

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, OCTOBER 14, 2009**

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

- Mayor Binnie called the meeting to order at 7:00PM. All council members were in attendance: Binnie, Fulkerson, Ratzlaff, Bhardwaj, Morgan.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams, City Planner Trever Parker, and Police Chief Ken Thrailkill.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA**

*Motion (Fulkerson/Bhardwaj) to approve the agenda. Passed unanimously.*

**IV. APPROVAL OF MINUTES - August 26, 2009 cc2 & September 09, 2009 cc**

- **August 26, 2009 cc2**  
*Motion (Fulkerson/Ratzlaff) to approve minutes as corrected. Passed 4-0. Bhardwaj-Absent.*
- **September 09, 2009 cc**  
*Motion (Fulkerson/Bhardwaj) to approve the minutes as submitted. Passed unanimously.*

**V. COUNCIL MEMBER REPORTS INCLUDING COMMITTEE ASSIGNMENTS**

**Binnie:** Reported on HCAOG regional housing needs plan, trails, and JPA considerations.

**Fulkerson:** Reported on PG&E Wave Energy Committee and Delta Airlines flight schedule from Arcata.

**Morgan:** Great American Shakeout campaign for Earthquake Awareness Week is coming up.

**VI. ORAL STAFF REPORTS**

City Manager - Albright:

Chevron gas price sign is currently being prepared for installation. Also, building permit enforcement activity has consumed much staff time recently, as well as the ARRA grant reporting.

**VII. ITEMS FROM THE FLOOR**

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

**Glenn Saunders – Trinidad**

Criticized the Council & Staff for changing the meeting time.

**VIII. CONSENT AGENDA**

1. Staff Activities Report through September, 2009
2. Financial Status Reports for August, 2009
3. Resolution 2009-16 Approving Agreement with CalFire for Dispatch Services
4. Professional Service Agreement with Freeman Architects
5. Authorization to Release RFP for Financial Auditor
6. Resolution 2009-17 Enrolling Trinidad in the Proposition 1A Securitization Program

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

**IX. AGENDA ITEMS**

1. Resolution 2009-18 Regarding the Opening of the Trinidad Museum.  
City Manager Albright explained that the public opening of the new Trinidad Museum on September 26, 2009, was the culmination of years of work by many community volunteers who have shown admirable dedication to this effort. Mayor Stan Binnie read the resolution. Patti Fleschner thanked everyone involved.

*Motion (Fulkerson/Bhardwaj) to approve the Resolution. Passed unanimously.*

2. Proposed Traffic Regulation Changes on Edwards, Trinity, and Main Streets

City Manager Albright explained that this issue has been discussed on several agendas dating back to early 2008. It is now divided into two separate topics:

- The potential for traffic controls (stop signs) at the intersection of Trinity and Edwards/Ocean and at the turn where Main Street turns into Trinity Street (near Trinidad Elementary School).
- Traffic Safety controls, including potential changes to on-street parking and identified pedestrian ways, on Edwards Street between Hector Street and Galindo Street, and speed humps on Edwards.

Police Chief Ken Thrailkill explained that the issues will be brought up with a traffic consultant to see what changes, if any, are feasible and invited public input.

Public comment included:

**Jim Cuthbertson** – Trinidad

The red curb on the north side of Edwards Street needs to be addressed.

**Anne Odom** – Trinidad

Suggested improving public parking on Hector and noted that the stop signs on Main/Trinity/Edwards were awkward and unnecessary.

**Chi-Wei Lin** – Trinidad

Counted 660 parking spaces in town. Recommended a stop sign at Galindo & Edwards.

**Pat Morales** – Trinidad

Disagreed with the Police Chief's proposal to install a one speed hump 20 feet east of her driveway on Edwards and suggested instead that 2 should be installed. She also noted a serious problem with the speed of traffic at the bottom of Edwards.

**Brad Twoomey** – Trinidad

Traffic management is good, but also creates the need for more view obstructing signs. If a stop sign is installed at the lighthouse intersection, then that ugly, non-functioning light pole should also be removed.

**Tom Odom** – Trinidad

Suggested creating a parking committee to review parking issues in Trinidad.

Council comment included:

**Bhardwaj:** The engineer's solution may solve a few problems, but it won't correct them all. This issue has been lingering for many years, and I'll be happy to see it addressed.

**Morgan:** Looking forward to hearing the results of the engineer's analysis, but wants the Council to have the final say on any changes proposed.

**Fulkerson:** Charts, maps, diagrams would be extremely useful. We'll need them at the next presentation.

*No decision was made. The Police Chief will consider public comment, meet with the City's traffic engineer, and report back to the Council in November with recommendations.*

3. Policy Issues Regarding Regulating Vacation Dwelling Units

City Manager Albright explained that at the last City Council meeting, there was an extensive discussion regarding possible mechanisms to regulate Vacation Dwelling Units (VDU) in the City. That discussion ended without the Council coming to any conclusion or providing policy direction to the staff.

Currently there are approximately 30 VDU's within the City limits, and there is no method of regulating or limiting the number or location of VDUs in Trinidad. Property owner need only apply for and obtain a \$45 annual business license from the City and then advertise and rent a property on a daily, weekly or monthly basis. When it is known that an owner is renting a property as a VDU, the City imposes, and the owner should collect, transit occupancy tax (TOT) in the amount of 8% of the total rent charged. If a unit is rented for more than 30 days to the same tenant, then it is considered a rental unit and not a VDU, and TOT is no longer collected. For the year ending June 30, 2009, the City collected approximately \$45,000 in TOT tax.

Trinidad has between 175 and 200 dwelling units, so approximately 15% of Trinidad's housing stock is currently committed to vacation dwelling units. It is also estimated that there are approximately 40 long-term rentals in Trinidad, meaning that 70 of the +/- 200 dwelling units are not owner-occupied, and many more are second homes.

Council comment included:

**Fulkerson:** Circulated a statement around town prior to the meeting that outlined her concerns with vacation rentals, including:

- Approximately 15% of Trinidad's homes are vacation rentals, limiting housing options for people who might want to live here permanently.
- Vacation Rentals are a commercial use and need to be managed in an effort to keep the balance between year-round residents and visitors.
- The character of the neighborhoods in our village is changing because many nights, a high percentage of homes are empty.
- Vacation rental owners are not long-term contributors to the community and various civic groups.

Fulkerson suggested placing a cap on vacation rentals and insured the public that *existing* rentals would remain as viable rentals, but that the Council should consider managing the growth of *future* vacation rentals.

**Bhardwaj:** 1) Vacation rentals are well managed, 2) they are a substantial part of Trinidad's tourist economy, and 3) they are a commercial use in residential neighborhoods. Zoning seems like the most appropriate way to regulate them. I agree with Fulkerson that we should preserve some housing stock for future residents, but we also need to a) set limits on how close vacation rentals can be to one another, b) protect bluff stability and water quality, c) protect residents from the adverse effects of VR's, and d) initiate a use permit process to evaluate proposed vacation rentals.

**Morgan:** I'm not interested in talking about what Trinidad *could* become if more vacation rentals are introduced. I want to solve the problem and develop a clear set of rules. Government should not be playing landlord.

Public comment included:

**Gail Saunders** – Trinidad Retreats

Suggested that the City contact VR owners and discuss problems that certain individuals or neighbors have with them. Less speculation equals less fear equals better communication. One problem I see with limiting VR's is that I have owners trying to retire here but can't sell their home elsewhere or find jobs in Humboldt. These homes are generally transitional and could lead to new, participating residents. Would you prefer empty homes or a vacation rental that someone local is taking care of and looking after?

**Anne & Tom Odom** – Trinidad

I'm surrounded by 5 vacation rentals and have never had a problem with them. The owners donate to local fundraisers and charitable organizations. We don't support regulation.

**Jim Cuthbertson** – Trinidad

I live next to 2 rentals and haven't had any problems with them. The City should not regulate vacation rentals. Let the market regulate itself.

**Pat Morales** – Trinidad

Suggested the City raise business license fees for vacation rentals to \$500 or raise the T.O.T.

**Alice Foster** – Trinidad

The government *does* have the right to regulate private property for the good of the whole community. In support of regulating vacation rentals.

**Mark Urfer** – Vacation rental property owner

Suggested the City consider distributing welcome packets to new owners but does not support additional regulation.

**Glenn Saunders** – Trinidad

The town seems to be running well without these regulations. Vacation rentals keep the marijuana gardens out, and based on the Police Chief's statistics there have only been 2 complaint calls in almost 8 years from rentals.

**Judy Lake** – Trinidad

Vacation renters rarely know much about Trinidad, but many regular visitors do, and in fact they plan their visits around local events. Maybe VR's should have educational materials about septic systems, local water quality efforts, and other city policies.

**Adora King** – Trinidad

I have a business license to rent my home as a vacation rental. My neighbors have a vacation rental and I deal problems on a regular basis, specifically parking. They often times are over capacity, allow barking dogs, make noise all night, and are over-parked for Wagner Street. I support regulation.

**Chi-Wei Lin** – Trinidad

The City *does* have the right to regulate private property – consider zoning, for instance. Vacation Rentals should be a zoning issue. Other cities have regulated vacation rentals with zoning to solve the problem. The Council should consider asking the Planning Commission to write a vacation rental regulation proposal.

Council comment included:

**Bhardwaj:** Read a letter from Mike Reinman in support of no regulation, and letters from Kathleen Lake & Tom Davies in support of regulation. Maria Bartlett, Cheryl Gilmour, and Carla Powell all expressed support of much needed regulation as well.

**Binnie:** We should look at how other cities have handled this problem. We should also educate tourists on Trinidad's septic systems and water quality concerns. We could discuss grandfathering existing units, and initiating performance standards. There seems to be enough concern within the community that the issue should be addressed.

**Morgan:** I can't support this Council. We should engage, educate, and encourage our visitors. The Planning Commission should be drafting a proposal and forwarding it to the Council. This is too fast and unfair.

**Fulkerson:** This has been on our to-do list for over 3 years. Vacation rentals are bargain party houses. I like Pat Morales's suggestion to raise the TOT or business license fee. Maybe I'm just old fashioned. Not long ago my father was alive and our home was surrounded by neighbors and families. I'm afraid of what will happen to Trinidad over time. I want to see a temporary cap on business licenses issued for vacation rentals before there's a run on them at City Hall.

*Motion (Bhardwaj/Fulkerson) to direct staff to:*

- a) *Begin researching and developing a standards-based Vacation Rental Ordinance, and*
- b) *Ask the City Attorney to review the legality of placing a temporary cap on issuing business licenses for Vacation Rentals.*

**Motion passed 4-1 (No-Morgan)**

4. Presentation of Draft Land Use Element of the New General Plan

City Manager Albright explained that the Trinidad Planning Commission has been working on a new and revised General Plan for the past two years. The Planning Commission has completed its review of the draft Land Use Element of the General Plan and is referring it on to the City Council. Trever Parker, the primary author of the elements to the revised General Plan, will be present to give a presentation to the City Council at the meeting.

City Planner Parker provided a thorough presentation that included:

- General Plan Overview and Target Adoption Date of May 2010
- Plan Description
  - Introduction
  - 7 required elements (Community Design may be a new addition)
  - Glossary
  - Maps/Figures
  - Background
- List of Tasks Required to Complete the Plan Update

Council comment included:

**Binnie:** The black & white maps distributed with the packet are worthless. The data is impossible to read. We should have had color maps. We also need a copy of the plan with strikethroughs and additions so changes made can be identified. I have many more questions, but in the meantime, what's the urgency to push this forward?

**Bhardwaj:** I've tried comparing the old with the new and it's not very useful. Trever is keeping track of the changes.

**Morgan:** I feel comfortable knowing people are going over the plan with a fine-toothed comb.

Public comments included:

**Tom Odom** - Trinidad

The draft plan is well done. I'd like to congratulate Planning for their hard work. It shouldn't be rewritten by each Councilmember.

**Mareva Russo** – Trinidad

We need to compare the current plan with the draft proposed. It really helps. When reading the plan, please consider how it's organized. Also, the Coastal Commission's 1989 review of the City's General Plan is very informative. Don't rush through this process, but preserve sections of the document that protect the character and resources of the town.

**Brad Twoomey** – Trinidad

You really should compare the old plan with the new draft. He also expressed various criticisms of the planning commission and staff regarding previous decisions, overturned decisions, and poor decisions. He also warned the Council that the City is becoming too relaxed with enforcement.

*Motion (Ratzlaff/Morgan) to adjourn the meeting. Motion failed 2-3.* Yes – Morgan, Ratzlaff.

**Kim Tays** – Trinidad

I interpret the vision statement as a green light to remove trees and shrubs. The Underwood Trail massacre is the perfect example. What does "legally established land use" mean? Legal governing documents should be consulted in conjunction with the General Plan Update. I do not support making future decisions on past mistakes. Why is there an aquaculture plan?

*No decision was made.*

## **X. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS**

### **XIII. ADJOURNMENT**

- **Meeting ended at 5:50 pm.**

**Submitted by:**

**Approved by:**

---

**Gabriel Adams**  
City Clerk

---

**Stan Binnie**  
Mayor