

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, OCTOBER 10, 2012

I. CALL TO ORDER/ROLL CALL

- Mayor Pro-Tem Fulkerson called the meeting to order at 7:00PM. Council members in attendance: Morgan, Bhardwaj, Davies. **Miller was absent.**
- City Staff in attendance: City Clerk Gabriel Adams, City Engineer Steve Allen.

II. PLEDGE OF ALLEGIANCE

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

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

City Manager Suiker requested that the item be continued to November to allow the Coastal Commission staff time to review the 1985 permit conditions.

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

VI. APPROVAL OF MINUTES – September 12, 2012 cc

Motion (Morgan/Bhardwaj) to approve the minutes as written. Passed 4-0.

VII. COMMISSIONERS REPORTS

Davies: Nothing to report.

Morgan: Humboldt Lodging Association and TBID report.

Fulkerson: Introduced City Council candidate Maria Bauman.

VIII. STAFF REPORTS

City Manager Suiker: Highlighted items listed in her Staff Report – Online Municipal Code, General Plan on track, Gateway Project complete.

Gabriel Adams, City Clerk: Noted that Trinidad met the State's waste diversion mandate in 2011, but only after Pier Reconstruction waste was tracked and backed out of the original tonnage total that was used to determine that the City was non-compliant at first.

Mayor Bhardwaj noted how important it was to have a City Manager to track many ongoing, non-glamorous infrastructure projects that have a huge impact on the city such as Recodification of the city's Municipal code. Thanked Suiker for running the town so effectively and efficiently.

IX. ITEMS FROM THE FLOOR

Steve Ruth – Trinidad

I would like an update on the 12.5 Acre Tsurai Management Plan property transfer discussions with the tribe, and also an update on the OWTS implementation timeline.

X. CONSENT AGENDA

1. Financial Status Reports for August 2012.
2. Staff Activities Report for September 2012
3. Sheriff's Activity Report September 2012
4. Final Change Orders and Notice of Completion of the Trinidad Gateway Project.
5. Authorize City Manager to Sign Contract for Service with LACO for the Luffenholtz Creek Sediment Reduction Project

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

XI. AGENDA ITEMS

1. Discussion/Decision regarding Ordinance 2012-04; Adopting the Updated Building Department Fee Schedule. City Manager Suiker and Building Inspector John Roberts explained that the City's Municipal Code Section 15.04.260 provides that building department fees are as set forth in the current adopted building codes. Those codes provide for a fee base on valuation with a 2% modifier for our area. There are no itemized fees for smaller jobs such as siding, window replacement, roof repair, except for the valuation submitted by the permit applicant that can widely vary from one project to another for the same amount or type of work. The building code gives authority to the City to establish a fee schedule of its own.

A schedule of fees is proposed based on the County of Humboldt's format. This would establish a comprehensive set of fees that allow the fees to be more consistent and fair. Automatic fee increases would no longer automatically apply, and modifications or changes would require specific action by the Council. Larger projects such as new homes or high valuation projects would enjoy a stabilized fee rate for building projects including mechanical, plumbing and electrical work. The fee schedule provides many unit values for determining valuation in lieu of contractor's bid listing, which can vary from job to job and contractor to contractor. The proposed schedule provides consistency and lower valuations on items such as siding, roofing, windows and foundations.

This fee schedule is based on that in use by the County of Humboldt, and has also been adopted by the City of Blue Lake and is working well. For example, a roofing permit in Blue Lake can be from \$62 to \$200 depending on the extent of the project, where in the City of Trinidad roofing permits typically cost \$250 or more. The proposed fees also provide for cost recovery fees to be collected when a project must be referred for evaluation and input from other agencies or departments, such as Planning.

There was no comment from the public or Council.

*Motion (Morgan/Davies) to approve and adopt first reading of Ordinance 2012-04; Updated Building Department Fee Schedule. **Passed 4-0.***

2. Discussion/Decision regarding Wildfire Protection Contract with CalFire. City Manager Suiker explained that for a number of years the City contracted annually with CDF (now Cal Fire) for wildfire protection services for 281 acres of wildland area within the City of Trinidad. The cost for fiscal year 2009-10 was \$5,963. Current costs for this same protection would be \$6,787 (based on \$21.66 per acre plus 11.51% administrative rate) This arrangement is similar in nature to an insurance policy to assure costs associated with wildland fire protection would be contained. In August, 2010, because there had been no wildfires started within the City limits, the City agreed to an arrangement whereby Cal Fire would charge the city for services that extend beyond normal mutual aid in lieu of pre-paying the annual amount. Those costs are defined as the cost for resources deployed for any incident exceeding four hours from time of dispatch to when resources are back in quarters.

Although there is little risk of a wildland fire, the costs associated with responding to a rapidly escalating incident could easily exceed the county's available reserve funds, and it is recommended the Council consider returning to the insurance-type of pre-payment to assure costs are contained. Suiker also noted that TVFD Chief Tom Marquette advised that the contract is unnecessary for reasons explained to him by CalFire personnel.

Suiker introduced CalFire Trinidad Battalion Chief Tom Nix. Nix explained that even though the likelihood of a wildfire event in Trinidad was rare, operating without a contract in place would give the discretion to CalFire administrators to determine how much –if any- of the expenses incurred would be the liability of the City.

There was no public comment.

Council comment included:

Davies: CalFire usually beats TVFD to the scene. When we respond to calls outside the city for mutual aid, they send us home and stay to clean up the scene. We have a great working relationship with CalFire and expect that in the event of a major fire, they would treat Trinidad reasonably.

Bhardwaj: I believe in insurance. If we can afford it, it's better to have it than not.

Fulkerson: According to CalFire, it's too late to consider a contract this year. Let's reconsider this item next April when they are preparing contracts for the 2013 fire season.

No decision was made.

3. Discussion/Decision regarding Request from CalFire to Connect to the City's Water System.

City Manager Suiker explained that Cal Fire operates Trinidad Fire Station located outside of the city limits at 923 Patrick's Point Drive and has requested permission to connect to the City's water supply due to documented evidence of a history of coliform bacteria and fecal matter in the station's current water supply. Government Code Section 56133 (c) authorizes a city to provide extended services outside its jurisdictional boundaries ONLY if it first requests and receives written approval from the Local Area Formation Commission (LAFCo).

In May 2010 LAFCo considered such approval and authorized Cal Fire and the City of Trinidad to negotiate a plan for city water service exclusive to the Cal Fire Trinidad Station. LAFCo determined this proposed service request to be exempt from their out-of-area service policy (which requires annexation) pursuant to Government Code Section 56133 (e). This exemption allows contracts or agreements solely involving two or more public agencies at a level of service that is consistent with the service currently provided. An engineering analysis was conducted by Winzler & Kelly which determined that the City has sufficient water capacity to provide the fire station with their estimated demand (800 gallons/day).

The LAFCo authorizing Resolution 10-7 requires an environmental assessment of the proposed project and the ability for Cal Fire to assume all financial responsibility. If City approval to proceed is granted, Cal Fire will begin the process to secure necessary funding. This would include payment of a \$8,900 hook up to the city for a 1.5" line (size conditioned by LAFCo).

Approval of this connection would not set a precedent for future connections in that the exemption is applicable **solely** because of the public nature of the proposed project.

Public comment included:

Tom Nix – CalFire Trinidad Battalion Chief

Thanked the Council for considering the request, and reminded that even if the Council approves the hookup tonight, he has a major uphill battle ahead to seek funding and secure all the necessary permits from the County.

John Spyropolous – Trinidad

Why can't you truck your own water in?

Richard Johnson – Trinidad Area Resident

Would there be a reduced water rate for government connection? City Manager Suiker explained that NO, there is no reduced rate in the City's water rate structure for government accounts.

*Motion (Morgan/Davies) to authorize CalFire to connect to the City's water system subject to successful negotiation of a services agreement, payment of any required fees and assumption of all financial responsibility, as well as CalFire's ability to secure all necessary permits and right's of way. **Passed 4-0.***

4. Discussion/Decision regarding Request to Remove Existing Conditions and Place New Conditions on the Trinidad Bay Bed & Breakfast.

No decision was made. City Manager Suiker requested that the item be continued to November to give the Coastal Commission time to review the original conditions set by the 1985 permit.

5. Discussion/Decision to Increase Business License Fees.

City Manager Suiker explained that Section 5.04.250 of the Municipal Code provides that the business license fees are as set by resolution of the City Council. Except for consideration of a first year Vacation Dwelling Unit fee (\$100 per VDU Ordinance), the last time the fees were adjusted was by Resolution No. 93-2 adopted in

February 1993. The city's external auditor has recommended consideration of a fee adjustment given that costs have risen since 1993.

The \$100 first year VDU fee was based on additional effort that will be required of city staff to review the site plan and sample rental agreements for conformance to the requirements as set forth in the VDU ordinance. With exception of the first year VDU, other fees are proposed at \$60 per year or \$10 per day. This compares to the current fee ranging from \$37.50 to \$90.00 depending on the type of business. The proposed single rate will simplify the collection and will be in line with procedures and costs assessed by other local entities. The late fee is proposed at \$20 if not paid by July 31 of each year. A survey of other smaller local entities was conducted.

Public comment included:

Adora King – Trinidad

Does every business have a license? I request that the fee not increase so much. Please consider a smaller increase.

Council comments included:

Morgan: I support Adora's recommendation that the fee be increased at a smaller rate this year. Business is challenging, and the cost of doing business keeps going up.

Fulkerson: I support the fees as proposed.

Motion (Davies/Bhardwaj) to approve Resolution 2012-11 updating business license fees for the City of Trinidad. Passed 3-1. No – Morgan.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 8:25pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor