

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 10, 2011

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller Bhardwaj, Fulkerson. **Davies - Absent,**
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker, City Planner Trever Parker. City Engineer Rebecca Crow.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. Government Code section 54956.9(b)(3): Pending Litigation

IV. RECONVENE TO OPEN SESSION

Mayor Bhardwaj announced that the Council authorized the City Manager to approach Freeman Architects with a settlement proposal of \$46,000 in lieu of lost grant revenue..

V. APPROVAL OF AGENDA

*Motion (Miller/Fulkerson) to approve the agenda as amended. **Passed 4-0.***

VI. APPROVAL OF MINUTES – No minutes to approve.

VII. COMMISSIONERS REPORTS

Bhardwaj: Thanked the public for helping run such a smooth meeting in July.

Morgan: Nothing to report.

Fulkerson: Pier ribbon cutting announcement, highlights.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet.

IX. ITEMS FROM THE FLOOR

Patti Fleschner – Trinidad Area Resident

Expressed concern and support for Freeman Architects for work done at Saunders Park. Urged the City to go after the agencies responsible for withholding grant commitment for the project. Also, presented the 1983 edition of Trinidad News and Views with Trinidad Head dedication headline and reminded the city how important scenic views on Trinidad Head are to preserve.

Mareva Russo – Trinidad

Reported 2 new wires installed at the cell site on Trinidad Head by an unknown operator. Reminded the Council that no improvements are allowed to the facility without Council approval. Asked the City to investigate and report back with answers.

Brad Twoomey – Trinidad

Reported a new CFN sign installed at Chevron. Reminded the Council that no signs could be installed without City approval. Redwood Oil should be contacted. Supplied the Clerk with photo evidence.

X. CONSENT AGENDA

1. Staff Activities Report through July 2011
2. Financial Status Reports for June 2011
3. Present Certificates of Recognition to Josh Casqueria and Connor Woods.
4. Second Reading of Ordinance 2011-02; Vacation Dwelling Units.
5. Second Reading of Ordinance 2011-01; Qualifications of Planning Commissioners

Motion (Davies/Fulkerson) to approve the consent agenda as submitted. Passed 4-0.

XI. AGENDA ITEMS

1. Discussion/Decision regarding Tsunami Siren Test.

City Manager Suiker explained that the tsunami siren was tested on July 19, and although the sound could be heard in the intended locations, there is significant concern over the decibel meter readings in the immediate vicinity of the siren, including the vacation rental residence and the road leading to Trinidad Head trails. Due to those concerns, the level of the siren was subsequently turned down, and this has a corresponding negative impact on sound propagation to provide adequate warning to the areas as intended. A report from Building Inspector John Roberts detailing the results and findings was included in the packet.

The siren was installed to its present height to mitigate citizen concerns expressed at the time of consideration by the Planning Commission, and there was the need to move rapidly to meet the grant expenditure deadline. Since this expedited installation, additional funds have become available due to savings from other county allocations (specifically Del Norte), and the expenditure deadline has now been extended to September 2011. Because of concerns with the potentially injurious sound levels, the Planning Commission will be asked to reconsider the height of the siren at their next meeting on August 17.

Suiker further explained that it is recommended that the Council consider a waiver of the use permit and design review fee and direct staff to refund the \$750 paid by the Rancheria in February of this year. This would help to demonstrate the City's willingness and commitment to partner with the Rancheria on this important public safety project.

Public comment included:

Dan Larkin - County Office of Emergency Services
Provided a brief overview of the results of the siren test.

Shirley Laos – Trinidad Rancheria Tribal VP
Appreciated support and cooperation of all agencies involved with testing.

Brad Twoomey – Trinidad
Unsatisfied with the process. Felt that local government is getting pushed around. Warned the city that if a taller siren is raised, the City should be prepared for a legal battle.

City Manager Suiker explained that it is recommended that the Council consider a waiver of the use permit and design review fee and direct staff to refund the \$750 paid by the Rancheria in February of this year. This would help to demonstrate the City's willingness and commitment to partner with the Rancheria on this important public safety project.

Council comment included:

Morgan: Supports whatever course of action ensures public safety.

*Motion (Fulkerson/Morgan) to direct staff to issue a \$750 permit fee refund to the Trinidad Rancheria.
Passed 4-0.*

2. Discussion/Decision regarding Public Education for OWTS Ordinance.

City Manager Suiker explained that the Council adopted the On-Site Waste Water Treatment Ordinance on December 10, 2008. This Ordinance requires a process of permitting and inspecting septic systems in the City, with the goal to increase public health and safety and to improve water quality. A key component of that program is the adoption of "Program Guidelines" to establish the steps and processes necessary to properly implement. Draft guidelines were presented to the Council in October, 2010 for review and comments, and the final Guidelines were endorsed by the Council at their meeting in November, 2010.

At the request of the City, Streamline Planning submitted the attached proposal to conduct a public education program to reacquaint residents with this Ordinance prior to commencement of enforcement action. A proposal was also solicited by PlanWest; however, given their unfamiliarity with the City's Ordinance and its provisions, they respectfully declined to submit a proposal. The same situation would seemingly apply to other firms.

The proposal from Streamline appears reasonable and recommendation is recommended. City Planner Trever Parker explained that the proposal includes a brochure to be mailed to all property owners describing how the ordinance will affect them, why it was adopted, how it benefits the City, and why its being implemented the way it is.

Council comments included:

Fulkerson: I support the proposal, but it has to be easy for an ordinary citizen to read and understand.

Miller: A cost comparison of onsite septic vs. a public system might be a useful selling point for the fees associated with implementing this program.

There was no public comment.

*Motion (Fulkerson/Miller) to approve the Public Education Proposal from Streamline Planning in the amount of \$1,570. **Passed 4-0.***

3. Discussion/Decision regarding Moss Subdivision EIR.

City Manager Suiker explained that the Draft Supplemental EIR for the Moss Subdivision was initially published in mid-2010. The City of Trinidad has a long history of commenting on this subdivision and last did so in August of 2010. The City's comments made at the time have been incorporated in the Final Report. Public input at the Council meeting may result in additional areas of comment or clarification or direction of the Council to staff.

City Planner Trever Parker explained that there are 2 major issues that the City is focused on. 1) Impacts to the City's Water Supply, and 2) Impact to the endangered cutthroat trout species. The City requested that an SEIR be completed by the applicant.

Public comment included:

Sungnome Madrone – Trinidad Area Resident

Submitted a 3 page letter in advance of the meeting summarizing comments and concerns the City should address regarding impacts of the proposed subdivision. The document was added to the packet, and is on record in the City Clerk's office.

Patti Fleschner – Trinidad Area Resident

I've lived on Luffenholtz Creek for 32 years. I've experienced no substantial evidence that the water conditions have changed due to development upstream.

Sonya Roseth – Trinidad Area Resident

I agree with Sungnome, and would like to add that potential traffic impacts be addressed.

Council comments included:

Morgan: The Council should review all comments that the Planning Commission sends to the County before they are sent. **Miller** agreed.

Fulkerson: Protecting the City's water supply is a priority. Let's pass this to the Planning Commission for review. If a special meeting is required, make it happen.

By consensus, the Council agreed to send the report to the Planning Commission for review and comment.

4. Discussion/Decision regarding Water Rate Analysis.

City Manager Suiker explained that the current year budget includes funding to support a water rate analysis to consider rate adjustments to improve the financial integrity of the City's water system fund. That analysis is underway by Winzler & Kelly, and this will provide the opportunity to update the Council on the status of that

analysis as well as seek direction in terms of the general configuration of the rates to be proposed. Key points being considered that the Council will be asked to provide direction on are:

- Should some water be provided with the base rate?
- Should the City keep a rate differential between inside and outside connections?
- Should water consumption charges increase with more water used?
- Should the annual CPI increase be kept as part of the rate structure?

City Engineer Rebecca Crow and Brett Vivian gave a preliminary water rate analysis presentation. The following outline was presented:

1. Need for water rate study?
2. Trinidad Water System Statistics
3. Types of Water Rates
4. Current Water Rates
5. Recent Rate Discussion
6. Revenues vs. Expenditures
7. Other Water Rate Considerations
8. Discussion/Recommendations

Public comment included:

Shirley Laos – Trinidad Rancheria Tribal VP

Asked the City to remember and consider the significant contributions the Rancheria has made to the City's infrastructure. We realize it will be a tough decision, but please keep this in mind.

Sungnome Madrone – Trinidad Area Resident

Before restructuring rates to fit the current system, the City should dedicate resources to finishing alternative water source studies that were proposed last year.

Richard Johnson – Trinidad Area Resident

Have we looked at how efficient its own consumption is?

Council comment included:

Miller: Ready to authorize the City Engineer to provide new rate alternatives, but also to evaluate Sungnome Madrone's source water proposal.

By consensus, the Council directed the City Engineer to proceed with the analysis based upon clarification given on differentials, rate blocks, annual CPI increases, and report back at a future meeting with a draft rate structure.

5. Discuss/Consider Selection of Trinidad Head Advisory Committee.

At the last meeting the Council authorized city staff to post notification of the Trinidad Head Advisory Committee and seek applicants for the volunteer positions. The notices were posted and 8 applications were received as of August 10. The following individuals have applied:

1. Ben Moorhead
2. Virginia Waters
3. Sarah Lindgren-Akana
4. Shirley Laos
5. Mareva Russo
6. Ali Lindgren
7. Stan Binnie
8. Victoria Sackville

Council comment included:

Fulkerson: We should appoint them all.

Bhardwaj: Should we have a staff liaison? If there's not going to be a Council member on the committee, there needs to be either a staff or Planning Commissioner.

Fulkerson: I support appointing Stan Binnie to organize and coordinate the first meeting.

Public comment included:

Mareva Russo – Trinidad

Read a statement from Stan Binnie who was unable to attend the meeting, requesting to be on the committee.

Shirley Laos – Trindiad Rancheria Tribal VP

The Council shouldn't rely on a committee member to keep the meetings in order and abide by the brown act. A city staff member should be given that responsibility.

*Motion (Fulkerson/Morgan) to nominate all applicants to the committee and appoint Stan Binnie to coordinate the first meeting. **Passed 4-0.***

6. Discussion/Decision regarding Supplemental Budget to Pay for New Recycling Containers.

City Clerk Adams explained that the Trinidad Community Recycling Facility is funded through various sources. Annual grants from the Department of Conservation, tipping fees from Humboldt Waste Management Authority, and material buy-back and redemption values calculated by the ton at Humboldt Sanitation – the city's waste hauler.

The bins are located at the recycling center are property of the City of Trinidad. The containers are over 20 years old. The one used to collect steel and aluminum has deteriorated. Hum San had to replace the (2) containers with new custom bins. The cost was approximately \$4,500.

This expense was not anticipated when preparing the 2011-2012 budget. Staff requests authorization from Council to amend the IWM budget for 2011-2012 to include allocating \$4500 in Capital Outlay for the purchase of the new bins.

There were no comments from the public or Council.

*Motion (Fulkerson/Miller) to authorize \$4,800 in capital outlay from IWM budget reserves for the purchase of 2 new bins for the Community Recycling Center. **Passed 4-0.***

7. Discussion/Decision regarding Trinity & Edwards Street Signage.

City Manager Suiker explained that with the removal of the pole mounted street light at the intersection of Trinity and Edwards Streets, Winzler & Kelly was requested to provide recommendations regarding the possible need for additional traffic control and or/signage at that location. In response to that request, the City received the attached technical memo prepared by Traffic Engineer Frank Penry. That memo offers two possible alternative recommendations, one of which is to consider all-way stop control controls in concert with a number of improvements (see section 3.2 of Technical Memo). If this alternative were to be considered, further engineering study is recommended "given the regulatory setting and potential risk claims issue with the installation of official traffic control devices."

The alternative recommendation (see section 3.1 of Technical Memo) retains the existing side-street stop control and increases visibility of roadway markings and signage as follows:

- The existing marked crosswalks would be improved with white wide longitudinal strips ("ladder" style crosswalk).
- The existing centerline would be replaced with double yellow thermoplastic centerline with reflective markers.
- The existing red object marker would be replaced with one direction large arrow sign and yellow object marker

Council comments included:

Fulkerson: This is too scenic of a location to clutter up with signage.

Morgan: Support one stop-sign, no road markings.

Public comments included:

Mareva Russo: Read statement from Binnie.

Brad Twoomey – Trinidad

No more clutter. Supports the least amount of signage and markings as possible.

No decision was made. Item continued to a future meeting.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 10:15 pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor