

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, DECEMBER 09, 2009**

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

- Mayor Binnie called the meeting to order at 7:00PM. Council members in attendance: Morgan, Ratzlaff, Binnie, Bhardwaj, Fulkerson.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

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

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

- Item 4 was moved to the discussion agenda and continued to the January 2010 meeting.
- Reversed items 1 & 2 of the discussion agenda.

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

**VI. APPROVAL OF MINUTES**

**November 12, 2009 cc**

*Motion (Bhardwaj/Fulkerson) to approve the minutes as corrected. Passed unanimously.*

**VII. COMMISSIONERS REPORTS**

Binnie:

- **HCAOG:** Renewed emergency call box contract.

Bhardwaj:

- **Planning Commission:** Announced the resignation of Commissioner Judy Lake, and thanked her for 7 years of service and dedication.
- **Library/Museum:** BLM Gateway Kiosk proposed for Museum/Park location. Also announced upcoming library fundraising event.

Morgan:

- **Chamber:** Announced upcoming holiday dinner.
- **Emergency Response:** Announced forecasted storms and tsunami drills.

Fulkerson:

- **WAVE ENERGY:** Presentation is scheduled for the January Council meeting.
- **BLM Gateway:** Park Kiosk was discussed, along with the 10 year Gateway anniversary.

Ratzlaff:

- **RCEA:** Adopted resolution approving funding for energy efficiency improvements.

**VIII. STAFF REPORTS**

City Manager - Albright: Summarized staff activities report and highlighted various other accomplishments.

Police Chief – Thrailkill: **Absent.**

**IX. ITEMS FROM THE FLOOR**

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

**Jim Cuthbertson** – Trinidad

How's the budget look? Encountered a fake tree cell tower on a recent road trip. Maybe the city could ask the cell companies on Trinidad Head to install one there? Councilmembers need to control their comments to minimize the length of meetings.

**Glenn Saunders** – Trinidad

Very unsatisfied with the current building inspector. Glad to see a new one on the agenda tonight. What's the urgency with the moratorium ordinance? There's plenty of outstanding issues that have yet to be dealt with.

**Shirley Laos** – Trinidad Rancheria

Presented a report illustrating multiple water system improvement projects (current & proposed) totaling over \$700,000 that the Rancheria contributed to the City. She requested that the contributions be considered when drafting water rates for outside-city residents.

**X. CONSENT AGENDA**

- 1. Staff Activities Report through November, 2009
- 2. Financial Status Reports for October, 2009
- 3. Approval of Amendment to Contract with Freeman Architects, AIA
- 4. Approval of Change in Sub-Lease with the Greater Trinidad Chamber of Commerce - *moved to regular agenda*  
 City Manager Albright explained that the City initially agreed to a sub-lease of 463 Trinity Street with the Chamber of Commerce in November 2007 for a 2-year period ending December 31, 2009. The Chamber Board has requested that the City Council consider a zero-cost lease for the next 6 months, during which time there can be shared use between the City and Chamber. If the Council were to agree with this proposal, it would translate to an additional contribution to the Chamber of \$1200 from the current year's budget.

Councilmember Morgan felt that there was no need to recuse himself from this discussion because of his relationship as president of the Chamber.

Chamber Board member **Richard Johnson** clarified the Board's position on this proposal and noted that the Board had not had the chance to review the letter of request sent to the Council by the Chamber President.

Chamber Board member **David Peake** also noted that he too was not "in the loop" regarding this discussion, and that it was his understanding that the Board has not agreed to any such proposal.

Resident **Pat Morales** read a statement in support of the Chamber Board, and argued that Chamber President Morgan is acting alone on this proposal without the Board's support. She also explained her concern with recent Chamber expenditures that illustrate poor judgment in her opinion, and that before the Council continues exploring a zero-cost agreement the Chamber needs to examine it's own internal budgeting issues.

*This item was continued to the regular meeting in January.*

- 5. Approval of "Professional Services Agreement" with John Roberts, Building Inspector
- 6. Approval of Engagement Letter for 2008-09 Audit Services with Marcello & Company

*Motion (Bhardwaj/Fulkerson) to approve the consent agenda items 1,2,3,5,& 6. **Passed unanimously.***

**XI. AGENDA ITEMS**

- 1. Appointment of an Advisory Committee to Consider Regulations on Vacation Dwelling Units  
 City Manager Albright explained that at the last City Council meeting, the Council approved on a 4-1 vote a 45-day moratorium on the establishment of any new Vacation Dwelling Units in the City of Trinidad. That moratorium may be extended at the scheduled December 9, 2009 Council meeting to six months after holding a public hearing. This moratorium is in the form of a prohibition for that temporary period on any NEW business licenses for short term (less than 30-days) rentals.

At the same time, the Mayor appointed a two-person subcommittee of the Council, Mayor Pro-Tem Kathy Bhardwaj and Councilman Mike Morgan, to propose persons to serve on an Advisory Committee. That Committee would have the following responsibilities:

- Discuss and define the concerns related to Vacation Dwelling Units that need to be addressed in Trinidad.
- Research and review ways that other communities have addressed these concerns that have been identified regarding VDUs in Trinidad.
- Present to the City Council a recommend method (if any) for limiting, regulating, or maintaining the status quo on VDUs in Trinidad.
- Propose a process of public review and input to any recommended actions.

It is important to stress that any recommendations made by the Advisory Committee are advisory only. The Committee’s recommendations may be accepted, denied, or modified by the City Council.

*Note: This Agenda Item was prepared by the two Council Sub-Committee members in cooperation with the City Manager.*

**Council Sub-Committee Recommendations:**

- 1) The Advisory Committee is considered an “ad-hoc committee” whose work and recommendations should be completed within a six-month period.
- 2) The Advisory Committee should be represent a diverse group of persons who represent different interests in the community and is proposed to be comprised of:
  - (1) Trinidad Planning Commission Jennifer Fraser
  - (2) Local Residents Tom Davies, Jan West
  - (1) VDU Local Owner Casey Van Alten
  - (1) VDU Non-Local Owner Dennis Halkides
  - (1) VDU Property Manager Gail Saunders
  - (1) Local Business Person Jackie Keegan
  - (2) Interested Persons \_\_\_\_\_ , \_\_\_\_\_
- 3) The last two members should be chosen from other local persons who volunteer to participate in the Committee.
- 3) Committee meetings should be noticed and open to the public.

Council comments included:

**Fulkerson:** Why wasn’t a Councilmember selected for this committee? I’m hoping that the Council will strongly consider appointing Councilmember Bhardwaj since her research strength will add value and depth to the discussions.

**Morgan:** We agreed to not appoint a Councilmember because we felt it was important to separate the two and due to perception issues.

*The discussion continued among Council regarding amending the sub-committee list. Just before the meeting, the Council learned that Halkides, West, and Van Alten had declined their appointments for various reasons, leaving only 4 of 9 proposed members committed at that time.*

Public comment included:

**Adora King** – Trinidad

I’m curious to see the appointment recommendations. This is such a big issue and I want to see it handled right. There are already 3 members who support vacation rentals. The other 3 open slots should be for individuals who have issues with vacation rentals.

**Shirley Laos** – Trinidad Rancheria

Expressed interest in the available positions on the committee and the procedure for nomination.

**Pat Morales** - Trinidad

Volunteered for the committee and argued that less rentals = less competition = better situation for existing businesses.

**David Peake** – Trinidad Area Resident, Chamber Boardmember

The City should consider seeking volunteers from businesses outside the city limits.

Council comment included:

**Fulkerson:** Any committee additions should be Trinidad residents, and continued to argue that Bhardwaj be on the committee. City Planner Trever Parker should also be involved.

**Bhardwaj:** Stated that she would decline participating in a committee that Councilmember Morgan was member of. She explained that the pairing of the two would be counterproductive since Morgan typically disagreed with anything she contributes, and it would be in the best interest of the committee to avoid such political drama.

*Motion (Fulkerson/Ratzlaff) to appoint the following individuals to the VDU Advisory Committee:*

- |                    |                   |
|--------------------|-------------------|
| 1. Jennifer Fraser | 6. Jackie Keegan  |
| 2. Tom Davies      | 7. Kathy Bhardwaj |
| 3. Casey Van Alten | 8. Pat Morales    |
| 4. Dennis Halkides | 9. TBA            |

*Appointment of 1 or more members will be determined followed by a notice soliciting interest in the committee that will be posted through December 21. The Council may hold a special meeting to appoint the remaining member or members. **Passed 4-0. Bhardwaj abstained.***

2. Public Hearing to Extend the Length of Urgency Ordinance 2009-02

City Manager Albright explained that at the City Council Meeting on November 12, 2009, the Council adopted Urgency Ordinance 2009-02. The Ordinance established a 45-day period whereby no business licenses will be issued for new Vacation Dwelling Units (VDUs). The Ordinance contained a provision that the prohibition on new VDUs could be extended to a full six months if the Council conducted another public hearing and voted to extend to applicable time frame of the Ordinance. This action would require a 4/5 vote to be approved.

At the meeting, the Council also approved a Resolution directing the City Clerk to attach a copy of the Urgency Ordinance to any business license application for a new VDU. To date, there have been no requests for a new VDU business license since that meeting. The Council verbally stated that the Ordinance applies only to new business licenses and not to renewals.

If the Council chooses not to act to approve the time extension, then the provisions of the Urgency Ordinance will expire immediately. Approval requires a 4/5<sup>th</sup> majority vote.

Public comment included:

**Shirley Laos** – Trinidad Rancheria

I don't agree that a moratorium is necessary. I'm concerned with how renewals will be handled, and also find parts of the ordinance very unclear.

**Jim Cuthbertson** – Trinidad

Agreed with Laos that the moratorium is unnecessary.

Council comments included:

**Fulkerson:** If the Council approves this ordinance, it will expire on May 12, 2010. However, if the committee is able to complete its work earlier, the ordinance could be lifted.

**Bhardwaj:** The ordinance is not intended to affect any current vacation rental license holder, and I'm confident that the City Attorney drafted it legally.

**Morgan:** It's misleading to consider this "urgent". I support the committee and encourage it to proceed. However, the moratorium is unnecessary, unclear, and may not be entirely legal. **Ratzlaff** agreed.

*Motion (Fulkerson/Bhardwaj) to continue the moratorium throughout the 6-month term.*

**Motion failed by the following vote: 3 Yes - Binnie, Bhardwaj, Fulkerson. 2 No - Morgan, Ratzlaff.**

3. Discussion of Tourism Support to the Chamber of Commerce

City Manager Albright explained that the City has annually supported the Greater Trinidad Chamber of Commerce with an annual contribution of \$3,000. In addition, the City sub-leases a portion of the Police Department/City Manager building on Trinity Street to the Chamber. The City also annually contributes \$1,500 to the Humboldt County Conventions and Visitors Bureau for regional tourism marketing.

While the source of the funds for these contributions is the City General fund, that general fund includes an annual projected revenue of approximately \$50,000 from Transient Occupancy Tax (TOT). In Trinidad, the TOT is 8% on all rentals that are under 30 days and includes vacation rentals, the bed and breakfast, and motel units. The TOT for the surrounding communities, including Humboldt County, is 10%.

For the next budget period (2010-2011), the Council may wish to consider a percentage appropriation of the projected TOT to support all tourism activities. For example, if 20% of the TOT was to be committed, that would equate to about \$10,000 annually. If the Council were to consider doing this, it may also want to consider increasing the local TOT percentage to be equal to the surrounding jurisdictions.

Public comment included:

**Richard Johnson** – Chamber Boardmember

The income that the Chamber receives from the City each year is its primary source of revenue. The work that the Chamber does to promote businesses throughout the greater Trinidad area helps the County as well, but none of that TOT revenue is shared with the Trinidad Chamber.

*Report/Discussion item only. No decision was made.*

**XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS**

**XIII. ADJOURNMENT**

- Meeting ended at 9:45pm.

**Submitted by:**

**Approved by:**

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

\_\_\_\_\_  
**Stan Binnie**  
Mayor