

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 13, 2014

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Karen Suiker, City Clerk Gabriel Adams, City Planner Trever Parker, City Engineer Josh Wolf.

II. PLEDGE OF ALLEGIANCE

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

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

- Move City Manager discussion item to No.1 on the agenda.
Motion (Miller/Davies) to approve the agenda as amended. Passed unanimously.

VI. APPROVAL OF MINUTES – April 09, 2014 cc, May 14, 2014 cc, June 04, 2014 scc

Motion (Miller/Baker to approve the minutes as written. Passed unanimously.

VII. COMMISSIONERS REPORTS

Davies: Nothing to report.

Miller: Nothing to report.

West: Attended a water conservation committee meeting and discussed potential conservation campaign.

Fulkerson: Announced resignation of RREDC Executive Director Don Enebuske. Interim Director has been appointed, and recruitment process will soon be underway.

VIII: PROCLAMATIONS & ANNOUNCEMENTS – None

IX. ITEMS FROM THE FLOOR

Maggie Flemming – Humboldt County District Attorney

Announced her election victory, and that she will be sworn in on January 05, and here to assist and help Trinidad however she can.

X. CONSENT AGENDA

1. Financial Status Reports for May & June 2014.
2. Staff Activities Report June & July 2014.
3. Law Enforcement Report June & July, 2014
4. Resolution 2014-11; Retroactive Letter of Support on Illegal Marijuana Grows.
5. Supplemental Budget for cemetery Plot Plan.
6. Resolution 2014-10; Acknowledging the public service of residents Stan Binnie and Kim Tays
7. Letter of Support for AB 1839 – California Film and Television Job Retention and Promotion Act.
8. Resolution 2014-12; Requesting Participation in Pilot Program for Control of Squatting in Private Residences.

Motion (Davies/Baker) to approve the consent agenda as written. Passed unanimously.

XI. DISCUSSION AGENDA

1. Discussion/Decision regarding Consideration of Fee Waiver for Removing and Replacement of Murphy's Market permitted marquee sign.

City Manager Suiker explained that there is considerable interest in working toward consistent application of the city's sign rules and regulations, and funds have been budgeted in fiscal year 2014-15 to work toward such compliance. The Building Inspector will be tasked with creating an inventory of signs, and staff will work toward bringing signs into compliance and/or removing those that are non-permitted. Some of the signs have been in existence for some time, and it is important that the city work cooperatively with its valued businesses toward the goal of permit consistency.

Although the marquee at Murphy's is beneficial in that it is used for community announcements, and the folks at Murphy's have been wonderfully cooperative about including information to announce community events on the

marquee, there are some who object to the sign's obstruction of the view of Trinidad Head at the entry to town. Although the marquee is a permitted sign, there are a number of other signs within Murphy's center that have been placed without benefit of a permit. With limited exceptions, most signs are only permitted subject to specific regulations and review and approval by the City's Planning Commission.

The Saunders family is proposing to remove the marquee and work with the tenants on existing signs (and new proposed signs) to bring the center into sign compliance. The family has already met with the tenants and is working on the design of a new and lower (non-view obstructing) wooden sign that would list the business names, and at the same time identifying "Saunders Plaza" on the new sign.

Because the marquee is a permitted sign, a partial fee waiver is recommended to be considered for city costs (primarily Planner costs) involved in permitting the new sign. Our normal process would be to collect a \$750 deposit up front, with actual costs accumulated and the difference either billed or refunded to the applicant. A cost share to remove and replace a permitted sign is suggested at 75% city/ 25% applicant. In exchange, the applicant would remove the marquee, and will work with the center's business owners to bring all center signs into compliance with the city's municipal code.

Public comment included:

Gail Saunders – Trinidad

The Saunders Business Center shouldn't be singled out with the signage enforcement. It should be equally implemented throughout town.

Brad Twoomey – Trinidad

Gail is on the right track by removing and lowering the sign. The current sign regulations are strict, and no signs should be grandfathered in. This proposal will be a GREAT visual improvement, and I hope the Planning Commission approves it.

Mareva Russo – Trinidad

Echoed Brad's comments. Added that the City sharing the cost is appropriate. Investments in visual improvements at the entrance of our city is something we all should support. Allowing nature to become the focal point is a great policy.

Councilmember comments included:

Baker: I hope that \$750 will cover the costs. **City Planner Trever Parker** explained that the cost of the staff report and notifications will be minimal, but she couldn't guarantee the hearing wouldn't stir controversy.

Fulkerson: I'm hopeful that all businesses will bring their signs into compliance voluntarily.

Miller: Asked Manager Suiker how the city will be contacting the businesses about signage policy. **Suiker** explained that the main focus will be to start by developing an inventory current signs. Then, those that do not meet current ordinance criteria will be contacted, and possibly asked to apply for a variance. She too is hopeful that voluntary compliance will be achieved.

*Motion (Davies/West) to approve a 75% sign permit fee waiver (applicant to pay 25% of costs) to remove and replace the permitted sign at Murphy's. **Passed unanimously.***

2. Discussion/Update regarding Draft VDU Ordinance.

City Planner Trever Parker explained that at the June Council meeting, and at the request of Coastal Commission staff, the Council approved a 'Resolution of Withdrawal' for the VDU Ordinance Local Coastal Plan amendment application. The reason for this was because the ordinance has changed so much, Coastal Commission staff would prefer to bring a clean, revised ordinance before the Coastal Commission to avoid confusion and so they can recommend approval of the ordinance 'as submitted.' However, there is still one unresolved issue regarding the water use language in the ordinance, and staff has been continuing to negotiate with Coastal Commission staff on this last issue.

Parker recalled that the Coastal Commission wanted to see a numerical cap on VDU water use based on the design flow of the septic system (which is based on the number of bedrooms). However, the City wanted to ensure there was an appropriate allowance for landscaping. Coastal Commission staff suggested that City staff

categorize the water use in the City based on the size of lots and number of bedrooms in the house. City staff attempted this, but found no pattern. However, it was also found that very few residences are actually using more water than the design flow of their septic systems, even including landscaping and other outdoor uses.

The Planner was able to obtain data on the number of bedrooms for 2/3 of the residences in the City (or 118). Only five of these used enough total water to exceed the design flow of their septic systems (3 VDUs and 2 non-VDUs). Of the remaining 58 properties without bedroom data, only the total water use of two of them exceeded the design flow for a 2-bedroom residence; neither of these residences are VDUs. Most of the design flow exceedances were by a small percentage, or had a reasonable explanation (e.g. formal landscaping, water leak). This indicates that excessive water use is not a problem, and therefore a reasonable numeric limit should not be objectionable.

We are working to resolve the underlined text: "To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a reasonable allowance for landscaping based on the lot size..."

The Planner proposed two alternative solutions to Coastal Commission staff. (1) a 30% allowance above the design flow (150 gallons per bedroom per day) for landscaping, which was based on the national average of 30% (where the state average is around 55%). Or (2), a broad sliding scale based on lot sizes as found on the 'Save Our Water Website' maintained by the Association of CA Water Agencies. At this point, Coastal Commission staff prefer the single percentage for all VDUs, but they are not sure that 30% is the appropriate number. Therefore, they are going to do a little more research to see if they can come up with a number that is more specific to the north coast. Coastal Commission staff assured me that they are going to work on getting this nailed down within a reasonable period of time, so that we can have the regulations in place before next spring.

There was no comment from the Council or public.

No action taken.

3. Discussion/Decision to Accept Compensation Study Cost Quote.

City Manager Suiker explained that during presentation of the city's budget, the council heard of staff's intention to present a proposal for a compensation study which was not ready at the time the budget was being considered. An acceptable proposal has now been received by the firm of Koff & Associates and is recommended for council consideration.

This proposal will update descriptions for four position classifications: City Clerk, Director of Public Works, Grants Manager and Records Manager. An updated job description was fairly recently developed for the position of Public Works Maintenance Worker when a position became vacant. Other positions have generalized duties and responsibilities upon which annual evaluations are based, but the descriptions for all positions should be formalized and defined in a consistent process to enable salary compensations based on level of responsibility, authority, difficulty and required training/experience.

In addition to development of formalized job descriptions, the proposed survey will compare salaries and benefits from comparable agencies for five position classifications (includes Public Works Maintenance Worker) and consider internal relationships as well. This will provide guidance in achieving proper salary differentials based on level of responsibility, and will be helpful in the city's ability to maintain and recruit quality staff, which is of particular important in such a small organization.

To allow the new city manager the opportunity to first get acquainted with the organization and staff responsibilities, it is proposed that implementation of the study not commence for a period of up to six months. The desired result is that the information in the final report be received by the council and available for consideration during preparation of the following year's budget. Sufficient funds are available in the city's general fund carry forward balance (reserves).

Council comments included:

Fulkerson: Does it really cost that much to evaluate 6 positions?

There was no public comment.

*Motion (Miller/Baker) to accept the compensation study cost quote in the amount of \$8,134 with implementation to be delayed six months, and approve a corresponding supplemental budget. **Passed 3-2. Fulkerson & Davies voting NO.***

4. Discussion/Decision regarding Approval of City Manager Contract.

City Manager Suiker explained that the City Council was pleased to announce the selection of Dan Berman as city manager and the proposed contract. This was the result of the recruitment process, conducted in closed sessions, following the notice given by the current manager at the meeting of May 14, 2014. Personnel decisions are protected by the Brown Act and not subject to public disclosure, although the contract is a matter of public record.

Dan Berman gave a brief introduction of himself, his background, thanked the Council for the opportunity, and announced he looked forward to working with the community he grew up in.

There was no public comment.

*Motion (West/Davies) to appoint Dan Berman as city manager and approve the proposed contract agreement. **Passed unanimously.***

5. Discussion/Decision to Appoint Subcommittee to Evaluate and Develop Procedures for Collection and Organization of Citizen Complaints.

City Manager Suiker explained that a suggestion has been made to develop a process and procedure for the collection and organization of citizen complaints that come to the city. One idea is an interactive on-line form that could be used by residents in addition to hard copy written complaints or issues about city operations that are received from time-to-time. This might also be the appropriate opportunity to include positive comments related to city services and operations.

To work out the necessary details, including possible web site redesign and programming to allow for an interactive form, it is suggested that the council appoint one or two of its members to work with the City Clerk on the specifics. Once a specific plan is identified, it could be rolled out to the full Council for consideration and comment prior to final implementation.

Public comment included:

Richard Johnson – Trinidad Area Resident

Not everyone is on the internet so we should not disenfranchise those who aren't by excluding paper complaint forms. They should be accepted in any form; letter, phone calls, fax, email, or formatted forms.

Council comments included:

Davies: I brought this up. I think a standardized form and filing procedure needs to be established.

Baker: I would like to help by assisting a fellow member of the council to develop the procedures.

*Motion (Davies/Baker) to serve on a subcommittee to develop process for collection and organization of citizen complaints. **Passed unanimously.***

EMERGENCY AGENDA ITEM:

November Election Cancellation:

As of this date, only (2) candidates have filed for the (3) open seats on the City Council this November. In the event this allows the City to avoid the November election and simply appoint members as needed, the Council wishes to do so. The election procedure requires that the Council take formal action to cancel the election and inform the County Elections office.

*Motion (Miller/West) to add the item to this meeting agenda, cancel the election, and appoint (3) members to the Council in November if the election code deems it permissible. **Passed unanimously.***

XIII. ADJOURNMENT

- **Meeting ended at 7:20pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor