

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, FEBRUARY 08, 2006**

**I. CALL TO ORDER/ ROLL CALL**

- Mayor Lin called the meeting to order at 7:30PM. Council members in attendance: Marlow, Bowman, Lin, Heyenga, Cuthbertson.
- City Staff in attendance: City Clerk, Gabriel Adams; City Attorney, Jeff Guttero; Police Chief Ken Thrailkill; City Engineer, Steve McHaney.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – No Closed Session**

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

- Heyenga: Move minute approval to the end of the agenda.
- Heyenga: Delete item 1 from the consent agenda.
- Heyenga: Delete item 7 from the agenda.
- Marlow: Move items 2 & 3 from consent to regular agenda.

*Motion (Heyenga/Lin) to approve the agenda as amended. **Passed unanimously.***

**VI. COMMISSIONERS REPORTS**

Marlow – Parks and Recreation, Streets

**Trails:** Due to a high volume of agenda items, the Council decided to schedule a second monthly meeting. Commissioner reports are not given at the second meeting. Last month, I received a complaint that my report was too long, and therefore my report will be kept brief. In the last month, the trail experts from the CCC made 3 site visits to the study area and reviewed possible re-routing of the Axel Lindgren trail at the beach area. I'm expecting they'll have a plan ready for us sometime this month. On their first visit, they were surprised we closed the trail. They noticed that the trail had other destinations that were short of the hazard area where the trail washed out.

Cuthbertson asked about the status of the Van Wycke Trail – the most popular trail in town. Marlow asked why Cuthbertson thinks this trail is the most used trail in Trinidad. Cuthbertson responded, stating he lived on the trail. Marlow stated that Cuthbertson had a skewed view of trail use because of his proximity to the trail and his inability to use other trails. There is no plan for rehabilitation of the trail. However, the Council has two options for its repair; constructing a gabion wall, or building a bridge that spans the ravine.

Bowman – Police, Harbor

**Harbor:** Marvin Manor completed the removal of debris from the drainage pipe and moved a number of big stumps from the boat launch area. This process may be required again by the end of winter.

**Police:** A new TPD Officer Jana Deck is completing her training at the CR Police Academy. She is currently at the top of her class.

Heyenga – Fire, Planning

**Planning:** Next Wednesday, February 15th, there will be a short Planning Commission meeting to approve minutes of prior meetings. There are no agenda items for this meeting.

In March there are two design review applications: one for a second story on a house on Underwood, and an addition to a house on Ocean Ave.

Appeal of cell pole application

The application of US Cellular for a cell pole on Trinidad Head has been appealed to the City Council. The appeal will come to the Council in March, but at which meeting has not yet been determined.

SB18 Workshop

I attended a workshop on SB18 which established consultation guidelines with Indian Tribes and others on changes to the General Plan. I will be working with Bob Brown to bring to the Council a report explaining the consultation process and proposing policies and procedures to implement it.

New computer

With funds from the Onsite Wastewater Treatment Grant we will be purchasing a new computer for the office. The computer will have on it all data to monitor and implement the Onsite Wastewater Treatment Program, in addition to being used by the City Clerk.

**Fire:** Our Volunteer Fire Department will be guests at the Chamber Dinner February 21 in Town Hall. Also being recognized are the CDF fire crew that responds to emergency calls in our area. Glenn Saunders and Bob Hallmark will tell stories about Trinidad in the 1940's, '50's, and '60's. If you are interested in attending, call the Chamber at 677-1610.

Lin – Water, Town Hall

**Water:** Water Department is operating well. Received a call from Ponniah late last night. He was working to recover from a long backwash period that left the water temporarily untreatable and the tank levels significantly low. By the end of the evening, the plant was back on line and the tanks were refilling. Everything is back to normal.

**Grants:**

- ICWVG – Grant Administrator has been hired. Becky Price-Hall has been hired.
- ASBS – 3 professors from HSU has joined the program. Diving teams and testing methods are being assembled. Kelp beds will be studied as well.

Cuthbertson – Finance

**Finance:** Town Hall generator repair bill for \$912.00 has been received. The Council should consider the service contract. This regular service may prevent damage that results from irregular maintenance.

**VII. STAFF REPORTS**

City Clerk/IWMC – Adams

Nothing to report

City Attorney – Guttero

This week I was informed of a potential inadequacy of the description of our agenda items. I see nothing unlawful about our historical descriptions. However, as a practical matter, a more descriptive agenda would help due process in the sense that the public would know in more detail what's contemplated at our meetings.

Police Chief – Thraikill

Announced stats, service calls, and statistics.

**VIII. ITEMS FROM THE FLOOR**

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

**Glenn Saunders – Trinidad**

The City Attorney should be directed NOT to answer calls from Frame's attorney since the lawsuit is over. Guttero stated that he has been directed by the Council to NOT refuse calls from Bill Barnum. Further, I do receive frequent calls from him regarding trail issues, but the lawsuit is officially over.

### **Sungnome Madrone – Fox Farm**

Recently completed a proposal for the Trinidad Area Fire Safe Council. The Trinidad Area has one of the worst fire histories in Humboldt County and is the site of one of the few towns that have burned completely. The Council hopefully will consist of the Trinidad Rancheria, Green Diamond Timber, CDF, and Westhaven and Trinidad Fire Departments. Funding is available to assist in fuel reduction projects, education, and infrastructure improvements.

## **IX. CONSENT AGENDA**

1. Ordinance 2006-01; City Park property Rezone Ordinance – Second Reading. (Council)  
*Continued to a future meeting.*
2. Ordinance 2006-02; View & Vegetation Ordinance - Second Reading. (Council)  
*Pulled from the Consent Agenda and moved to Agenda for discussion.*

Public comment included:

### **Cyndi Lindgren – Patrick’s Point**

Explained the position of the Tsurai Ancestral Society, and asked that Trinidad Head and the Tsurai Study Area be excluded from the ordinance. By doing so, these areas would be protected in the future from easily being dragged into the overlay zone.

Heyenga responded, stating the City Planner addressed the TAS concerns in a recent memo.

Marlow reminded Lindgren that the best protection for the Head and the TSA is Policy 69 and the Coastal Conservancy easement.

Heyenga requested that the record reflect that the planning staff considered the TAS concerns and responded effectively.

*Motion (Heyenga/Cuthbertson) to approve the second reading. **Passed unanimously.***

3. Resolution 2006-06; Approving a Capitalization Policy – as advised by CPA and City Auditor.  
*Continued to a future meeting.*

## **X. AGENDA ITEMS**

1. Discussion on possible impacts of airport expansion on the Trinidad Area. (Lin)  
Mayor Lin explained that the expansion of Arcata/Eureka airport in McKinleyville is underway to accommodate services of larger jets. It is expected to increase air traffic and passengers. The impact of this expansion to residents in Trinidad and its surrounding communities is unknown.

Several residents have expressed concerns that the expansion may increase noise level and noise frequency and potentially impact air quality. The airport general manager Jacquelyn Hulseley has accepted my invitation to come to this Council meeting to address these issues and answer questions.

Hulseley explained that for the past 2 years we’ve been working on the Master Plan runway expansion project. There are safety issues on runway 1-4 which is the closest to Trinidad on the ocean approach. The FAA has strict standards and have asked that the e-mass system be implemented – engineered material arresting system – a crushed material that keeps the airplane from continuing off the runway.

The next project will be the 500 ft. extension of the McKinleyville approach – or 3-2 runway. An environmental impact and airport safety area study will be required for this project. This is a long-term project expecting to take approximately 6-7 years for implementation. When the weather is bad, airplanes must contain a certain amount of fuel in case they are redirected to other airports. In 2005, 110,000 passengers have been carried to Humboldt County – more get off and stay here than leave. The master plan looks at the airport for the next 20 years.

The mix of aircraft we see landing here now will not change in the future. However, regional jets will replace most of the turbo-props. Airlines don't want night curfews. Therefore, quieter aircraft are desired, and the regional jets are much quieter than the turbo-props. Will you hear aircraft – yes. Hopefully, the economic benefit to the community should balance its impact. I don't have control over FAA flight-paths, but I can communicate with the pilots. Further, all plans must be passed through the Board of Supervisors for and community input. The Master Plan is available online.

Public comment included:

**Sungnome Madrone** – Fox Farm

I fly often and appreciate the services of the airport. My concern is that Horizon Air does 20-30% of its landings over the Fox Farm terrace. I've called the FAA and complained about this in the past. They should be flying in over the ocean.

**Stan Binnie** – Trinidad

With runway expansion, will additional carriers be flying into Arcata? Not necessarily, Hulsey explained.

**Sharon Reed** – Fox Farm

Concerned about flights flying out of plan. They sometimes fly over Trinidad instead of the water, and concerned about air and noise pollution. Hulsey explained that there is no yellow line in the sky for airplanes to follow. If air traffic control directs a certain flight path, or if the pilot is concerned of a particular safety issue, they can deviate from their plan.

**Tom Odom** – Trinidad

I've lived here for a long time and have never heard a complaint of airplane noise.

**Richard Johnson** – Trinidad

If flight patterns were developed in the 1950's, the technology has changed, and planes have changed, why are you still using these flight plans? Hulsey responded, stating that is a question for the FAA. Further, all planes have a right to get to the airport.

In the event of damage to the e-mass, how long would it take to repair – and would the damage delay flights? Hulsey explained that it's expected to take 10 working days to repair the e-mass in the event of damage.

Hulsey further noted that 15 flights arrive and depart from Arcata each day.

## 2. Discussion/Decision regarding Preliminary Engineering Study for Water System Improvements. (McHaney)

City Engineer Steve McHaney presented the following report:

### **History**

The original treatment plant was build long ago with Davis-Grunsky loans. Very little capital improvements have been made to the plant over its lifetime, but the City has gained significant benefits from operating it. The plant will continue to provide such benefits well into the future if it's maintained properly.

Regulatory changes in water treatment require new technology and upgrades to the current system. The regulations are getting tighter and have become a moving target. Chlorine contact, disinfection byproduct, filter loading rates, and storage capacity are primary issues that the DHS has with the City's water system.

Several years ago we investigated alternative sources of water for the City of Trinidad. The cost of extending the HBMWD pipeline from McKinleyville was substantially more expensive than improving Trinidad's existing system. Westhaven had no interested in the proposal for practical and environmental reasons. Water rates steadily increased over the years for both Trinidad and Humboldt Bay. Now, faced with the current DHS requirements, both organizations are forced to invest significantly into their systems. The improvements will likely result in increased water rates.

### **DHS Review**

DHS completed the most recent review of the water system in the spring of 2005 and prepared a summary of

system deficiencies. Rebecca and I met with Ronin, Chi Wei, and Noel and reviewed DHS findings. Basically DHS has for some time had regulatory compliance issues with filter loading rate, chlorine contact time, and disinfection byproducts. Each one of these issues individually is significant and together they constitute a major issue the City must address.

The DHS has requested is a Preliminary Engineering Report that addresses these issues and sets forth a plan for compliance. In general, compliance will likely require a new filter train which will require building modifications to house it), a new chlorine contact pipe, a carbon filtration system, and other system improvements. The City has also been planning for a new tank as well, which has multiple benefits. The purpose of the Preliminary Engineering Report is to further evaluate the compliance issues that DHS raises and outline the steps necessary to achieve compliance.

Compliance will require a significant construction project which could be several million dollars. Our strategy is to develop the Preliminary Engineering Report to not only meet DHS requirements, but to also meet the requirements of several different funding programs so the City has multiple options to pursue funding to complete the project.

### **Funding of DHS Required Preliminary Engineering Study**

The initial estimate for the required study was up to \$50,000 and in June of 2005, the City sent a request to the Trinidad Rancheria to share in the cost of the study. Through IHS, the Trinidad Rancheria currently has \$9,250 set aside for the required study. This is based on a pro rata share of the total cost of the study. IHS will pay for 18.5% of the total study cost. The IHS money is currently in a local IHS account, and if not used by the City in the near future, it will be sent back and will be unavailable to the City.

Upon further review of DHS requirements, I have scoped a Preliminary Engineering Study at \$35,000. This is based on several similar studies we have completed for Rio Dell and other Cities and because of this, I am able to economize for Trinidad. Based on an 18.5% share from IHS, the IHS contribution would be \$6,475 and the City's contribution for the study would be \$28,525.

We are currently pursuing several funding sources and once the study is complete, we can pursue additional sources of funds based on the findings of the Preliminary Engineering Report.

Bowman stated he was always in favor of joining with HBMWD. The government keeps issuing new regulations, and the City's are forced to comply. He also asked about our storage capacity and water supply. McHaney stated that indeed the screws are always getting tighter. Luffenholtz Creek will continue to reliably provide water to the City well into the future, but storage capacity should be increased.

Heyenga asked if it was possible to anticipate future regulations and subsequent design improvements. McHaney stated that zeno-biotics (pharmaceuticals entering the water supply) are the next target. Since the Luffenholtz Watershed is void of this type of industrial development, Trinidad's water system will not be subject to such regulation.

Cuthbertson agreed with Bowman in that the City should have connected with HBMWD. He also asked what would happen if the City could not locate funding for the improvements. McHaney assured Cuthbertson that the City will comply with DHS. It may take awhile, but the question is not "if", it's "how".

### Public comment included:

#### **Sungnome Madrone – Fox Farm**

Leveraging grant funds is critical. Winzler & Kelly has a great reputation. Our planning grant application won a perfect score. The next grant for ASBS is for 4-5 million. Part of this grant will be dedicated to improving the water quality of Luffenholtz Creek. The improvements should be addressed.

#### **Tom Odom – Trinidad**

We should have went with Humboldt Bay.

Bowman inquired about desalination. McHaney said that a nuclear power facility would be required.

Heyenga stated that Winzler & Kelly has delivered successfully in the past and has confidence in their plan. Mayor Lin agreed.

Lin further noted that a \$50,000 line item for capital improvements is included in the water department budget for this project.

*Motion (Heyenga/Lin) to approve the Scope of Services between the City of Trinidad and Winzler & Kelly Consulting Engineers for the Development of the Preliminary Engineering Report for the Water System.*

**Passed unanimously.**

3. Discussion/Decision regarding Axel Lindgren Memorial Trail repair project. (Lin/Marlow)

Mayor Lin explained that the recent storm severely damaged the lower portion of ALM trail. The trail is currently closed. It is the City's obligation to maintain, repair, and keep the trail open. Therefore, the Council should consider developing a strategy for its repair.

We should consider the followings steps.

- Develop a long-term solution. The bottom steps of the trail have been always been a problem and require fixing almost every year. One option is to move the trail landing to the west where a large boulder can serve as a more secure landing point.
- Obtain engineered design and specifications.
- Obtain cost estimates.
- Search for funding.
- Apply for permits.
- Bid process.
- Other issues.

Lin received a letter from Kate Sloan of the Yurok Tribe. She indicated that this is an opportunity for the City, Yurok, Tsurai and other interest groups to work together to find a long-term solution for the trail since it is for everybody's interest to accomplish it. Sloan is organizing a Trail Repair Group meeting sometime in Feb 21-24. She invited Su Corbaley of the Coastal Conservancy to participate since the CC may provide funding.

Marlow stated his support for the Yurok Tribe organizing a trail repair group.

Public comment included:

**Cyndi Lindgren** – Patrick's Point

The original trail path merged with the beach at the boulder. The Tribe and Coastal Conservancy should be consulted.

**Sungnome Madrone** – Fox Farm

I was hired by the Attorney General years ago to review options for this trail and advised the City to use that boulder as an anchor point for the foot of the trail. The State Parks Department has engineer-approved designs specifically for projects like this. The CCC's are skilled in constructing trails.

**Bill Harkins** – Trinidad

Why didn't the City construct the trail around the boulder from the start?

Heyenga asked for clarification as to who was in charge, who would lead the project, and why isn't the City leading the trail repair committee?

Lin stated that he supported the Tribe and Coastal Conservancy's suggestion to organize a trail repair group.

Cuthbertson agreed that Marlow should be selected to represent the City in this matter and lead the repair effort.

Lin assured Heyenga that the City's representative would take the lead and report back to the Council with recommendations. The representative has some discretionary latitude, but final decisions will be made by the City Council.

*Motion (Marlow/Bowman) to:*

- *Approve, in concept to proceed with the repair of the ALM Trail and agree that the primary option should be one that turns west and ends at a point near a large boulder. **Passed unanimously.***
- *Appoint Terry Marlow to lead the effort to repair the trail. His duties include making recommendations to the Council on repair plan options, obtain cost estimates, consult with the City Engineer, participate and lead the joint repair group activities, seek funding support, and keep the Council informed. **Passed unanimously.***

4. Discussion/Decision on Resolution 2006-04; Participating in the California Coastal National Monument Gateway Program, and Memorandum of Understanding with the Bureau of Land Management. (Heyenga)  
*Continued to a future meeting.*

5. Ordinance 2006-03; Saunders/HNCLT property - Amending the Zoning Map & Land Use Map. (Council)  
*An error was made in the drafting and introduction of this ordinance. It was pulled from the agenda. Instead, the Council briefly discussed SB18 Consultation requirements in relationship to this project.*

*By consensus, the Council agreed to proceed with SB18 consultation process.*

6. Discussion/Decision regarding Tree-cutting on or above the Tsurai Study Area. (Cuthbertson)  
Cuthbertson introduced the item. He received a letter from a resident regarding a tree cutting that took place on the bluff above the Tsurai Study Area. The pictures included in the packet show the tree cluster in 2002, and a current photo that shows a few of the trees missing in 2006. The question is whether or not this is on City property. We were told by the Tsurai to not remove vegetation above the TSA, but obviously the resident ignored their request. The work allegedly took place between 4:00 – 7:00 pm, and all evidence removed. This was criminal action that the Council should investigate – without being afraid of potential legal action against the City for doing so.

Heyenga asked the City Engineer if the property line could be determined. McHaney stated that it could be estimated, but if the line were to be accurately determined, a detailed survey would be required. The cost for this service could be \$500-1000.

Lin stated that the Coastal Conservancy has surveyed the line in the past.

McHaney asked if any evidence was found that links the cutting to a specific individual.

Cuthbertson stated that an eyewitness account of the activity has been submitted to the City. Further, if the City isn't allowed to cut vegetation in this area, why should anyone else be authorized to? We should not be threatened by lawsuits.

Heyenga stated that this is not an attempt to "accuse" anyone. It is simply an example of enforcing our laws and policies equally. The property line should be verified, and the City should spend the money necessary to have it surveyed.

Marlow stated that assuming we investigate and spent the City's money to do so, what are the consequences? Can we sue? Can we issue a fine?

Lin answered that if we prosecute we must have eyewitnesses and evidence.

*Motion (Heyenga/Cuthbertson) to authorize the City Engineer to examine existing maps and surveys to determine the location of the trees in relationship to the City's boundary line and report back to the Council in March. **Passed unanimously.***

7. Discussion/Decision on Resolution 2006-05; Designating the Sangster-Underwood house as a Historic Resource. (Heyenga)  
*Continued to a future meeting.*

8. Discussion/Decision to adopt a policy regarding closure of trails. (Heyenga)  
*Continued to a future meeting.*
  
9. Discussion/Decision to adopt a policy regarding a \$500 spending limit. (Heyenga)  
*Continued to a future meeting.*
  
10. Discussion/Decision to adopt a policy regarding agenda items. (Heyenga)  
*Continued to a future meeting.*
  
11. Discussion/Decision to adopt a Council policy limiting the amount of work a Councilmember may authorize to be performed on City property without approval from the City Council. (Heyenga)  
*Continued to a future meeting.*

**XI. APPROVAL OF MINUTES**

- December 14, 2005 scc
- January 04, 2006 scc
- January 06, 2006 scc
- January 11, 2006 cc
- January 24, 2006 cc2

*No Minutes were approved.*

**XII. ADJOURNMENT**

- Council adjourned at 11:25 pm.

**Submitted by:**

**Approved by:**

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**Gabriel Adams**  
City Clerk

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**Chi-Wei Lin**  
Mayor