

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, DECEMBER 12, 2012

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Miller, Bhardwaj, Fulkerson, Davies.
- City Staff in attendance: City Attorney Andy Stunich, City Manager Karen Suiker, City Clerk Gabriel Adams, City Engineer Steve Allen and Rebecca Crow.

II. PLEDGE OF ALLEGIANCE

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

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

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

VI. APPROVAL OF MINUTES – November 14, 2012 cc

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

VII. COMMISSIONERS REPORTS

Fulkerson: RREDC's million dollar goal was reached to bring the new airline to Arcata.

VIII. STAFF REPORTS

City Manager Suiker: Highlighted items listed in her Staff Report – Recruitment for TPW Vacancy is underway. Interviews are being conducted next week. New Councilmember Bauman will be sworn into service at the January meeting. Annual audit was a success and the city has a good financial standing.

IX. ITEMS FROM THE FLOOR

Sarah Lindgren-Akana – Tsurai Ancestral Society Representative

Read from a letter submitted, requesting the Council respond in writing to the letter submitted at the November 14 meeting requesting the Tsurai be included in the Cultural/Historical Element of the General Plan update.

Brad Twoomey – Trinidad

Presented the history of the light pole at the corner of Scenic and Main Street.

X. CONSENT AGENDA

1. Staff Activities Report for November 2012
2. Financial Status Reports for October 2012.
3. Humboldt County Sheriff Activity Report, November 2012
4. Retroactively authorize the City Manager to sign contract amendment for Luffenholtz Creek Sediment Reduction Project
5. Resolution 2012-13: Adopting the Mitigated Negative Declaration for the Luffenholtz Creek Water Protection Project.
6. Adopt CEQA Notice of Exemption for Trinidad Water Treatment Plant Improvement Project.
7. Resolution 2012-14; Authorizing Signature of Funding Agreement and Related Documents Under Proposition 50 for Luffenholtz Source Water Protection Project.
8. Schedule for Two Council Meetings in January

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

XI. AGENDA ITEMS

1. Swearing into office Councilmember Julie Fulkerson for a second term.
City Clerk Adams administered the oath of office to Councilmember Fulkerson.
2. Resolution 2012-15; Recognizing the Public Service of Michael Morgan.

Mayor Bhardwaj read the Resolution aloud. Councilmembers Miller, Fulkerson, and Davies thanked Morgan for his service. Patti Fleschner also thanked Morgan for all his notable contributions throughout his years as Councilmember and Planning Commissioner, and wished him well.

Motion (Miller/Fulkerson) to approve Resolution 2012-15. Passed 4-0.

3. Discussion/Decision regarding Tsurai Ancestral Society Notice of Violation and Intent to File Suit

City Manager Suiker explained that on November 15, 2012 the City received a Notice of Violation and Intent to File Suit from an attorney representing the Tsurai Ancestral Society (TAS), and staff responded by letter of November 28. It is not clear if the Notice of Violation represents a claim against the City, but in the event it does, the standard procedure is to reject the claim. A Motion for Summary Judgment which was granted in favor of the Civic Club in 2004 regarding some of the principal issues being raised again by the TAS.

City Attorney Stunich further explained that when a claim is filed against the City, the City has 3 options: 1) to accept the claim, 2) reject it, or 3) do nothing. We recommend rejecting this claim for obvious reasons, specifically because the statute of limitations has expired.

Public comment included:

Kim Tays – Trinidad

Which lawsuit is this? The Pennisi lawsuit? I'm confused? City Attorney Stunich explained that this is a new claim in response to the original transfer of the Lighthouse grounds to the Civic Club, every improvement that's been made to the site, including the most recent terracing project and trail relocation.

Sarah Lindgren-Akana – Tsurai Ancestral Society

Read a letter submitted on behalf of the TAS.

Ralph Faust – TAS Legal Counsel

City should consider the obligations of the city with regards to coastal development, which is not restricted by statute of limitation policies.

Council comments included:

Davies: It would be helpful to have meetings and discussions with the Tsurai and all interested parties without the legal papers flying around. Legal posturing is not the solution. I haven't been involved in the meetings personally, but legal battles are not helpful and just frustrate and delay any progressive communication.

Fulkerson: I agree with Davies. This is about having a respected and honorable conversation with the Tsurai, but all the lawsuits complicate the issues even further. Rejecting the claim will hopefully help us build a new conversation. **Miller** and **Bhardwaj** agreed.

Motion (Miller/Fulkerson) to reject the claim filed by the attorney representing the Tsurai Ancestral Society. Passed 4-0.

4. Discussion/Decision regarding Two Tier System for Payment of Employee Dependent Health Care Insurance

City Manager Suiker explained that the City's adopted Employee Policies & Procedures provide for the City to pay the full premium for medical and dental insurance coverage for all full-time employees, his/her spouse or legal partner, and dependent children. The City's current cost for medical insurance is \$3,322 per month for five full time employees; \$2,209 per month for its employee dependents for a total of \$5,531 per month (\$66,371/year). The city additionally pays the full premium for dental insurance and also provides an annual \$200 allowance as reimbursement of vision care expenses incurred by the employee, his/her spouse or legal partner, or by dependent children.

Most entities provide for a shared cost for employee dependent health care plans. A survey of 6 local public entities (including Trinidad) is attached, which shows Trinidad stands alone in paying 100% of dependent care coverage. Out of the 120 groups insured through our insurance agency (George Petersen Insurance), only 4 pay for some portion of dependent coverage, and only one other besides Trinidad pays for 100% of dependent coverage. Since current employees were hired with the understanding of such coverage, there is no thought to recommending a change for them. Rather, as is becoming more and more common in the public sector arena, a two-tier approach is recommended whereby employees hired after December 1 would contribute toward their

dependent coverage, with the city still paying 100% of the employee health care coverage. A 70% city/30% employee cost share for dependent coverage is recommended. Dependent coverage for the city's current employees (which is not proposed to be changed) ranges from \$0 (no dependents) to \$1,071/month for a family. A 30% cost share within this range would be \$0 for an employee with no dependents, to \$321 per month for an employee with a spouse and any number of children under the age of 26.

With the current vacancy comes the opportunity to revisit the city's benefits. It should be noted that current employees are opposed to any plan that would provide a different benefit package based on date of hire. Their thinking is that all employees should be treated equally in this regard.

There was no public comment.

Council comments included:

Miller: I'm concerned that the balance between pay rate and benefits for other city employees in similar positions elsewhere in Humboldt County may not be equivalent to Trinidad employees. Suggested setting the policy in favor of the 30% contribution for new hires tonight, but bringing back options in the future that may equalize the disparity between pay and benefits.

Fulkerson: I agree with the employees that equal treatment may be best. If we had a union there would be negotiations that may balance the inequity. In the short term this may save a little, but in the long term it could save a lot. However, I support the manager's recommendation.

Davies: I agree with Julie, and agree with Dwight on the pay rate relative to the benefits. I personally do not benefit from 100% coverage for my spouse and/or dependents, and understand the potential long term savings to the city, so I too support the City Manager's recommendation.

Bhardwaj: Health Care is a national issue that can't be handled here in Trinidad. I support the City Manager's recommendation.

*Motion (Miller/Davies) to approve a 70% city/30% employee cost share for employee dependent health care coverage for employees hired after December 01, 2012. **Passed 4-0.***

5. Selection of Mayor and Mayor Pro Tem
*(Motion Miller/Davies) to select Julie Fulkerson as Mayor and Dwight Miller as Mayor Pro-Tem. **Passed 4-0.***

6. Appointment of Council members to various boards and commissions
Councilmembers suggested changes and discussed briefly their preferences and availability. Council and City Manager will discuss changes and consult with new Councilmember Bauman prior to making final selections.

Public comment included:

Stan Binnie – Trinidad

A pedestal for public sculpture has been placed at the entrance of town. It might be helpful to have a committee in place to help decide what art will be placed there? **City Manager Suiker** explained that outreach has been made to the Ink People in Eureka for consultations with prospective artists, and that she plans to return to the Council with recommendations in the near future.

Brad Twoomey – Trinidad

We want the terms to be as flexible as possible, and don't want to be locked into a sculpture for too long. This should not be the domain of the Trinidad Art Gallery or the Land Trust.

The final list of appointments will be brought back for adoption at the January 2013 meeting.

7. Consideration of mini-roundabout at Trinity and Edwards
City Manager Suiker explained that during an earlier discussion of traffic control options at the intersection of Trinity and Edwards, the concept of a mini-roundabout at that location was brought up with some interest. Funding for project planning, programming and monitoring is available to the various entities through the Humboldt County Association of Governments (HCAOG), and in November of 2011, \$5000 was allocated to the

City of Trinidad to study the feasibility of such a concept. Because of other priorities, the project was placed on hold. Now that the Gateway project is complete, consideration can again be given to this study. If the Council is interested in proceeding with such a study, the City could contract with GHP to survey city properties and determine if sufficient public lands exist to consider such a traffic infrastructure within the city's right of way. Such a study would not commit the City to eventual construction.

Public comment included:

Jim Cuthbertson – Trinidad

Send the money back. This concept has been shot down already once.

Kim Tays – Trinidad

I agree with Jim. This is a waste of money and the signs will be excessive and ugly.

Jason Richie – Trinidad Bay Bed & Breakfast

Speeding is the issue. The roundabout may not be the best solution, but we are still concerned with finding an appropriate traffic calming solution.

Adora King – Trinidad

I like Arcata's painted crosswalks. No roundabout.

Council comments included:

Fulkerson: Give the money back. We need to discuss a city-wide traffic calming plan, and a roundabout here isn't the answer.

Miller: I pushed for the roundabout due to the B&B's complaints about speeding. I'm leaning toward considering the study simply find out whether it's feasible or not.

Davies: Something needs to be done to make it safer to walk around town, but I agree, this isn't the answer.

Bhardwaj agreed.

*Motion Fulkerson/Davies to not proceed further, and to return the funds to HCOAG. **Passed 4-0.***

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 8:55pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor