



MINUTES
REGULAR CITY COUNCIL MEETING
FLYNN CENTER
981 H STREET
CRESCENT CITY, CA 95531

Monday February 1, 2010 5:00 p.m.

- Call to Order Mayor Schellong called the meeting to order in open session at 6:01 p.m.
- Roll Call Council Members present: Westfall, Slert, Murray and Mayor Schellong
Council Member absent: Burns
Others present: City Manager Rod Butler, Deputy City Clerk Robin Patch, City Attorney Robert Black, Public Works Director Jim Barnts, Police Chief Doug Plack, and City Planner/Economic Development Specialist Michele Rambo
- Pledge of Allegiance Council Member Murray

PUBLIC COMMENT ON CLOSED SESSION ITEMS

1. CLOSED SESSION

- Real Property Negotiations; Negotiator Rod Butler; parcel numbers 118-100-22, 118-100-15 (Gov't Code § 54956.8)
- Existing Litigation (Gov't Code § 54956.9 subdivision (a)) (Five cases: Sanches vs. City of Crescent City, USDC CV08-1395; Barber vs. City of Crescent City, USDC Northern District of California, Case #08-CV-04883-WDB; Misti Cardenas vs. City of Crescent City, et. al., USDC CV08-4053; Brian Strom vs. City of Crescent City, USDC Case #CV08-4708; Sanches vs. City of Crescent City, USDC CV08-5663); Westfall vs. City of Crescent City, Del Norte Superior Court
- Potential Litigation (Gov't Code § 54956.9 subdivision (b)) (Two cases)

Mayor Schellong opened the closed session at 5:16 p.m. and all Council Members were present with the exception of Council Member Burns. There were no public comments on closed session items. The Closed Session was adjourned at 6:00 p.m. City Attorney Bob Black reported that no final actions were taken on closed session items.

ACKNOWLEDGEMENTS

2. Approve, read and present A PROCLAMATION IN RECOGNITION OF NATIONAL WEAR RED DAY to celebrate the extraordinary progress in women's heart health. (Cheryl Corpstein)

Mayor Schellong read the above proclamation and presented it to Cheryl Corpstein. Mrs. Corpstein gave a history on this particular campaign. She also thanked the Council for allowing her sorority to bring this matter to everyone's attention.

CONSENT CALENDAR

3. Approval of the regular minutes of the January 19, 2010 Crescent City Council meeting.
4. Approval of warrant claims list for the period January 20, through February 1, 2010.
5. Approval of biweekly payroll reports for the period ending January 16, paid January 22, 2010.

Mayor Schellong stated that one change page 9, item #15, Dr. Sankus, not Dr. Cink. Council Member Slert gave his appreciation to the Deputy Clerk for the work on the minutes.

On a motion by Council Member Slert, seconded by Council Member Murray and unanimously carried 4-0, the City Council of the City of Crescent City approved and adopted the consent calendar, consisting of items 3-5.

The following citizens made public comments: Richard Miles questioned the need for overtime for certain employees outside of Public Safety.

PUBLIC HEARING(S) – none

NOTE: If you challenge the decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. (Gov't Code § 65009)

6. REPORTS

Reports relative to the City of Crescent City programs and projects, from staff or outside agencies.

- none

COMMUNICATIONS

- **PUBLIC COMMENT PERIOD** - Any member of the audience is invited to address the City Council on any matter that is within the jurisdiction of the City of Crescent City. Comments of public interest or on matters appearing on the agenda are accepted. Note, however, that the Council is not able to undertake extended discussion or act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. **After receiving recognition from the Mayor, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes.**

The following citizens made comments: Rachel Towe expressed her concern over the recall signature verification process. She submitted her public comment in written form to the Deputy City Clerk to have as a part of the record. Richard Miles stated that he received a letter from the City regarding his public records request in regards to 2x2 meetings. He is concerned that meetings are not being posted, nor minutes being taken. Wesley Nunn spoke on the amount of sewer connections the State had advanced Del Norte County and what will happen when all of those connections are used; City

Manager Rod Butler stated that he will be in contact with Mr. Nunn to answer his question. Victoria Dickey spoke in regards to the fact that there were enough signatures to allow the Sewer Rate Initiative to be on the ballot and her hopes that the Council does not do anything to “thwart” this from happening. Connie Morrison spoke in reference to the 2x2 meeting article she read in the paper. Daniel Honeywell asked why so much money is spent on tourism when the downtown looks bad. Tim Hoone expressed his appreciation for the tough job that the Council has and agrees with the Council’s direction for Crescent City. He also agreed with Mr. Honeywell’s opinion that he’d like to see more landscaping.

CONTINUING BUSINESS

7. Consider and approve Payment #32 for Wahlund Construction and Payment #33 for Stover Engineering regarding the Wastewater Treatment Plant. (Jim Barnts)

Council Member Westfall suggested the Council withhold payment to Stover due to a labor compliance issue. Further, Council Member Westfall stated she wanted payment withheld due to Coburn Electric “falsifying payroll and non-payment of overtime” and she referenced a copy of a letter from the State Labor Enforcement Bureau.

On a motion by Council Member Murray, seconded by Council Member Slert, and carried 3-1 on a polled vote, with Council Member Westfall voting no and Council Member Burns absent the City of Crescent City Council approved Invoice #31 for Wahlund Construction and #32 for Stover Engineering.

The following citizens made comments: Richard Miles stated he is getting tired of hearing Council Member Westfall’s complaints against Stover Engineering.

8. Waive the full reading, read by title only and adopt, Ordinance No. 752, entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, DEL NORTE COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF ZONING CODE AMENDMENT 09-01 EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15308 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, AND ADOPTING ZONING CODE AMENDMENT 09-01 TO AMEND THE CITY’S ZONING CODE TO 1) REVISE CHAPTER 17.04 (DEFINITIONS) OF THE ZONING CODE ADDING DEFINITIONS RELATIVE TO SMALL WIND ENERGY CONVERSION SYSTEMS, AND 2) REPLACE EXPIRED CHAPTER 17.48.040 (SMALL WIND ENERGY SYSTEMS) WITH CHAPTER 17.48.040 (SMALL WIND ENERGY CONVERSION SYSTEMS) Waive the full reading and read by title only and take other action as necessary and appropriate. (Michele Rambo)

City Planner/Economic Development Specialist Michele Rambo outlined the steps that have been taken for this Ordinance. Mayor Schellong thanked the Planning Commission for their hard work on this Ordinance

There were no public comments.

On a motion by Council Member Murray, seconded by Council Member Westfall, and carried 3-1 on a polled vote, with Council Member Slert voting no and Council Member Burns absent, the City of Crescent City Council adopted Ordinance No. 752, entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, DEL NORTE COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF ZONING CODE AMENDMENT 09-01 EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15308 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, AND ADOPTING ZONING CODE AMENDMENT 09-01 TO AMEND THE CITY'S ZONING CODE TO 1) REVISE CHAPTER 17.04 (DEFINITIONS) OF THE ZONING CODE ADDING DEFINITIONS RELATIVE TO SMALL WIND ENERGY CONVERSION SYSTEMS, AND 2) REPLACE EXPIRED CHAPTER 17.48.040 (SMALL WIND ENERGY SYSTEMS) WITH CHAPTER 17.48.040 (SMALL WIND ENERGY CONVERSION SYSTEMS)

NEW BUSINESS

9. Review, consider, waive full reading and read by title only Ordinance No. 753, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY ADDING CHAPTER 9.18 – PROHIBITED SOLICITATION TO THE CRESCENT CITY MUNICIPAL CODE (Chief Plack)

Mayor Schellong expressed her opinion on this particular Ordinance and the work Chief Plack has done to make citizens safer. Chief Plack explained that there are laws in place that prohibit aggressive solicitations and when the community ignores the issue, it becomes a police matter. Chief Plack went into detail about the several different types of solicitations and stated that the type of most concern is the aggressive form of it. Not only are the citizenry affected, local merchants are concerned with the affects this has on their businesses. Chief Plack explained that soliciting is still allowed by this Ordinance, there are just specific restrictions outlined within it. It is a concern of the Crescent City Police Department that the elderly in our community feel most vulnerable. Solicitors and homeless people are two separate people groups; the focus of this Ordinance is the solicitors. Chief Plack stated that our community has many different organizations that help those in need and he plans to work with local churches, public and private service organizations to create coupons for services to give out instead of cash. He said it is not the intention of the police department to arrest the solicitors, it is to regulate the manner in which it is done. He explained that Rite Aide used to be open 24 hours, however, had changed the hours due to the citizenry being afraid of the aggressive solicitors around the store. Mayor Schellong stated that she is very happy with a pamphlet that Chief Plack has put together and has been distributed throughout the community, including the habitual solicitors. Pamphlets were made available to citizens in attendance at the Council meeting this evening. The following citizens made comments: Carolynn Starr, from Homeless Help, stated that in her work with the homeless, she has only met one legitimate solicitor the rest were ex-cons and addicts. Richard Miles explained an experience he once had with a knife-wielding homeless person which frightened him. Kevin Hartwick felt that the issue of public safety needs more attention. He stated that the issue at hand is the effects of those causing the problem, that the aggressive solicitors are not shining a good light for visitors to Crescent City. Bonnie Weaver, a member of the management team for Safeway, stated that Safeway

is in support of this Ordinance as the aggressive solicitors affect their business and customers as well. Gilbert Garrez, stated that when his wife has to go to Ray's or Safeway for errands, the solicitors frighten her and she is reluctant to go. He also stated that Wal-mart is another area of concern and hopes that Chief Plack can advise the Sherriff's Office of this Ordinance. Jody McNamer, Manager of Redwood Coast Transit, states that safety is the biggest concern of her drivers and the elderly riders. The riders do not want to wait at the bus stop between Ray's and Rite Aide due to the aggressive solicitors. She is in appreciation of Chief Plack's dedication to correct the problem. Robert Duncan, Bus Driver for Redwood Coast Transit, stated that he has seen these matters personally and reiterated that riders are afraid to get off the bus at between Ray's and Rite Aide. Mike Sullivan, County Supervisor, felt it is important that the community knows that this is a great starting point and is in support of the Ordinance. It is his intention to bring this matter to the County and will advise Sheriff Wilson as well. Daniel Honeywell stated that he eats lunch at the Senior Center often and that the seniors applauded Chief Plack's attention to this matter as they have been afraid to shop at Safeway. He told a story of one of the experiences someone had with an aggressive solicitor. Joan Buhler thanked the City for holding the Town Hall meeting last year as well as thanking Rod Butler for getting the information out to the public. She stated that for the first time since she's lived here, since 1943, she had a frightening experience at a shopping center and relayed that story to the public. Craig Bradford explained his experience as Deputy City Manager as well as City Manager of North Las Vegas with the solicitor problems they had. He is a proponent of the proposed Ordinance for Crescent City and appreciates the work that Chief Plack has done. Sarah Kruse stated her concern for the mentally handicapped homeless solicitors and what this Ordinance will do to them. Mayor Schellong clarified that the matter at hand is not the homeless population, it is aggressive solicitors. Jason Thornton felt aggressive "panhandling" is a matter of opinion and is subjective. He stated that students in San Diego interviewed homeless people and 90% of them were not homeless by situation, they were homeless by choice. Cheryl Corpstein, spoke on behalf of the Business Improvement District, and applauds Chief Plack and his attention to this matter. It is the intention of the proponents of this Ordinance is to have citizens feel safe. Chris Howard thanked Chief Plack and City Attorney Black for the work done on this Ordinance. He stated that Crescent City attracts a lot of tourists and hopes the Council approves the Ordinance. Yvonne Cipressi, Chamber of Commerce/Visitors Bureau, stated that many tourists call after they leave the area and complain about the aggressive solicitors and how many Crescent City has. She stated that they also tell the Visitors' Bureau that they leave our community for Brookings. Steve Perez thanks the Chief for the quality work that has been done on this Ordinance. He stated that adults that are mentally handicapped and living in group homes are being taken advantage of by these solicitors. He stated that his wife and his granddaughter who is wheelchair bound will not shop at Wal-Mart, or here in town because it is not safe. Paul Dillard thanked the members of the community that have taken time to speak today. He said that this is a public safety issue and he told three separate stories about severely aggressive panhandlers and the frightening affect it had on the victims. He encouraged the citizens to call the police when they have similar experiences. Rose Tatman, a Manager at McDonalds, is in support of this Ordinance as the aggressive solicitors give her customers problems and she is responsible for dealing with them before the police arrive. Bill Lonsdale felt that in a lot of areas the Ordinance makes

sense, however, some of the Ordinance's wording is too broad and can lead to trouble. Mayor Schellong stated that she was very pleased to see the positive feedback and encourages them to call police if they are being targeted aggressively by solicitors. Chief Plack stated that a no trespassing warning can be given to individuals that are refusing to leave areas. He is a proponent for citations over arrests as it is a cost that directly affects the Police Department. Mayor Schellong explained that the intention is not to create a problem for Probation and how the City can work together with them. She stated that currently the City and County are in discussions regarding the property behind Ray's and Safeway. It is the Mayor's intention to begin here tonight and that this is a work in progress. She felt that Mr. Perez's comments were important regarding citizens with disabilities and that Chief Plack can meet with him to have those matters addressed. Council Member Slert expressed his appreciation for the citizens who came out and spoke about this issue. He stated that he has received complaints at this office in regards to aggressive solicitation as well as from his wife. He thanks Chief Plack for this draft Ordinance and all who were involved. He appreciates Supervisor Sullivan for his attendance tonight and is encouraged that the County will be involved. The issue of public safety is most important and its a community wide issue wherein he desires a long term solution. This is a blight on our community as a whole and affects tourists and residents equally. Council Member Westfall understands Mr. Lonsdale's comments. She hopes for clarification on what is considered aggressive solicitation and stated she is proud to be a part of the process. Council Member Murray appreciated the resource guide that Chief Plack had put together for the community and hopes that the Veteran's Resource center to be included in the pamphlet. She explained that there is a part in the Ordinance that addresses Mr. Lonsdale's concern. She is very appreciative of the work being done on this Ordinance. Mayor Schellong stated that there is a group of people that represent the Trillium House that are recovering addicts that do car washes to raise money for their positive progress in life. Chief Plack stated for clarification that if the Girl Scouts, Boy Scouts, whoever solicit sales, they are done on private property and as long as there has been permission granted, it is allowed in the Ordinance.

On a motion by Council Member Westfall, seconded by Council Member Slert, and carried 4-0 on a polled vote, the City of Crescent City Council approved to introduce as a first reading Ordinance No. 753, entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY ADDING CHAPTER 9.18 – PROHIBITED SOLICITATION TO THE CRESCENT CITY MUNICIPAL CODE.

10. Consider and approve City sponsorship of the 2010 Crescent City Crab, Wine, and Cheese Festival. (Michele Rambo and Bill Renfroe)

City Planner Michele Rambo and Bill Renfroe outlined the festival scheduled for February 20th at the Cultural Center from 4pm to 9pm. Council Member Murray stated that the Mural Society is having their "Dance the Night Away" on the same night. Mr. Renfroe stated that he has been in discussion with those at the Mural Society and will encourage people to attend both events. The following citizens made comments: Richard Miles expressed his happiness over having the crab races back in Crescent City. Jason Thornton hopes for a big banner downtown advertising the festival as well as any other

events that are done in Crescent City. Mayor Schellong stated that it is the business of the City of Crescent City to promote our town and she liked the idea of a large banner. She is excited about this work in progress and is looking forward for these events

On a motion by motion by Council Member Slert, and seconded by Council Member Westfall, and carried 4-0, the City of Crescent City Council approved the City's sponsorship of the 2010 Crescent City Crab, Wine, and Cheese Festival.

CITY COUNCIL ITEMS

- **Legislative Matters** – Consider miscellaneous legislative matters pertinent to the City of Crescent City. Authorize the Mayor to sign the appropriate letters and/or positions with respect to such matters
- **Reports, Concerns, Referrals, Council travel and training reports** – In accordance with Gov't Code § 54954.2(a), City Council Members may make brief announcements or brief reports on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda
- Pursuant to Crescent City Municipal Code § 2.08.200, the City Council may instruct the city manager on matters of importance to the administrative services of the city, and provide direction with respect to subordinates of the city manager. (Directives from individual Council Members that are not objected to by any member present shall be considered an order of the City Council.)

Mayor Schellong directed City Manager Rod Butler to create a memo to the Council regarding the phone conference with Local Cities organization attended by City Planner/Economic Development Specialist Michele Rambo and Assistant City Planner Eric Taylor. Mayor Schellong addressed a request she received from Charles Dalldorf regarding supporting a state wide issue. Rod Butler stated that it is the City's intention to participate in this state wide ballot initiative. He stated it is to protect local revenue sources and the signature gathering process being handled by the League of California Cities is in the works. Council Member Slert advised he attended the Chamber Dinner and that everyone appeared to be having a good time. He also appreciated the support received by the new President of the Chamber for the Wastewater Treatment Plant. He reminded the public that the Wastewater Treatment Plant is currently 88% complete, under budget and ahead of schedule. Council Member Slert requested an update on the courthouse tree replacement as well as the monies due to the County for the recall effort. Rod Butler gave an update on both items: for the trees, the State is honoring our request for a minimum of 24 inch box trees. The State has selected the tree species that they will be using and they are currently being delivered to Sacramento in preparation of delivering it to us. Mr. Unterkoefer has created a landscape design that will be shown to the ad hoc committee members. Council Member Slert was discouraged that neither he nor Council Member Burns were given an opportunity to review what trees were being selected before it was done, he hopes for some input before the purchase is made. City Manager Butler was also discouraged that decisions were being made without Council Member Burns and Slert's input. In regards to the recall effort, Mr. Butler is still awaiting an invoice for the services charged by the County. Mayor Schellong was disappointed to hear that the original estimate of \$4,000-5,000 will be changed due to the time taken from the County employees by Donna Westfall and the proponents of the recall petition to answer their questions and their reviewing voter registration cards to

double check the County's work. Council Member Murray attended the LAFCO meeting and the Del Norte County Senior Center Board meeting. She promoted the lunches that are served at the Senior Center. She also attended the USDA meeting on January 25th, as well as attending the annual Chamber dinner. She felt it was a huge success and felt that the staff did a wonderful job. She wanted to address the Wahlund Stover payment, stated that the issue has been addressed and resolved and asked Council Member Westfall to drop the matter altogether. Council Member Westfall stated that her focus is on Coburn Electric and felt that the issue is still open and that she intends to go forward. Mayor Schellong was very pleased with the Chamber dinner. She was happy that Mr. Dwayne Reichlin, of Hambro's Group, was honored for Business Leader of the Year, retired Sutter Coast CEO John Menaugh honored with the Lifetime Achievement Award and the owners of Good Harvest received the Del Norte Pride Award. She stated that she met with Laura Olson last week regarding the California Endowment. Council Member Murray and Mayor Schellong attended a luncheon at Elk Valley Rancheria's Community Center with the California Endowment. She stated that starting with our children being healthy, it will create healthier seniors. The Mayor also attended the Tri-Agency meeting and requested an update from City Manager Rod Butler regarding the annexation with the Harbor. She also requested a legal update on the next agenda, as well as the Housing Authority's report. Mayor Schellong thanked the Police Department and the weekly reports that she receives from the Chief. She wanted to publically acknowledge the fact that the Crescent City Police Department arrested the perpetrator of the US Bank robbery in 9 minutes. She felt this type of response is unheard of and is greatly appreciated. This shows that our Police Officers take their jobs very seriously and are dedicated individuals.

ADJOURNMENT

Adjourn the meeting to the FY 2009/2010 Budget Study Session, Monday, February 8, 2010 at 5:00 p.m. at the Crescent City Fire Hall, 520 I Street.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 8:22 p.m. until the FY 2009/2010 Budget Study Session, Monday, February 8, 2010 at 5:00 p.m.

ATTEST:

By: Robin Patch, Deputy City Clerk
for Rod B. Butler City Clerk