

Last year the City contracted with Manhard Consulting to develop plans for an expansion of the Trinidad Firehouse. This expansion will greatly improve the functionality of the Firehouse, which is currently very difficult to maneuver the TVFD vehicles in and out of. The plans are complete and have been approved by our building inspector. In order to put the construction project out to bid as required by City and State codes, a set of technical specifications are needed to accompany the plans. Manhard's proposal has been reviewed by the City Engineer and deemed reasonable. Once these specifications are complete, the City will solicit bids for construction. The specifications will cost \$3,000, and up to an additional \$3,000 is included on a time and materials basis to allow the designers to assist in responding to bid questions and providing construction support as needed.

Recommended Action:

1. Authorize City Manager to execute amendment for additional engineering services with Manhard Consulting for Trinidad Firehouse Expansion.



Civil Engineering

Surveying

Water Resources Management

Water & Wastewater Engineering

Supply Chain Logistics

Construction Management

Environmental Sciences

Landscape Architecture

Land Planning

September 8, 2016

City of Trinidad
 Attn: City Manager, Daniel Berman
 P.O. Box 390
 Trinidad, CA 95570

**RE: PROPOSAL FOR ADDITIONAL ENGINEERING SERVICES
 TRINIDAD FIREHOUSE EXTENSION
 409 TRINITY STREET
 TRINIDAD, CA 95570**

Dear Mr. Berman;

Per your request, we offer to perform the following additional services:

SS SPECIFICATION SHEETS	Prepare technical specification sheets (in CSI format) for the site work and building addition of the Trinidad Firehouse. Specifications to include compaction, concrete, framing, finishing, fixtures, and hardware. Note: Bidding forms and assistance is not a part of this contract.	<u>Lump Sum Fee:</u> \$3,000
BQ BID QUESTIONS	Respond to any questions from potential bidders as requested by the City of Trinidad.	<u>Est. Time and Materials Fee:</u> \$1,500
CS CONSTRUCTION SUPPORT	Provide construction inspections and contractor support on an as needed basis. Includes performing any required special inspections.	<u>Est. Time and Materials Fee:</u> \$1,500

This work is an amendment to our Agreement (Agreement) dated December 12, 2014 with respect to providing additional services. We offer to complete these services for fees as noted above in accordance with the terms and conditions (including the General Terms and Conditions) of the Agreement. Please provide acknowledgment of these additional services by signing below and returning one copy to our office. We will begin work as soon as we receive an executed copy and a retainer in the amount of \$0.

If you should have any questions, please do not hesitate to contact me.

Sincerely,
 MANHARD CA CONSULTING, LLC

Scott Nilsen
 Project Manager
 License No. and State CE No. 83451, CA

Praj White
 Area Manager
 License No. and State CE No. 65025, CA

ACCEPTED: **City of Trinidad**

By: _____
(Authorized Representative)

(Printed Name)

Title: _____

Date: _____

CONSENT AGENDA ITEM

Date: September 14, 2016

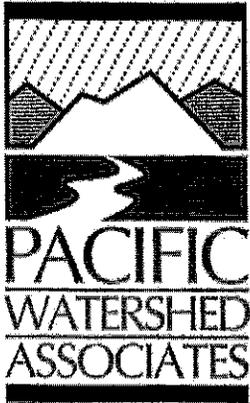
Item: Approve Proposal for Luffenholtz Creek Stream Flow Monitoring

Background: The City is required to monitor flow in Luffenholtz Creek as part of our water rights. This has been true since the 70's, and we have gotten by with infrequent spot measurements. The State Water Board has been pressing us for about three years to get continuous flow monitoring in place, so we can be sure not to overdraw the stream during dry years. Pacific Watershed Associates has proposed an elegant solution (see attached proposal) that is within the funds already budgeted for this project. This expenditure is already approved in the Water Fund Budget for the year.

Our City Engineers developed a draft proposal, but it required significant permitting time and expense as it involved altering the streambed. It also required electrical contractor work to wire it in to our Treatment Plant computers, and fabrication of specialized weirs to place in the stream. The estimated cost was significantly higher than this proposal. Staff solicited the attached proposal from Pacific Watershed Associates due to their experience in this field. The attached proposal from Pacific Watershed Associates largely avoids work in the creek, and is something they have successfully implemented in multiple other applications.

Staff recommendation: Authorize City Manager to approve the attached proposal with Pacific Watershed Associates to install flow monitoring equipment in Luffenholtz Creek.

Attachments: PWA Proposal for Luffenholtz Flow Monitoring



Date: July 11, 2016

To: Daniel Berman, City Manager
City of Trinidad
P. O. Box 390, Trinidad, CA 95570

From: Brad Job, P.E. #C55699
Pacific Watershed Associates, Inc.
P.O. Box 4433, Arcata, CA 95518

Re: Proposed scope of services for installation and first year maintenance of a low flow stream stage monitor for the City of Trinidad public water supply diversion, Luffenholtz Creek, Trinidad, California.

Dear Mr. Berman,

Thank you for providing Pacific Watershed Associates (PWA) with the opportunity to assist the City of Trinidad by installing and maintaining a real-time stream stage monitoring device. Our proposed monitoring device can relay stream stage data to the drinking water treatment plant operations building to measure low flow stream stage and resultant bypass flows in Luffenholtz Creek, immediately downstream of the City's point of diversion. The system will utilize an ultrasonic distance measuring device that communicates stream stage (water surface elevation) via a wired or wireless network (Wi-Fi) connection to the computer(s) located in the nearby treatment plant office. The proposed distance measurer will be accurate to ± 2 millimeters, excluding errors that may be associated with standing waves, wind waves, or accumulated debris on or in the creek.

Scope of Work and Estimated budget

For a firm, fixed price of \$16,000 (see budget below), PWA will:

- 1) Furnish a customized PWA Telemeter including all necessary hardware, firmware, low-voltage wire, installation materials, and labor for the project.
- 2) Install the Telemeter and all required wiring in accordance with the requirements of the current version of the California Building Code.
- 3) Establish a wired or Wi-Fi connection to the City's computer terminal or control center.
- 4) Develop a stage discharge relationship based on open channel flow calculations and simple on-site measurements of stream discharge during the low flow season. Low flow measurements are the focus of this installation. We may temporarily remove the device during the high flow winter period, or in the event that it appears likely that stream flow will exceed the capacity of the box culvert and subject the Telemeter to damage by floating debris or inundation.
- 5) If requested, assist the City's existing computer and programmable logic control (PLC) contractor in developing an interface compatible with the existing control system to display the data generated by the Telemeter. If the city elects to not integrate the PWA Telemeter with the existing PLC system, the stream stage can be monitored by directly reading output from the PWA Telemeter's unique Internet Protocol address. Disposition, portrayal and use of the data will be the City's responsibility. At the City's discretion and for an additional fee, we can

attach additional sensors to the PWA Telemeter such as water temperature, conductivity, pH, dissolved oxygen, or a tipping bucket rain gauge. However, this cost proposal is solely for the installation of the stage measuring device with no additional sensors.

- 6) Provide 1 year of service and maintenance for the customized Telemeter that includes the low voltage power supply, wiring installed by PWA, and PWA Telemeter. Maintenance will cover parts and labor in the event of product malfunction and does not include vandalism or theft. PWA will service or replace the Telemeter within 96 hours' notice that the device has malfunctioned. PWA's sole liability for uncollected, lost or inaccurate data is limited to replacement or repair of the Telemeter and associated equipment.

Cost estimate for Luffenholtz Creek low flow stream stage monitoring equipment, including installation and first year maintenance.	
Task	Cost Breakdown by Task
Task 1 – Hardware Development	\$4,600.00
Task 2 – Installation and Commissioning ¹	\$7,000.00
Task 3 – Service and Maintenance	\$2,151.00
Mileage - Ten round trips @ 30 miles @ \$0.54/mile	\$162.00
Indirect expenses @ 15%	\$2,088.00
Project Total	\$16,000.00
¹ Installation does not include time or cost associated with permits or related agency negotiations, if required.	

Provided and Excluded Items

The City agrees to provide a dedicated 120 VAC outlet that is suitable for the location (weather tight if outside) and/or a penetration through a wall that can accommodate a 12 gauge low-voltage two conductor wire to power the device. The City will provide PWA with access to the site during daylight hours.

This scope and budget does not include permit development (if required), contracting or administration of the work required by the City's current programmable logic control contractor. This agreement does not cover damage or loss due to theft or vandalism. In the event that the device is stolen or vandalized, PWA will provide a replacement PWA Telemeter to the City based on equipment costs, and actual time and materials costs for reinstallation and calibration..

Please contact me if you have any questions about the proposed scope of work and estimated budget. We look forward to working with you on this project.

PACIFIC WATERSHED ASSOCIATES INC.



Leonard Bradley Job,
Sr. Civil Engineer
Office: (707) 839-5130, Cell: (707) 407-6564



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

1. Presentation from the County of Humboldt regarding Ballot Measure S, the Local Commercial Marijuana Cultivation Tax

Trinidad City Council

Action Agenda Item 1

September 14th, 2016

Presentation regarding Ballot Measure S, the Local Commercial Marijuana Cultivation Tax.

County Administrative Officer (CAO) Amy Nilsen has requested time to give a presentation on Measure 'S' before the City Council. Measure 'S' is a proposed commercial marijuana cultivation tax that will be on the November 8th ballot.

The Humboldt County Board of Supervisors approved the Commercial Marijuana Cultivation Tax Ordinance on July 19, 2016 and voted to place the Measure on the November 8, 2016 General Election ballot on August 9, 2016. The proposal was developed after a presentation on June 21st to the Board showing the results of public opinion polling on the topic of commercial marijuana. The polling showed that countywide support for a commercial marijuana measure was three quarters of the poll respondents.

Measure 'S' would establish a tax of \$1.00 to \$3.00 per square foot on permitted cultivation. If passed, the County is currently estimating 400 permit holders generating approximately \$7.3 million annually in discretionary tax revenue.

Recommended Action:

Receive presentation

Information About Measure S

Humboldt County
Fall 2016



What is Measure S?

- On August 9, the Humboldt County Board of Supervisors unanimously placed Measure S on the November ballot.
- Measure S is a local commercial marijuana cultivation measure that, if enacted by voters, will help maintain local County services with locally-controlled funding.



Why was Measure S placed on the ballot?

- Humboldt County prides itself on fiscal responsibility, and protecting your public safety, environment and quality of life.
- The State has continually taken money from the County budget – over \$325 million from Humboldt County alone.
- Measure S would provide locally-controlled funding that cannot be taken by the State



Why was Measure S placed on the ballot? (continued)

- Measure S would provide a source of local funding to maintain essential services that cannot be taken by the State, including:
 - ✓ Enforcing laws that require marijuana growers to protect natural areas and waterways
 - ✓ Maintaining services for victims of child abuse
 - ✓ Maintaining rural ambulance service
 - ✓ Maintaining mental health services for children and families
 - ✓ Providing emergency communications for medical and first responders
 - ✓ Cleaning up after environmentally damaging marijuana farms



How does Measure S help protect our natural resources and beauty of our County?

- Illegal marijuana farms are destroying our environment and risking our health by:
 - Diverting and drying up sensitive creeks and streams
 - Use toxic pesticides that harm wildlife and risks public health
- If enacted, Measure S will ensure marijuana growers pay their fair share to:
 - Help protect our public safety, health and environment
 - Enforce laws that require growers protect our County's natural areas and water quality



How does Measure S address the illegal drug industry and increased narcotics use in our region?

- Hard drugs and narcotics like meth and heroin continue to be a growing problem in our County.
- With over \$325 million in State takeaways over the past 24 years, Sacramento has taken significant revenue from Humboldt County's budget.
- Measure S would provide additional local funds to fight:
 - Drug-related crimes
 - Eliminate drug labs
 - Provide drug prevention and rehabilitation services.



What does Measure S cost?

- If enacted, Measure S will tax commercial marijuana growers a rate of \$1-\$3 per square foot tax, based on the type of commercial marijuana grow.
- Funds from Measure S would be subject to strict accountability provisions including:
 - Annual independent audits
 - Public review of expenditures to ensure funds are spent efficiently and responsibly



When is the election?

- Measure S is on the November 8, 2016 ballot.
- To register to vote online and for more elections information, visit the Humboldt County Elections Department at humboldt.gov.org.



Where Can I Get More Information?

- The County will continue to update the community about Measure S.
 - Get more information at: humboldtgov.org
 - Sign up for our County e-newsletter: humboldtgov.org/newsletter
 - Visit humboldtgov.org/OpenHumboldt to provide your feedback





DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

2. Van Wycke Trail Project - Update and Authorize Initial GHD Scope

ACTION AGENDA ITEM

Date: September 14, 2016

Item: VAN WYCKE TRAIL PROJECT UPDATE AND DISCUSSION

Background: The Van Wycke Trail needs significant work, most notably where the underlying bluff is steadily failing and eroding the trail along with adjoining properties. The City has supported small scale repairs, funded feasibility and engineering studies and geological assessments, and sought external funding over many years. In early 2016 we received notice that our second attempt at securing a Department of Transportation (Caltrans) Active Transportation Program grant was successful in the amount of \$714,000. However it was only last month (August 2016) that we were allocated an initial \$35,000 allowing us to start work under the grant.

Staff will make a brief presentation outlining the current plans and schedule for this project. Staff and the Contract City Engineer, GHD are planning an open house Town Hall meeting to facilitate community input and discussion, and will return to the Council for discussion after that step.

The studies completed to date support a retaining wall approach to stabilize the failing section of trail. This is what was proposed in the grant. A possible alternative approach is a pedestrian bridge spanning the failing section, but this has not been explored in detail yet.

In order to get started, staff is recommending the Council authorize an initial Scope of Services with GHD, Inc. for the project, not to exceed \$10,000. The cost for the services will be reimbursed by the Caltrans Active Transportation Program funding.

Staff Recommendation:

- 1) Receive presentation, discuss, and authorize City Manager to sign a scope of services with GHD, Inc. to start work on the Van Wycke Trail Project.



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 22 PAGES

3. Update and Discussion on Wagner St. Trail and related Judgments and Settlements.

ACTION AGENDA ITEM

Date: September 14, 2016

Item: UPDATE ON WAGNER STREET TRAIL AND RELATED JUDGMENTS AND SETTLEMENTS

Background: There is a long history of disputes regarding the Wagner Street Trail, especially with regard to the access to the trail over private property off of Wagner Street. Litigation expenses related to this issue have been significant for the City over the years

In late 2014 the City requested that the Coastal Commission take the lead in evaluating and addressing claims that Coastal Act enforcement was needed regarding the Wagner Street Trail. Coastal Commission staff have indicated that they agree that there are problems, and have been actively working with John Frame to address those issues. The bollard posts in the trail entrance have been removed, but other issues have not been resolved. At last discussion, the Commission staff was hoping to come to agreement with Mr. Frame, but was considering recommending enforcement action if an agreement was not reached. City Staff are awaiting a response from Commission staff and hope to have a current update at our meeting. City staff have consistently requested engagement and participation in whatever resolution is developed, as the City will likely be involved in implementing whatever is decided.

The City, Mr. Frame, and the Coastal Commission are parties to a 2005 settlement (as well as earlier court judgments) that require specific actions and conditions.

The 2005 Settlement (attached) puts specific requirements on all parties. The City has received regular complaints that the agreements are not being honored in full by either the City or Mr. Frame.

A 2008 City Memo is attached that summarizes the overall situation as well as the 2005 and prior agreements.

Current Notes on City Responsibilities:

Vegetation: The City has not been doing any vegetation maintenance south of the trail in recent years, and it has grown up to impact views from portions of the trail. The City has recently received support from the Coastal Conservancy and the Tsurai Ancestral Society to go ahead with vegetation trimming as described in the 2005 Settlement. Staff anticipates hiring the CCC, or tribal CCC, to accomplish that work.

Signage: City staff would like to implement limited additional signage marking the Wagner Street access to the trail, consistent with the other secondary trails to

Old Home Beach as called for in the settlement agreement. The 4x4 wooden post trail markers used elsewhere in the City are not in place for the Wagner Street trail.

Signage, both City and private, is a topic of dispute that the Coastal Commission and Mr. Frame are discussing, and staff awaits that resolution before proceeding.

Staff Recommendation:

1) Receive staff presentation and public comment, discuss and provide direction as needed.

Attachments:

- 1) 2005 Settlement
- 2) 2008 Memo on Wagner Street.

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

Steve Albright, City Manager



Date: November 12, 2008
To: City Council Members, City Staff, and Trinidad Residents
From: Steve Albright, City Manager
Subject: ***City Policy on Maintenance of Wagner Street Trail***

For many years the public's use of the Wagner Street Trail (aka Old Wagon Road Trail) has been a contentious issue in the City of Trinidad. There are settlements from two separate lawsuits involving the City of Trinidad and the owner of the property on which a portion of the Trail exists. The terms of these settlements lie largely in two areas: They (1) confirmed the public's right to access the Wagner Street Trail, and (2) provided agreed-upon restrictions regarding the public's use of the Trail. (These agreements were entered into and approved by the court in 1994 and 2005. The latter one explicitly recognizes the former.)

This memo is intended to notify all interested parties as to the City administration's plan for fulfilling those portions of the Wagner Street Trail lawsuit settlement agreements and related obligations for which the City is responsible.

I. Trinidad's Beach Access Trails

There are Three Trails in All

There are two trails which provide the public access across City-owned property all the way to the beach on Trinidad Bay (called "Indian Beach" or "Old Home Beach"). One is the "Parker Creek Trail." The other is the "Axel Lindgren Memorial Trail," lying to the west of Parker Creek Trail.

There is a third trail, which connects to Parker Creek Trail--the "Wagner Street Trail." While the Wagner Street Trail provides connectivity to the beach, it does not extend all the way to the beach.

Coastal Conservancy Public Access to Indian Beach

The California Coastal Conservancy holds a general "open space easement" for the right of public access on the entire City-owned property where all three of these trails are located.

II. The Wagner Street Trail Lies in Two Ownerships

The Portion Not Owned or Controlled by the City Is An Easement

The west end of the Wagner Street Trail begins on Wagner Street in Trinidad; it starts approximately 148 feet east of the east line of Ocean Avenue, and runs towards Trinidad Bay. Along this length the Trail runs between the privately-owned residential properties at 427 Wagner Street and 475 Wagner Street, extending south approximately 93 feet along a 15 foot-wide strip of the 475 Wagner Street property until it meets City-owned property.

The easement portion of the Wagner Street Trail has its origin in a dedication of this 15-foot wide strip in 1981 when the property now known as 475 Wagner Street was owned by Carl and Lois Replogle. The easement's "General Intent" was stated as: "It is the purpose of this easement to formalize the public's right to pedestrian access to this land insofar as this access is consonant with good stewardship of our scenic natural resources. The purpose of this conservation easement is to prevent the loss of scenic beauty and natural state of this land."

This portion of the Trail consists of a "Conservation and Access Easement" across the privately-owned 475 Wagner Street property. This easement is held by the Humboldt North Coast Land Trust. The easement document itself states that it is "for conservation and limited public access. Public access will be limited to orderly pedestrian traffic along a foot trail over the easement, and for no other purpose whatever."

NOTE CAREFULLY: THE CITY OF TRINIDAD HAS ABSOLUTELY NO LEGAL AUTHORITY OR CONTROL OVER THIS PRIVATELY-OWNED PORTION OF THE WAGNER STREET TRAIL.

The Portion Which Is Owned and Controlled by the City

The easement portion of the Wagner Street Trail ends where the City's property begins. Here the Trail takes a left turn and runs roughly parallel to the blufftop on City property. The Trail extends east approximately 450 feet later where it intersects with the Parker Creek Trail, also on City-owned property. The Wagner Street Trail ends there.

III. City Responsibilities

Under the lawsuit settlement agreements, several items are the direct responsibility of the City of Trinidad. These responsibilities relate to City authority (local laws or police powers), or they relate to maintenance ONLY for those portions of the trail which are owned by the City of Trinidad.

1. Ordinances (laws).

The City has the right and the responsibility to enact laws--called city ordinances--to protect the health, safety and welfare of its citizens. In this case, the City amended its

municipal codes in June, 2008, by adopting Ordinance 2008-02. That Ordinance revised Chapter 12.20 of the Trinidad Municipal Code. In conformance with the terms of the settlement agreements the City's Code now clearly states:

- The Wagner Street Trail is to be used during daylight hours only;
- The presence of dogs and other animals is prohibited;
- The use of wheeled vehicles is prohibited; and
- The public has the right to the "use and quiet enjoyment" of the Wagner Street Trail.

The prohibitions listed above do NOT pertain to the use of the trail by handicapped persons. Even though this is not a handicapped-accessible trail, the presence of service animals, wheel chairs, or other devices to assist handicapped persons are not prohibited.

2. Enforcement.

The City of Trinidad is responsible for enforcing its ordinances. Since violation of this section of the code is either an infraction or a misdemeanor offense, the Trinidad Police Department will issue citations to persons who violate the ordinances.

3. Signs.

The lawsuit settlement agreement stipulated that the City would provide "equal signage" to the three trails that provide public access to Indian Beach. The City's Planning Commission approved the location of signs, and signs are now being installed. For the Wagner Street Trail, signs at two location identify the restrictions as identified above, and those signs reference the municipal code that is applicable to the trail restrictions.

4. Designation.

The Wagner Street Trail is to be designated as a trail to Indian Beach.

5. Maintenance.

Explicit details were included in the lawsuit settlement agreement signed in 2005 both for the City's maintenance of its part of the trail and the maintenance of the easement of the private property.

Maintenance of the privately-owned (easement) portion of the trail is the responsibility of the property owner and/or the North Coast Land Trust; the City of Trinidad has no authority over the privately-owned easement portion of the trail.

The settlement agreement states the following:

- The City will maintain its part of the trail at "no more than 3 feet wide";

- Grass or other vegetation on the trail will be mowed by the City “to approximately three or six inches (3” or 6”) and that mowing will only occur on the three-foot wide footpath of the trail”;
- Whenever the City performs vegetation maintenance on the south side of the trail (ocean side) it shall cut vegetation which is intended to be permanent (versus annual) “at heights of not less than three feet nor more than six feet”; and
- Vegetation on the north side of the trail will be trimmed to keep “encroaching vegetation (from) growing over or onto the trail” from the adjacent privately-owned properties. When encroachment begins in that area, “the City may trim the vegetation back to the south side of the fence” that identifies the privately-owned properties.

IV. Private Party Responsibilities

As to the privately-owned easement portion of the trail, the settlement agreement states that the property owner agreed:

- “that he will accept a four-foot wide footpath unimpeded by vegetation on his property adjacent to the Trail over which the Humboldt North Coast Land Trust holds a pedestrian access easement in order to facilitate public access to the Trail.”

V. City’s Maintenance Schedule

It is the City administration’s intent to establish a maintenance schedule for the City-owned portion of the Wagner Street Trail. This schedule will be needed especially between April and September when vegetation growth is the greatest and the trail is most used. Due to the limited number of maintenance staff and limited budget of the City, the City cannot be in a position of responding every time any person asks that some trimming or mowing is needed. City staff is not and will not be responsible for the maintenance of the privately-owned easement, and residents may not on their own volition assume the responsibilities of maintenance along the Wagner Street Trail on the City-owned property.

MUTUAL SETTLEMENT AGREEMENT AND RELEASE

This Mutual Settlement Agreement and Release is made and entered into between John Frame ("Frame") on behalf of himself and his heirs, executors, trustee(s), administrators and assigns, the City of Trinidad ("City"), by and through its authorized representative pursuant to City of Trinidad Resolution No. 2005-09, the California Coastal Commission ("Commission") and the California State Coastal Conservancy ("Conservancy"). Frame, City, Commission and Conservancy are sometimes referred to in this agreement as the "Parties." In consideration of the exchange of promises made in this agreement, the Parties agree as follows:

RECITALS

WHEREAS, the City owns an approximate 12.6 acre parcel of property on the bluffs adjacent to the Pacific Ocean within the City's corporate boundaries ("City property"). The Conservancy holds an easement over the City property for Native American resource protection, open space and public access over the City property; and

WHEREAS, Frame owns real property in the City adjacent to the City property; and

WHEREAS, the Parties have been involved in litigation regarding several issues for several years, to wit: Humboldt County Superior Court case numbers: 92DR0104; DR970041; DR980359; DR010279, DR000544 and CV030643; and,

WHEREAS, the Parties Frame, City, Commission and Conservancy intend by this agreement to once and for all resolve their past, present and future disputes; and

WHEREAS, the Parties desire to establish the location of the public access way called variously the "Old Wagon Road Public Access Trail," and the "Wagner Street Access Trail," (hereafter "the Trail") within the City of Trinidad in order to provide for its future use for the

public benefit and further desire to establish the respective rights of the Parties with respect to maintenance and use of the property owned by the Parties on and directly adjacent to the Trail and further desire to manage the property adjacent to the coastal bluff in such a way as to preserve for as long as is reasonably possible the coastal bluff and the Trail; and to protect the Tsurai Village site; and

WHEREAS, the Parties desire to establish an agreed boundary between the City property and Frame's property adjacent to the Trail to resolve the issues and litigation between the Parties and to provide for the City and the Conservancy's exclusive use and maintenance of the land to the south of that boundary for the public benefit and to provide for Frame's exclusive use and maintenance of the land to the north of that boundary for his private benefit;

NOW, THEREFORE, in consideration of the mutual promises set further herein, it is agreed and resolved by and between Frame, the City, the Commission and the Conservancy as follows:

AGREEMENT

1. Agreed Boundary Between City and Frame Parcels

The Parties have a disagreement based on inconsistencies and discrepancies contained in available surveying data, maps, records, field notes, deeds of record and judicial opinions as to the exact location of the common boundary between the respective parcels of Frame and the City. The Parties agree that a complete resolution of their differences requires that they enter into a final, binding and complete agreement to establish an agreed boundary between the respective adjoining parcels of Frame and the City. Accordingly, the Parties agree that an agreed common boundary (hereafter "Agreed Boundary") shall be established as that line that was staked on the

ground at the parties' joint site inspection on June 15, 2005 and as depicted in the drawing attached as Exhibit A, which is incorporated herein by reference. The Parties agree to cooperatively and within thirty (30) days commission and obtain a survey of the Agreed Boundary by Michael O'Hern, licensed surveyor. The Parties agree that within sixty (60) days following completion of the survey they will execute and deliver all deeds and other documents necessary to establish the Agreed Boundary consistent with Exhibit A to escrow together with instructions to record all deeds and other documents necessary to establish the Agreed Boundary.

The Parties anticipate some delay in the recording of all deeds and other documents necessary to establish the Agreed Boundary which is attributable to securing the approval by the State's Director of General Services. Based on the promises exchanged herein and the Parties' covenant to perform all acts required by their agreements, the parties agree that upon completion of the Agreed Boundary survey (but before recordation of deeds and the Agreed Boundary survey), Frame may construct his fence as allowed in Section 6 below. Until the permitted fence is constructed the City agrees not to maintain the trail to the north of the Agreed Boundary.

The costs of performing the survey of the Agreed Boundary, and costs of escrow and recordation of the required documents to establish the Agreed Boundary, shall be borne by Frame because the City refuses to contribute.

2. Conservancy Easement

The Parties acknowledge that the State of California, acting by and through the Conservancy, holds an easement over the property owned by the City for preservation of public access, open space and Native American natural and archeological resources and that nothing in this agreement defeats or modifies in any way the easement rights of the Conservancy over City

property. The Conservancy's easement is over the property owned by the City and does not extend to the property confirmed to Frame under this agreement. The establishment of the Agreed Boundary shall not result in extension of the Conservancy easement to Frame's property.

As a material term of this settlement agreement, the Conservancy agrees that from and after completion of the Agreed Boundary survey and construction of the fence by Frame, the Conservancy shall not assert any right of public access that is north of the Agreed Boundary, i.e. over Frame's property.

Upon execution of this agreement, the Conservancy shall take such measures as are necessary to confirm the boundaries of its easement to be consistent with the Agreed Boundary, including recordation of deeds or other documents, which are subject to approval by the State's Director of General Services.

3. Maintenance of Property

The Parties agree that the City will have the exclusive right to maintain all land to the south of the agreed boundary line provided for in this agreement, with that right to be exercised consistent with all pertinent law and consistent with the Conservancy easement on the property. The Parties further agree that Frame will have the exclusive right to maintain all land which he owns to the north of the Agreed Boundary provided for in this agreement, with that right to be exercised consistent with all pertinent law.

The Parties acknowledge that pursuant to sections 30106 and 30600 of the Public Resources Code, subject to the adopted Local Coastal Plan of the City of Trinidad and its implementing ordinances, any change in the density or intensity of use of property and any placement or erection of any solid material or structure on property in the Coastal zone shall require a coastal development permit.

In the interest of preserving the coastal bluff and Trail, the Parties agree that the Trail will be no more than 3 feet wide, that the City will mow the grass on the bluff to approximately three to six inches (3" to 6") and that mowing will only occur on the three-foot wide footpath of the Trail (on the portion of the trail adjacent to Frame's parcels as of the date of this agreement). The City wants to protect public use of the Trail from encroaching vegetation growing over or onto the Trail from Frame's property; when that occurs, the City may trim the vegetation back to the south side of the fence. Whenever the City performs vegetation management on the south side of the Trail, the City shall cut vegetation on the coastal bluff to preserve vegetation intended to be permanent rather than annual at heights of not less than three feet nor more than six feet. The Parties agree that in exercising their respective maintenance rights under this agreement, no Party will dump vegetation or debris of any type over the coastal bluff.

4. Width and Location of the Public Access Trail

The Parties agree that the Trail shall be maintained by the City as set forth in Section 3 above, and that the City may narrow the Trail in its discretion, in consultation with the Conservancy, if conditions on the bluff require narrowing of the Trail and so long as the Trail remains reasonably passable. The Parties agree that the Trail maybe placed as close as is practical to the south of the Agreed Boundary provided by this agreement.

5. Preservation of Access to Trail

Frame agrees as part of the consideration for this agreement that he will accept a four-foot wide footpath unimpeded by vegetation on his property adjacent to the Trail over which the Humboldt North Coast Land Trust holds a pedestrian access easement in order to facilitate public access to the Trail. Nothing in this agreement is intended to defeat, enhance or modify in any

way the easement rights owned by the Humboldt North Coast Land Trust or to defeat, enhance or modify in any way the final coastal development permit that required dedication of the easement now owned by the Humboldt North Coast Land Trust.

6. Placement of Fence Within Boundary Line

Frame will submit an application to the City for a coastal development permit for construction of the fence, no higher than four (4) feet, to be placed within his property immediately adjacent to the Agreed Boundary. The fence will be constructed of redwood boards six inches in width, alternately spaced on horizontal boards. The City, Conservancy and Commission agree that Frame's right to place such a fence on his property immediately adjacent to the Agreed Boundary is a material term of this settlement agreement.

The City will at the next regular or special meeting of the Planning Commission take action on Frame's application for a coastal development permit to construct the fence no later than ten days following submission of the application and the required public notice. The City, the Commission, and the Conservancy shall not initiate an administrative appeal to the Coastal Commission of the coastal development permit issued to Frame for construction of the fence. The coastal development permit for the fence shall include that Frame shall have the right of access to perform maintenance of the fence on the City side of the agreed boundary without the necessity for obtaining a further coastal development permit or for obtaining an encroachment permit to perform the maintenance. If the Coastal Development Permit described above is not issued to Frame by the City of Trinidad and if Frame is not allowed to build the fence, this agreement shall be void.

7. 1994 Stipulated Judgment in Humboldt County Action No. 92DR0104

The Parties specifically intend to abide by and implement the 1994 stipulated judgment in Humboldt County Action No. 92DR0104. The Parties specifically intend to implement each and all provisions of the 1994 judgment with respect to the Trail within sixty (60) days of the effective date of this agreement, including placement and maintenance of equal signage for all of the secondary trails provided for in the 1994 agreement, as previously agreed to by the City and Frame.

8. Civil Code Section 1542

The Parties fully understand and hereby relinquish and waive any and all rights or benefit they may have under section 1542 of the California Civil Code which reads as follows: "A general release does not extend to claims which the creditor does not know or suspect exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Notwithstanding the positive intention of the Parties set forth in the recital section of this Agreement, the Parties specifically provide that they do not intend that this release shall apply to future violations of state or local law by any Party to this agreement, nor do they intend that this release shall apply to future violations of this agreement or the 1994 Stipulated Judgment and Settlement Agreement.

9. Effectiveness of Agreement

This agreement shall be effective upon execution of the agreement by all Parties.

10. Attorneys Fees and Costs

The Parties agree that all Parties shall bear their own costs and attorney's fees incurred in

connection with this agreement.

11. Free and Voluntary Agreement

Each Party represents and warrants that his/its execution of this agreement and release is free and voluntary and acknowledges its independent right, absent this agreement, to pursue his/its pending litigation.

12. Continuing Jurisdiction

The Parties agree that consistent with the 1994 Stipulated Judgment and Settlement Agreement, and California Code of Civil Procedure § 664.6, the Humboldt County Superior Court shall retain continuing jurisdiction over the Parties to enforce the terms of this agreement until there is performance of the agreement by all Parties.

13. Stipulated Judgment, Continuing Jurisdiction and Dismissals

It is hereby stipulated by and between the parties that Humboldt County Superior Court Case Number DR980359 is settled and judgment shall be entered in that action pursuant to the terms of this agreement, which are and shall be binding on the parties hereto.

Upon completion of the survey necessary to establish the Agreed Boundary, the Parties shall prepare and place with an agreed escrow agent instructions for filing with the Humboldt County Superior Court forms of dismissal with prejudice regarding all of the pending matters between the Parties including Humboldt County Superior Court case numbers DR010279, DR000544 and CV030643, but not Humboldt County Superior Court number DR980359 in which a stipulated judgment is being entered pursuant to this agreement. Prior actions between these parties have resulted in judgments and are not proper subjects of dismissals, including Humboldt County Superior Court Case Numbers 92DR0104 and DR970041. The dismissals

shall be filed with the court by the escrow agent once the deeds and Agreed Boundary survey are recorded.

14. Miscellaneous Clauses

a. The Parties shall perform any acts, including executing any documents, that may be reasonably related to or necessary to fully carry out the provisions and intent of this Agreement.

b. This Agreement may be amended only by written consent of both parties.

c. All notices, demands, requests or other communications required or permitted by this Agreement shall be in writing and shall be deemed duly served when personally delivered to the Party or an officer or agent of the Party, or when deposited in the United States mail, first class postage prepared, addressed as follows:

John Frame
Post Office Box 360
Trinidad, CA 95570

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

and

City of Trinidad
City Hall
Post Office Box 390
Trinidad, CA 95570

California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612-2530

d. This Agreement shall be construed according to and governed by the laws of the State of California. The language of all parts of this Agreement shall, in all cases, be construed as a whole, affording to its fair meaning and not strictly for or against either any of the Parties.

e. This Agreement constitutes the sole and only Agreement of the Parties regarding this subject matter; it correctly sets forth the rights, duties and obligation of each to the other.

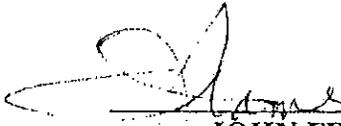
Any prior Agreements, promises, negotiations or representations concerning the Agreement, or

any of its subject matter, not expressly set forth in this Agreement are of no force or effect.

f. This Agreement shall be binding upon the Parties and their respective heirs, administrators, representatives, executors, successors and assigns and shall inure to the benefit of the Parties and each of them and to their heirs, administrators, representatives, executors, successors and assigns.

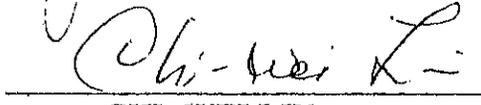
g. Nothing in this Agreement is, or shall be, alleged, claimed or construed by any Party hereto, their agents, counsel or representatives, to be a violation of any term or provision of any practice or policy; or a violation of any state law, federal law or any policy or regulation.

Date: 7/13/05, 2005



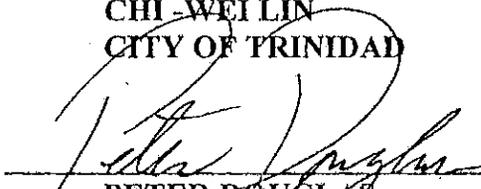
JOHN FRAME

Date: 7/15, 2005



CHI-WEI LIN
CITY OF TRINIDAD

Date: 7/15, 2005



PETER DOUGLAS,
Executive Director,
CALIFORNIA COASTAL
COMMISSION

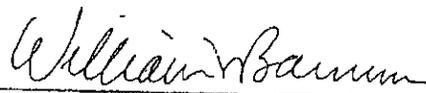
Date: 9/9/05, 2005



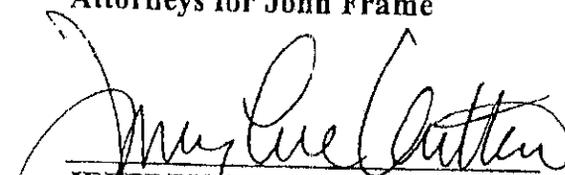
SAMUEL SCHUCHAT,
Executive Director,
CALIFORNIA COASTAL
CONSERVANCY

APPROVED AS TO FORM:

Date: July 13, 2005


WILLIAM F. BARNUM,
BARNUM & HERMAN
Attorneys for John Frame

Date: 9/16/05, 2005


JEFFREY LEE GUTTERO
Attorney for the City of Trinidad

Date: July 29, 2005

BILL LOCKYER, Attorney General of the
STATE OF CALIFORNIA

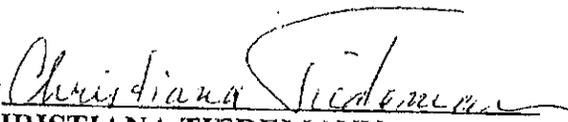
By 
CHRISTIANA TIEDEMANN
Deputy Attorney General
Attorneys for the California Coastal Commission
and the California Coastal Conservancy

EXHIBIT A

EXHIBIT A

OCEAN AVENUE

EAST STREET

N89°37'30"E 323.49
BASIS OF BEARINGS

LEGEND

- BRASS CAP MONUMENT, SEE BOOK 19 SURVEYS, PAGE 123
- SET 1/2" GALV. IRON PIPE WITH PLASTIC PLUG LS 4829

WAGNER STREET

FRAME INSTRUMENT NO. 1990-20312-3

FRAME INSTRUMENT NO. 1991-19899-3

POINT "A"

26.95
S81°15'05"E

63.83
S77°44'10"E

37.38
S74°03'00"E
26.58
S76°47'30"E

AGREEMENT LINE

CITY OF TRINIDAD INSTRUMENT NO. 1989-6473

AGREEMENT EXHIBIT FOR JOHN FRAME & CITY OF TRINIDAD IN

SECTION 23 T8N, R1W, H.M. JULY, 2005 SCALE 1" = 30'

KELLY-O'HERN ASSOCIATES EUREKA, CA



Michael J. O'Hern

Michael J. O'Hern L.S. 4829
License expires 9/30/06
Dated JULY 20, 2005

DESCRIPTION OF AN AGREEMENT LINE FOR JOHN FRAME AND THE CITY OF TRINIDAD

BEGINNING at a point on the Southerly extension of the West line of that parcel of land described in a quitclaim deed to John R. Frame, Trustee of Trust dated October 30, 1985, recorded August 24, 1990 as Instrument No. 1990-20312-3, Humboldt County Records, at a point that bears N 81° 15' 05" W from a point identified herein as Point "A" for convenience, said Point "A" bears S 32° 52' 24" E, 372.99 feet from the monument at the intersection of East Street and Ocean Avenue, as shown in Book 19 Surveys, Page 123, Humboldt County Records;

thence S 81° 15' 05" E, 26.95 feet to said Point "A";

thence S 77° 44' 10" E, 63.83 feet;

thence S 74° 03' 00" E, 37.38 feet;

thence S 76° 47' 30" E, 26.58 feet to the Southerly extension of the East line of that parcel of land conveyed to Shirley L. Johnston and John R. Frame by deed recorded August 30, 1991 as Instrument No. 1991-19899-3, Humboldt County Records.

The Basis of Bearings for this description is Book 19 Surveys, Page 123, Humboldt County Records.

Prepared by:

Michael J. O'Hern

Michael J. O'Hern

LS 4829 Exp. 9-30-06

Dated JULY 26, 2005



1 Laurence A. Kluck, SB #123791
2 Kelly M. Walsh, SB #159155

3 Mathews & Kluck
4 Attorneys at Law
5 100 M Street
6 Eureka, California 95501
7 Telephone: 707-442-3758

8 Attorneys for John Frame

HUMBOLDT SUPERIOR & MUNICIPAL
COURT
JUL 23 1997
FILED

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

10 JOHN FRAME,

NO. 92 DR 0104

11 Plaintiff

12 vs

ORDER GRANTING MOTION TO
ENFORCE JUDGMENT

13 CITY OF TRINIDAD, et al
14 Defendants

15 The motion of plaintiff John Frame for an order to enforce the
16 judgment dated August 23, 1994 came on regularly for hearing by the
17 court on July 8, 1997 in Courtroom 4 of the Humboldt County Superior
18 and Municipal Courts. The Honorable Harold E. Neville presided over
19 the hearing and plaintiff appeared through counsel, Laurence A. Kluck
20 and William Davis. Defendant, City of Trinidad appeared through
21 counsel David E. Tranberg. Defendant Humboldt Northcoast Land Trust
22 appeared through counsel Douglas Newlan. Intervenor and cross-
23 complainant the State of California appeared through its counsel
24 Kenneth R. Williams. The Trinidad Civic Club filed an Application
25 for Amicus Curiae and appeared through its counsel, Thomas Becker.

26 On proof made to the satisfaction of the court that the motion
should be granted:

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IT IS ORDERED that the motion be, and it hereby is, granted, ordering that the Wagner Street Trail in the City of Trinidad be closed forthwith for 90 days.

IT IS FURTHER ORDERED that the City of Trinidad be ordered to install signs at the beginning of the Parker Creek Trail and at the beginning of the Growth Lane Trail to Indian Beach designating the Growth Lane Trail and the Parker Creek Trail as trails to Indian Beach.

IT IS FURTHER ORDERED that upon the re-opening of the Wagner Street Trail to Indian Beach that the Wagner Street Trail shall be designated as a trail to Indian Beach and the City of Trinidad shall install a sign identical to those signs on the Growth Lane Trail and the Parker Creek Trail to Indian Beach. In addition the Wagner Street Trail shall have a sign installed by the City of Trinidad prohibiting dogs on the Wagner Street Trail and that the Wagner Street Trail will be open only during daylight hours.

Approval of this order may be made in counterparts.

Dated:

July 14, 1997

David E. Smith
Judge of the Superior Court

Approved as to form:

David E. J. 7-18-97
David Tranberg
Attorney for City of Trinidad

K.R. Williams 7/18/97
Kenneth R. Williams
Attorney for the State of California



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 13 PAGES

4. Discussion/Decision (Continued) regarding Amending Ordinance 2014-01, the City of Trinidad Vacation Dwelling Unit (VDU) Ordinance.

ACTION AGENDA ITEM

Date: September 14, 2016

Item: DISCUSSION OF REVISING ORDINANCE 2014-01, THE CITY OF TRINIDAD VACATION DWELLING UNIT ORDINANCE (CONTINUED FROM PRIOR MEETINGS)

Background:

The Council has provided direction on most of the key issues to be addressed in the planned revised Short Term Rental Ordinance. Those directions are summarized in the Table included below.

At the last meeting the Council appointed Mayor Miller and Councilmember Baker to meet as an ad-hoc committee to continue work on the detailed language. Their efforts, with staff assistance, are reflected in the attached current draft Ordinance. Legal review is ongoing. The remaining issues are highlighted below.

Schedule and Process for Adoption-

Ordinances require two public Council meetings for adoption once the language is final: introduction and first reading, followed by a second reading and adoption at a regular meeting at least five days later.

Staff hope to get sufficient direction at the September meeting to finalize the draft Ordinance, allow for final legal review, and conduct the first reading at a special meeting at least five days ahead of our regular October 12th meeting. That would result in the second reading and adoption at the regular meeting of October 12th.

The ordinance will then be submitted to the Coastal Commission for their review before taking effect. If that process results in amendments, the amended version will need to again be adopted by the Council.

Remaining Issues:

Preamble and Findings –

Our City Attorney is actively developing language for this. I expect a revised version by the time of our meeting.

Limiting any one property owner to a single STR License.

The Council has indicated support for this. But it was not explicit if the Council wanted this requirement to apply only to new licenses, or to apply it to existing licenses. In the latter case, two current owners would be unable to renew all but one of their licenses. There are currently two owners this would affect, one with three homes with licenses and one with two homes with licenses.

Our City Attorney has been clear that changes which result in the loss of existing licenses are more likely to lead us into legal challenges, and that if challenged, the City's justification for new regulations has to meet a higher standard when we are affecting existing operations than where we are setting standards for future licenses.

Staff therefore recommends that this requirement apply to new licenses, but not pre-existing licenses, similar to the buffer distance and the cap.

Staff also recommends (as reflected in the current Ordinance) that Homeshare STRs not be considered in this requirement, so that a property owner could operate a Homeshare STR in their own home, and have a separate 'regular' STR license at another property. This is consistent with the idea that the Homeshare option is distinct from typical un-hosted STRs.

Minimum Activity Requirement

The Council and Planning Commission have indicated support for a 60 night minimum requirement per year. The Committee discussed the potential downside of this requirement being impractical for long term residents who primarily reside in their home, but do operate an STR on a limited basis. These people do not qualify as a Homeshare because they rent the entire house while they are away, but not more than 60 nights a year.

There are a couple of ways this could be addressed if desired.

- i. A reduced minimum activity requirement where the property is also the primary residence of the owner. A 20 night minimum was discussed by the Committee.
- ii. Applying this to new licenses, and not 'pre-existing' licenses. This would allow the few existing residents in this situation to continue. But would not allow a small scale (< 60 nights) for anyone new, unless they were a Homeshare.
- iii. Pacific Grove takes a different approach of applying separate rules to STRs that operate on a small scale, i.e. less than 20 nights a year. Similar to what we are proposing for 'Homeshare' STRs. So for instance STRs that operate less than X nights a year (20?) could be exempt from certain provisions of the ordinance, like the minimum activity requirement. This path would create effectively three classes of STRs – Homeshares, limited use STRs, and 'regular' STRs, with different requirements for each.

If the Council wants to consider revising this, Staff lean towards the first option above, a lower minimum activity requirement for people in their own home. The third option would complicate things by creating three different 'classes' of STR licenses.

Parking Issues

The Committee considered whether it would be feasible to limit the total number of cars, similar to how we are limiting the number of guests. The reduction in occupancy and in total guests will help address parking issues. The Committee members may have more to share on this.

Staff's recommendation is that recurring parking problems be addressed on a case by case basis. If occupant and guest cars are consistently parking illegally, the City can limit occupancy down until the problem is resolved. If the City chooses at some point to consider a permit parking system, it would make it much easier to address this issue by limiting parking permits. As long as most of the streets are public parking, it is very difficult to proscribe who can use those parking places.

Homeshare STRs

Staff suggest that where the Ordinance provides that the Council shall set fees for STR licenses, it may need to be explicit that the fee structure may treat Homeshare STRs differently than 'regular' STRs.

As noted above, the 'one STR license per owner' requirement may not be appropriate for Homeshare STRs.

Violations and Fines

The Committee supports setting fines for significant violations of the ordinance, to be levied against the license holder (owner) in the range of \$150 for a first offence and \$300 for subsequent offences, with the clock reset after a year without a significant violation.

Of course the entire Ordinance remains open for discussion. If the Council moves through the issues above quickly, time will be well spent working front to back through the Ordinance.

Staff Recommendation:

Discuss and provide direction to staff.

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

DWIGHT MILLER, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 20##

**AN ORDINANCE OF THE CITY OF TRINIDAD
REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND
AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE
(REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND
AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING
ORDINANCE), AND AMENDING SECTION 17.56.060 OF THE TRINIDAD MUNICIPAL CODE
(AMENDING SECTION 6.069 OF THE COASTAL COMMISSION CERTIFIED ZONING
ORDINANCE)**

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

ORDINANCE 2016-0#, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), "City of Trinidad Short Term Rental Ordinance," which shall read as follows:

Section 17.56.180 (6.26) Regulations for Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Findings
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).DB	Definitions
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).ED	Application Requirements
17.56.190 (6.26).FE	Effect on Existing Vacation Dwelling Units
17.56.190 (6.26).GF	Location
17.56.190 (6.26).HG	Non-Permitted Uses
17.56.190 (6.26).IH	STR Standards
17.56.190 (6.26).JI	Tourist Occupancy Tax
17.56.190 (6.26).KJ	Audit
17.56.190 (6.26).LK	Dispute Resolution
17.56.190 (6.26).ML	Violations—Penalty
17.56.190 (6.26).NM	Violations—Revocation
17.56.190 (6.26).ON	Ordinance Review

17.56.190 (6.26).A

Short Title.

This Section shall be known and may be cited as "City of Trinidad Short Term Rental (STR) Ordinance."

17.56.190 (6.26).B

Findings

17.56.190 (6.26).C

Purpose.

The purpose of this Section is to provide for the renting of ~~single and multi-family dwellings, and accessory dwelling units, or portions thereof,~~ for periods of less than thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that Short Term Rentals are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.56.190 (6.26).DE

Definitions.

1#. Dwelling.

A single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

2. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

3#. Existing STR.

An STR that had a valid VDU license as of the effective date of this ordinance.

4. Good Neighbor Brochure & Good Neighbor Contract.

~~Good Neighbor Brochure.~~ "Good Neighbor Contract Brochure" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the ~~brochure contract~~ shall include provisions for maximum occupancy and visitors, off-street parking, ~~minimizing noise standards, establishing quiet hours, minimizing disturbance to neighbors and environmentally sensitive habitat areas,~~ and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

5. Homeshare STR

"Homeshare STR" means an STR whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR. A primary residence is where the homeowner lives more than 50% of the year, and which is documented through the property deed, government issued i.d. or voter registration; a person can only have one primary residence at any time.

6#. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. . As used in this Section, "occupant" does not include children aged 5 or under.

7#. Responsible Person.

Means ~~the~~ an occupant of an STR who is at least twenty-five (25) years of age, and who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

8#. Short Term Rental (STR)

"Short Term Rental" (STR) means a rental of any dwelling unit, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast (2) ongoing month-to-month tenancy granted to the same renter for the same unit, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

9#. STR Watch List

"STR Watch List" means one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

104. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

116. Visitor.

"Visitor" means someone staying temporarily at a STR, such as guests of occupants, but that is not an "occupant" and not staying at the STR overnight.

17.56.190 (6.26).ED

Application Requirements.

1. Initial Application.

a. Each STR must procure an STR License. ~~A VDU License issued pursuant to this Section shall also serve as a business license for rental activity pursuant to Chapter 5.04 of the Trinidad Municipal Code. No additional business license is required for an STR.~~ The STR License shall identify the existence of an STR at a particular address and declare the number of bedrooms in the STR and its intended maximum occupancy.

b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that ~~addresses the requirements of this Chapter~~ includes the Good Neighbor Contract and ~~includes any other forms as required by the City Manager~~ shall also be provided.

c. At the time of application for a new STR, the dwelling shall be subject to inspection by the building official. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulation. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.

d. Each application for an STR License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.

e. An initial STR License Fee, as set by resolution of the City Council, will be charged for the first year of each STR's operation.

f. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice may be combined with the required 24-hour ~~emergency~~ contact ~~phone~~ number notice required in subsection ~~5.04~~ below. STR License information, including license number, address, maximum occupancy and 24-hour contact, will also be posted on the City's website.

g. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting

from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact Information.

a. Local Contact Person (LCP).

Each STR must designate a Local Contact Person on the STR License form. That person may be either the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, and that person must live within 20 miles of Trinidad and be able to respond personally to an STR concern/emergency within 30 minutes.

b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each STR. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the STR. Any change to the emergency 24-hour contact phone number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change and posted within the STR. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.

The name of the LCP and emergency 24-hour contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR within 10 business days after the issuance or reissuance of an STR License for the STR.

The emergency contact information sent to neighbors may include further instructions in the case that a response from the 24-hour emergency contact phone number is not forthcoming. If there is an emergency or complaint, and the emergency contact person LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with a STR.

3. Initial License UR Zone Lottery.

After a _____ amortization period, all existing STRs within the UR Zone will be subject to a lottery in order to bring the number down to the established cap. All existing STRs within the UR zone shall be allowed to participate in the lottery. The City shall draw the first STR at random, and that owner shall be allowed to renew their STR license in accordance with this section. After that, the City will continue to draw STRs at random until the cap is met. If an STR is drawn and it does not meet the buffer, as required by §17.56.190.C, from another STR that has already been drawn, then the owner will not be allowed to renew that STR license and another name will be drawn. This process shall continue until the cap is met or there are no more names to draw. Once all the names are drawn, those that did not meet the buffer requirement shall be allowed to apply for (an exception) in the order in which their STRs were drawn.

3. STR License Renewals.

STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not have an initial inspection as required by ~~§17.56.190.D.1b~~ will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for

an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to ~~§17.56.190.F~~ (violations) or ~~§17.56.190.H.12~~ (license activity requirement) or until the STR license expires pursuant to ~~§17.56.190.D.3~~ (property transfer) or if it is voluntarily withdrawn.

4. Application Wait List & Lottery

It is the City's intention to maintain no more than 19 STR Licenses in the UR Zone and 6 in the SR Zone. When an STR license becomes available in one of those zones, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each zone, of property owners who are interested in obtaining a STR License for their dwelling unit. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate zone. If the property meets the UR zone buffer restriction that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property does not meet the UR zone buffer restriction, or if the person so selected does not obtain an STR License within 180 days, the City will draw another name from the waiting list for that zone.

17.56.190 (6.26).FE Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, the total number of STR ~~permits/licenses~~ issued by the City pursuant to this Section shall not exceed 19 in the UR Zone and 6 in the SR Zone.

17.56.190 (6.26).GF Effect on Existing Vacation Dwelling Units.

Existing STRs, in excess of the number allowed in ~~§17.56.190.F~~, or that do not meet the minimum distance between STRs in the UR zone as required by ~~§17.56.190.C~~, that hold a valid STR license issued by the City, shall be allowed to continue to operate under that STR license as long as the permit is renewed in accordance with ~~§17.56.190.D.2~~ unless or until such time as the permit is revoked pursuant to ~~§17.56.190.H~~ (violations) or ~~§17.56.190.H.12~~ (minimum license activity requirement) or until the STR license expires pursuant to ~~§17.56.190.D.3~~ (property transfer).

17.56.190 (6.26).HG Location.

STR's are permitted only in legally established dwelling units within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel ~~unless a Use Permit is approved by the Planning Commission.~~

~~No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone within 100 feet from another existing STR. Distances shall be measured from the closest property line of the existing STR, to the closest property line of the property containing the proposed STR.~~

~~This~~ Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (###) of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained approval of a Use Permit.

17.56.190 (6.26).IH Non-Permitted Uses.

No additional occupancy of the dwelling (with the exception of the property owner and private, non-paying guests) shall occur. An STR shall only be used for the purposes of occupancy as an STR or as a full-time occupied unit. ~~No other use (e.g. home occupation, temporary event, homestay, etc.) shall be allowed on the site.~~

17.56.190 (6.26).J# License Transferability.

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, "sale or transfer" means any change of ownership

during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner's death to a trust which benefits only a spouse for the spouse's lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then "sale or transfer" shall mean a change in 50% or more of the shareholders or members. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor's death or the sale or transfer of his or her interest in the entity to another person, the transient rental permit held by the transferor shall be revoked. STR Licenses shall run with the landowner and shall automatically expire upon sale or transfer of the property, except that a one-time transfer between spouses, children or a family trust is allowed.

17.56.190 (6.26).K One STR License Per Owner

No new STR license shall be issued to a property owner who already holds another STR license.

17.56.190 (6.26).L Homeshare STR Licenses

Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26) Maximum Number of Short Term Rentals
- 17.56.190 (6.26) Location
- 17.56.190 (6.26) One STR License Per Owner
- 17.56.190 (6.26) Minimum Activity

17.56.190 (6.26).MH STR Standards

All STRs will be required to meet the following standards:

1##. Transmittal of Rules and Good Neighbor Contract

Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

29. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

34. Number of Occupants.

The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom STR may have ~~four~~ six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the Suburban Residential Zone, if the STR has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. ~~On properties that do not meet the minimum distance restriction of §1756.190.G, the maximum number of occupants allowed is two (2) persons per bedroom.~~ Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

48. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5#. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names, and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

62. Off-Street Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section ~~1756.190(G)(2)(H)~~. The off-street parking space/s shall be entirely on the STR property. STR owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception ~~for the term of their~~ as long as they maintain their STR permit license. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

73. Water Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

84. Septic System.

Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each kitchen and bathroom in the STR ~~and the kitchen~~.

95. Appearance and Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

106. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

117. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

120. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

134. Tenancy.

The rental of an STR shall not be for less than two successive nights.

142. Minimum Activity.

STRs shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

~~13. Good Neighbor Brochure.~~

~~Prior to occupancy pursuant to each separate occasion of rental of an STR, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and shall post the Good Neighbor Brochure in a clearly visible location within the STR.~~

154. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

16##. Administrative Standards and Rules

~~(a) The City Manager shall have the authority to impose additional standard conditions, applicable to all Short Terms Rentals, or Types, as necessary, to achieve the objectives of this Section. A list of all such additional standard conditions shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.~~

(b) The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.

17.56.190 (6.26).NI Tourist Occupancy Tax.

The letting, leasing, or other contractual use of an STR is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).OJ Audit & Inspection

Each owner and agent or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).PK Dispute Resolution.

By accepting an STR License, STR owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).QL Violations

1. Penalty

It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) [the referenced section could also use a possible amendment] of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

3## Property Watch List

Notwithstanding the provisions of Subsection ~~4.4.4~~ above, upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4.2. Revocation

If the STR owner or property manager is deemed by City staff to be negligent in responding to an complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Significant Violations

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their

resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable to unwilling to rectify the situation within a timely manner, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood. Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within a timely manner [timely manner may need to be defined]
- (ii) The inability of City staff or the Sherriff's Dispatch to reach a contact person.
- (#) Failure to maintain or provide the required guest registry.
- (iii) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H.
- (iv) Failure to notify City staff when the contact person or contact information changes.
- (v) Failure to pay fees or TOT in accordance with this Section.
- (vi) Providing false or misleading information on an STR License application or other documentation as required by this Section.
- (vii) Violations of state or County, or City health regulations
- (viii) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

#.—The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

63. It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

17.56.190 (6.26).RM Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).S Severability

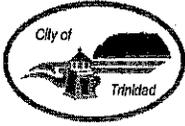
Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ORDINANCE 2016-##, SECTION 2:

Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

17.56.060 Home occupations.

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, ~~rooming and boarding, of not more than two persons, including~~ tourists, shall be permitted as an accessory use to any dwelling subject to the following conditions:...



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

5. Discussion/Decision regarding **Second Reading** of draft Ordinance 2016-02; Proposing an Extension of the 3/4% Sales Tax Increase to be implemented by the State Board of Equalization pending voter approval at the November 08, 2016 Election.

DISCUSSION/ACTION AGENDA

Date: Wednesday, September 14, 2016

Item: Discussion/Decision regarding SECOND READING of Ordinance 2016-02; Proposing an Extension of the ¾% Sales Tax Increase to be implemented by the State Board of Equalization pending voter approval at the November 08, 2016 Election.

Background: The Ordinance proposed is required by the State Board of Equalization before they can proceed implementing the extension of the ¾% Sales Tax Increase, pending voter approval of the measure in November.

If the measure is approved, the Ordinance gives the BOE authorization to proceed with the implementation process. If the measure fails, the Ordinance will become void.

The first reading was held at the regular meeting on August 10, 2016. It was unanimously approved.

Staff Recommendation: *Approve and adopt Ordinance 2016-02; Authorizing the State Board of Equalization to Extend the ¾% Sales Tax Pending Voter Approval at the November 08, 2016 Election.*

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

DWIGHT MILLER, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF TRINIDAD EXTENDING THE ¾% TRANSACTIONS AND USE TAX FOR GENERAL PURPOSES TO CONTINUE TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

WHEREAS, pursuant to California Revenue and Taxation Code Sections 7285.9 and 7290, the City of Trinidad (the "City") has the authority to levy a Transactions and Use Tax for general purposes;

WHEREAS, a majority of the voters of the City approved a three-quarter percent (¾% or .75) Transactions and Use Tax at an election held on Tuesday, November 06, 2012;

WHEREAS, the City's Transactions and Use Tax Ordinance is found in Chapter 3.08 of the City's Municipal Code;

WHEREAS, City of Trinidad Ordinance 2008-01, Section 16 sets forth a "Termination Date" which was extended by majority approval of the voters in November 2012 to March 31, 2017, at which time Ordinance 2008-01 will be repealed unless an extension or re-authorization is approved by the voters of the City at an election called for that purpose; and

WHEREAS, an extension or re-authorization of the City's Transactions and Use Tax will be submitted to the voters to extend the "Termination Date" of Ordinance 2008-01 to March 31, 2021.

NOW, THEREFORE, the City Council of the City of Trinidad does hereby ordain as follows:

Section 1. Amendment. The definition of "Termination Date" in Section 16 of the City of Trinidad Ordinance 2008-01 of the City's Municipal Code is hereby amended to read as follows:

15.19.020 Definitions

(c) "Termination date" initially means March 31, 2021, and as of that date this Ordinance is repealed unless an extension or re-authorization of this Article is approved by the voters of the City at an election called for that purpose.

Section 2. Approval by the Voters. This Ordinance shall be submitted to the voters at an election to be held on Tuesday, November 08, 2016. Upon approval by a majority of the voters of the City voting on this Ordinance, the Transactions and Use Tax set forth in Ordinance 2008-01 of the City's Municipal Code shall be re-authorized and extended through and including March 31, 2021.

PASSED AND ADOPTED this 10th day of August, by the following vote of the City Council:

Ayes: West, Fulkerson, Miller, Baker, Tissot
Noes: None
Absent: None
Abstain: None

Attest:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor

First Reading: August 10, 2016
Second Reading: September 14, 2016