

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MAY 09, 2012

I. CALL TO ORDER/ROLL CALL

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

II. PLEDGE OF ALLEGIANCE

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

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Morgan/Davies) to approve the agenda as amended. Passed 4-0.

VI. APPROVAL OF MINUTES – April 11, 2012 cc

Motion (Davies/Miller) to approve the minutes as written. Passed 4-0.

VII. COMMISSIONERS REPORTS

Fulkerson: **RREDC**: Encouraging public involvement and city contributions to help meet the required deposit to bring American Airline's direct flights to Arcata to LA.

Davies: Nothing to report.

Miller: Nothing to report.

Morgan: Announced upcoming Arts Nights, Garden Tour, Library Groundbreaking Ceremony, Chamber Meeting, Fish Fest. Also announced that he will be attending this month's HCOAG meeting as alternate, and that the city received a \$10,000 grant award from the Indian Gaming Committee for road work and safety cones.

VIII. STAFF REPORTS

Karen Suiker – City Manager

- Summarized staff report included in the Council meeting packet.

IX. ITEMS FROM THE FLOOR

Kai – Trinidad School student

Asked the Council to be willing to consider a future agenda item to ban the use of plastic bags.

Trinidad Coastal Land Trust

The land trust confirmed and secured funding necessary to purchase the Simmons / Trinidad Art property for a 5 year loan period. Repairs and maintenance needs are being assessed. Looking for a tenant or family that can live there and hopefully keep the art gallery open. The Land Trust has received a number of generous donations to build an addition on the new Library building to host an office, and be the Ned Simmons Gallery wing. The Land Trust is seeking additional funds from the community to supplement the project.

X. CONSENT AGENDA

1. Staff Activities Report for April 2012
2. Financial Status Reports for March 2012
3. Proclamation 2012-03; May 2012 as National Bike Month.
4. Proclamation 2012-04; Week of May 20, 2012 as Trinidad Library Week
5. Sale of Surplus Fire Engine 41.
5. Assignment of City's Contract with Winzler & Kelly to GHD, Inc.

7. Second reading of Accessory Dwelling Unity Ordinance (ADU) #2012-01 & Vacation Dwelling Unit Ordinance (VDU) #2012-02, and adoption of Resolution #2012-06 (ADU) and Resolution #2012-07 (VDU) for submittal of plan amendment to the Coastal Commission.
- *Motion (Miller/Davies) to approve consent agenda. **Passed 4-0***
 - *Pulled No. 3 and read aloud. Introduced Maria Bauman from County Public Health. Read a brief statement on behalf of Bike to Work Day. Motion (Miller/Davies) to approve the proclamation. **Passed 4-0.***

XI. AGENDA ITEMS

1. Discussion/Decision regarding award of Main Street and Trinity Street Gateway Project.
City Manager Suiker explained that the bid opening for the Main Street & Trinity Street Gateway project was held April 17, with competitive results. Ford Logging Inc. dba Pacific Earthscape from McKinleyville presented the lowest bid of \$305,850 and GHD has reviewed their license and bonding information. It appears to be current and up to date.
- If the contract is awarded, the Notice of Award can be delivered to Ford Logging May 10. They will then have 7 calendar days to execute the agreement and submit the required bonds and insurance to the City. The Notice to Proceed is planned to be issued quickly so that construction can begin on or around May 29th. There are 35 working days allowed for the Contractor to complete the work, which would correspond to construction ending in mid-July.
- City Engineer Josh Wolf** assured the Council that there would be no construction on the Main Street underpass until after the Fish Festival.
- Public comment included:
Brad Twoomey – Trinidad
What happened to all the money? There was \$100,000 remaining for this project. **Wolf** explained that additional funds are being reserved for contingencies and additions.
- Motion (Davies/Miller) to award the construction contract to Ford Logging Inc. dba Pacific Earthscape in the amount of \$305,850. **Passed 4-0.***
2. Discussion/Decision regarding State Parks proposal to consolidate the Coastal Development Permit process for installation of tsunami warning signage in coastal State Parks in Mendocino, Humboldt, and Del Norte Counties.
City Manager Suiker explained that the North Coast Redwood District of the CA State Parks is preparing to install various tsunami warning signage along the coast within the State Park system. Because the Coastal Act is a State law, and the City of Trinidad is authorized to issue CDPs pursuant to its certified LCP, the City has CDP authority over state lands within its jurisdiction. However, the City only has CDP jurisdiction on State lands, and other City permit requirements and zoning, such as use permits and design review do not apply to State lands. The Park has requested that the City authorize them to consolidate their permit process into one application through the Coastal Commission. This means that the City would be relinquishing its CDP authority for just this one project. The result is that the Park will submit one application to be approved by the Coastal Commission rather than having to go to each local jurisdiction for individual CDP approval.
- State Parks Representative Michelle Forsy** explained that in terms of Trinidad, the only signs proposed within City limits are two or three small 'entering' and 'leaving' signs on Trinidad State Park trails and one 'multi-coastal hazard' sign near the Marine Lab. Keep in mind that the City is only relinquishing its CDP authority, since City requirements for use permits or design review do not apply on State lands.
- City Planner Trevor Parker** added that the authorization for consolidation must come from the legislative body.
- Public comment included:
Mareva Russo – Trinidad
I hope that the State is considering using the smallest size sign as possible. It's also important that the signs are placed appropriately and tastefully. Let nature have the first word. The community would like to have a say in the size and placement of these signs. **Forsy** explained that the public is welcome to attend the public meeting that will be held to permit these signs.

Council comment included:

Fulkerson: I appreciate residents keeping track of creeping signage and providing such thoughtful input.

Motion (Miller/Davies) to authorize the consolidation and request the City Planner to write a letter to the Parks approving the consolidation. Passed 4-0.

3. Discussion/Decision regarding Verizon proposal for antenna swap of Trinidad Head.

City Manager Suiker explained that the City has been approached by a Verizon representative to seek permission for swapping the existing 3 panel antennas on the Trinidad Head Site with 3 proposed antennas of the same exact dimensions. The purpose of this swap is to enable an upgrade from 3G to 4G technology in order to stay competitive and keep up with the growing needs of customers and the applications available on handheld devices. There will be no addition of any kind to the site.

The Ground Lease includes language as follows:

“Lessee....may make alterations, improvements, additions or utility installations to or on the Site that are necessary for the conduct of the permitted uses of the Site, subject to the prior written approval of the Lessor.”

This proposed project was discussed with Coastal Commission staff and the City’s Planner has been advised that based on the staff’s preliminary review, the antenna swap portion of the proposal is likely exempt from CDP requirements. Section 30610 contains the exemptions: “no coastal development permit shall be required pursuant to this chapter for... d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities.” In 1978 the Coastal Commission adopted further guidance for these types of exemptions (entitled ‘Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements’). This document includes the following language for communication facilities: “A coastal permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A coastal permit is not required ... [for] work required to supply increased demand of existing customers’ facilities in order to maintain the existing standard of service.”

Suiker introduced **Verizon Representative Nathan Giguere**. He explained that the project would include 30 feet of cable work that would be flush-mounted and strapped to the existing wood poles. A bucket man-lift truck would be used to complete the project. No other equipment would be necessary other than what is currently used on-site.

Public comment included:

Brad Twoomey – Trinidad

Why are these changes needed? Technology demands more wireless needed. Additions and improvements are measured in signal strength and use intensity. The Coastal Commission has determined that improvements shall not be allowed.

Larry Goldberg – Trinidad

Cell service in this area has directly improved our quality of life. 4G is a way better technology than what is currently being used today. The phone IS the internet. It is critical to business, and keeping up with new technology is extremely important. I speak in favor of the upgrade.

Mareva Russo – Trinidad

Larry is right, high-speed service is great. I apologize to Nathan. Anyone handling inquiries about intensifying use should know that this is not the appropriate location for cellular facilities, and this proposal should not be permitted. I look forward to Verizon finding an alternative location.

Cindy Lindgren – Trinidad Area

The Coastal Commission ruled that no further improvements be made by the cell companies. We should be working with Verizon on an exit strategy.

Sungnome Madrone – Trinidad Area

I am a Verizon customer, and I value good service. I agree with Larry, but for 200 years we've been placing inappropriate developments on Trinidad Head. I'm not in favor of the upgrade.

Council comments included:

Morgan: I'm against allowing any further improvements on Trinidad Head. I don't care if it takes 5 additional sites, the facility should be relocated as soon as possible.

Miller: I strongly support a proactive approach to the 2017 exit. I do, however, support the antenna swap as proposed by Verizon. We need to work together and find an alternate location for this facility.

Davies: I appreciate both sides of the argument. I say we keep things status quo and leave it like it is. I'm not in favor of the upgrade.

Fulkerson: This is a very interesting discussion, and you certainly can't predict this Council. I saw this as a plus, but why isn't the technology used to transmit data shrinking like the handheld devices are?

City Manager Suiker assured the Council that Verizon is very aware of the Council's position to encourage an exit strategy, and that they are actively seeking alternative site proposals.

Verizon Rep Nathan Giguere explained that there are 2 distinct issues here. Verizon doesn't need to be in a hurry to leave. Verizon meets all the requirements of the lease agreement with the city – rent is paid on time and in full. Verizon is keeping up with the demand for technology, and is pursuing new candidates to host a new facility in 2012. However, it will take 2-3 individual sites to simulate the Head's vantage. There are 5 years left under the current agreement. The FCC back's Verizon and their requirements to stay current with technology.

*Motion (Miller) to authorize Verizon to proceed with the antenna swap as proposed. **Motion failed due to lack of second. No further decision was made.***

4. Discussion/Decision regarding agreement for planning services and General Plan Update Project Schedule.

City Manager Suiker explained that the agreement for Planning Services to be provided by Robert Brown (then working for Rising Sun Enterprises) was executed over 20 years ago, and although there is no termination date specified, much has changed and the agreement is in need of updating. An updated agreement to provide for Planning Services as provided by City Planner Trever Parker is proposed to continue until July 1, 2014, with a two year extension possible. Termination could be initiated by either party by giving thirty days' notice. Rates would also increase under this agreement from what has been charged since 2006 (example: Senior Planner from \$48 to \$60/hour), and is consistent with rates charged to other public entities.

A substantial amount of Planning effort is expended on tasks leading to adoption of the General Plan Update. A project schedule is attached for council consideration, review and discussion. The proposed budget to be considered by the Council will include the following Planning tasks for FY 2012-13:

• General Planning & CEQA for General Plan	\$ 12,000
• ADU/VDU responding to Coastal Commission	500
• Planning Commission	4,800
• Permit Activity (reimbursable)	5,000
• Moss Subdivision and other city-generated projects	1,000
• OWTS program administration	500
• General Planning & inquiries from Commissioners	4,800
Total	\$ 28,600

Council comments included:

Miller: Planning does a good job representing the city. However, the public is critical of the amount spent on their services. They do a lot of work, and based on what I see, I support the agreement as proposed.

Morgan: How much have we spent on the General Plan so far?

Fulkerson: What's holding the General Plan up?

Public comment included:

Richard Johnson – Planning Commission Chair

The Commission meets once a month, and there have been many delays. Moss Subdivision, Homan, ADU's & VDU's The process is extremely transparent. We've been cutting and pasting a lot from other certified coastal plans. To connect the dots takes effort. We encourage input, but speeding through a General Plan update equals bad city ordinances.

Sungnome Madrone – Trinidad Area

I've worked on many General Plan updates, and been to numerous meetings. Without Richard and Trever, we wouldn't be as far as we are. I support saving cash, but I suggest you double up the resources allocated to get the project done more quickly! Use momentum. If you only budget the Planner one or two days a month to work on this, it will go on forever and eventually becomes inefficient.

Mareva Russo – Trinidad

Pointed out a few typos.

Council comments included:

Fulkerson: More money = gets done quicker. Let's consider that at the upcoming budget meeting.

Miller: Agree with Sungnome, but Planning Commissioners are volunteers. We can only expect them to do "so" much.

Morgan: I can support doubling the resources if we get some guarantees. Let's get a plan to accelerate completion deadlines. **City Planner Trever Parker** agreed that additional resources would help.

Motion (Miller/Davies) to:

1. Consider approval of Agreement for Planning Services; and
2. Review and approve General Plan Update Project Schedule and consider additional funding resources at the upcoming budget hearing.

Passed 4-0.

5. Discussion/Decision regarding Resolution 2012-04; Calling for an election to propose extension of the sales tax increase, and Resolution 2012-05; Election Consolidation.

City Manager Suiker explained that at the April 11, 2012 meeting, the Council directed staff to prepare documentation for a ballot measure for the November election regarding continuation of the sales tax add on.

In order to proceed, two resolutions need to be considered:

1. Resolution Calling for Election to Extend the Increase of the Transaction and Use (Sales) tax for four years, starting on April 1, 2013
2. Resolution Requesting the County to render election services.

The Council further requested staff contact the Board of Equalization (BOE) regarding their assessed costs, and the response is as follows:

If the add on continues at the same level, no set up charges are assessed. If the add on expires, no set up charges are assessed. If the amount of the add on changes, there will be an assessment based on how many other entities have changes, since the BOE distributes their costs to participating entities. The prior set up assessment charged the city was \$15,700.

Public comment included:

Sungnome Madrone – Trinidad Area

I support the sales tax extension.

Council comments included:

Morgan: I have big concerns with how it was sold to the community. It didn't fund fire capital reserves, and it was supposed to sunset. I don't support the tax extension.

Miller: Complimented the work of the City Manager and talked budget, numbers, salaries, etc. The tourists contribute greatly to the sales tax revenue. I support the measure.

Fulkerson: We could cut across the board. Streetlights, trees, library, parks, streets, environmental quality, etc. It's a bargain to me to pay what I do to receive the services we get from this additional revenue. I support it.

Motion (Miller/Davies) to approve resolutions 2012-04 and 2012-05. Motion passed by the following vote: 3 Yes, 1 No – Morgan.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 9:35pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor Pro-Tem