

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

*City of Crescent City*

**Monday      February 2, 2009      5:00 p.m.**

**CALL TO ORDER**                      Mayor Pro Tem Burns called the meeting to order at 5:00 p.m.

**ROLL CALL**                      Present:      Council Members Burns, Murray, Slert, and Westfall;  
Mayor Schellong arrived at 5:20 p.m.

Absent:      None

**PLEDGE OF ALLEGIANCE**                      Council Member Burns led the Pledge of Allegiance.

**STAFF**                              **ROD BUTLER**, City Manager; **MICHAEL YOUNG**, Interim  
City Manager; **ROBERT N. BLACK**, City Attorney; **L. DIANNE  
NICKERSON**, City Clerk; **MATT HILDEBRANDT**, Pool  
Director; **DOUG PLACK**, Chief of Police; **STEVE  
WAKEFIELD**, Fire Chief; **ERIC TAYLOR**, Associate Planner

**PUBLIC COMMENT ON CLOSED SESSION ITEMS** – None

**CLOSED SESSION**

No final actions were taken.

**ACKNOWLEDGMENTS**

**1. Letter commending the Crescent City Volunteer Fire Department, the Crescent Fire Protection District, and the Fort Dick Fire Department**

Mayor Schellong read a letter from Scott Mitchell, Mitchell Consulting Group, Inc., Fire and Explosion Investigations, extending his respect and admiration for the firefighters who worked together to extinguish a recent fire that resulted in one fatality despite all their heroic efforts.

Chief Wakefield gave a brief overview of the circumstances of the fire and an update on the condition of the child who survived. The Chief stated the fire departments could not do their jobs without everyone involved, it isn't done with just one person and all are

equally important. It takes a team. Chief Wakefield then called out the names of the firefighters who were present at the meeting and Mayor Schellong presented each firefighter with a Medal of Valor. They received a standing ovation at the end of the presentation.

Don Brooks, Northern Ops Chief in Humboldt, read a quote by Edward F. Croaker, and said these are unpaid volunteers and he gave his personal thanks to all of them. Council Member Burns also extended his thanks to them, as did Mayor Schellong.

### **COMMUNICATIONS**

Richard Miles, city resident, spoke about Groundhog Day, Christmas decorations still up next to the library, landscaping, the new laboratory needing a push lawnmower, and giving away TOT money.

Matt Hildebrandt, Pool Manager, invited everyone to come to the grand opening of the pool on Saturday, February 7, 2009. The council remarked on how beautiful the pool is, both inside and out.

Council Member Westfall spoke about the Quilt Show that is held every August and stated it is going to be a citywide event this year.

### **CONSENT CALENDAR**

- 2. Approval of the special city/county meeting minutes, and the regular meeting minutes, both of which were on January 26, 2009**
- 3. Approval of warrant claims list for the period January 27, through February 2, 2009**
- 4. Approval of payment of Wahlund Construction invoice #20, and Stover Engineering invoice #21**

Council Member Murray made a motion to approve the consent calendar as presented; the motion was seconded by Council Member Burns and so carried unanimously, 5-0.

### **PUBLIC HEARINGS** – None

### **REPORTS**

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

- 5. Council workshop on city operations (Fire Department)**

Rod Butler, City Manager, reported and discussion followed. It was decided that a council meeting workshop on Fire Department operations would be held on Saturday, February 28, 2009, from 9:00 to 11:00 a.m. at the Crescent City Fire Department, 520 I Street, Crescent City, CA.

### **CONTINUING BUSINESS**

#### **6. Consider and possibly revise the existing fee schedule for Endert Municipal Pool and take action as necessary and appropriate**

Matt Hildebrandt reported and discussion followed.

Richard Miles, city resident, spoke about his past use of the pool with physical therapists.

Council Member Burns said he, too, did some research and found some places charge \$40 per hour, but we get \$5 from physical therapists for their use of the pool and mitigating the disparity between \$5 and \$40 is the problem.

Mayor Schellong stated she does not want to gouge business people, but she also understands the disparity in charges.

Council Member Burns made a motion to adopt pool fees for physical therapists and their clients for \$15 per hour; the motion was seconded by Council Member Westfall.

Mayor Schellong made a motion to charge \$10 per person; the motion was seconded by Council Member Murray, but failed due to the lack of a majority vote.

Council Member Burns amended his motion to specify that the physical therapists will each pay \$5, and each of their clients would be charged \$15 per hour; the amendment was seconded by Council Member Westfall and so carried, 3-2, with Council Members Schellong and Murray dissenting.

Matt Hildebrandt will come back in March with recommended rates for other profit-making activities such as scuba divers.

### **NEW BUSINESS**

#### **7. Discussion and vote to authorize the Finance Department to make our contribution to the Visitors Center**

Mayor Schellong reported that since the 1960's, the city has been contributing to the Visitor's Center, and the current amount is \$9K per quarter. The city has been trying to live within their means, however, the Chamber of Commerce has not been paid at all during the current year and the city is three payments behind for a total of \$27K. Mayor Schellong stated the Visitors Center doesn't have to have the full \$27K tonight, but possibly \$18,K and this is a budgeted item.

Brent Hoskinsen, President of the Chamber of Commerce, spoke about keeping the doors of the Visitors Center Open. He feels it is imperative to get at least two of the three invoiced payments because it is at the point that if they don't receive something, they will not have operating dollars to get through the last quarter.

Council Member Westfall questioned the free rent in exchange for operating the Visitors Center and was told that is the amount to which they are referring. Discussion followed.

Richard Miles, city resident, spoke about the Chamber of Commerce not being viable without membership from the community and something is wrong with that because they get free rent, free electricity, and free garbage collection. Mr. Miles also spoke about the State Legislature, TOT payments, taking money from the General Fund, and the Tourist Bureau not doing a good job. He stated that as a citizen, he deserves police protection, fire protection, and streets that don't have potholes.

Lisa McCallum, county resident, stated she would not be in Del Norte County with a thriving business if it weren't for the Chamber of Commerce Visitors Center and she hopes the council keeps it alive.

Richard Enea, city resident, spoke about the July budget vote last year and stated this is to help support the Visitors Center and we need to pay the bill.

Discussion followed. Council Member Burns made a motion to pay the entire \$27K to the Visitors Center; the motion was seconded by Council Member Murray. Council Member Westfall stated she feels very uncomfortable without seeing the city's financial reports. The motion carried, 4-1, with Council Member Westfall dissenting.

Mayor Schellong thanked the Chamber for their classy, top-notch dinner and awards that were distributed.

**8. Consider and approve Resolution 2009-03, establishing locations for the posting of agendas for the city council and other legislative bodies of the city in compliance with the Brown Act and take action as necessary and appropriate**

Robert Black, City Attorney, reported that by law, only one posting place is necessary, and he suggests posting at two places, City Hall, and the meeting site, whether it is at the county or elsewhere.

Richard Miles, city resident, stated he wants the agenda posted inside the county building.

Jesse Salisbury, city resident, said he was under the impression the city had to post at city hall and the place where the meeting was held. He also complained the agenda packet was not readily available to the public. The City Clerk reminded Mr. Salisbury that the

agenda packet, in its entirety, is posted on the website link and that computers are available for public use at the Library and at First Five Del Norte.

Discussion followed. Council Member Burns made a motion to approve Resolution 2009-03, establishing two locations for the posting of agendas and other legislative bodies of the city, one at City Hall, and one at the site of the meeting; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

**9. Waive full reading, read by title only, and introduce Ordinance No. 738, amending Section 5.08.070 of chapter 5.08 of Title 5 of the Crescent City Municipal Code to exempt veterans from business license fees and take action as necessary and appropriate**

Robert Black reported and discussion followed.

Richard Miles, city resident, said he is worried about discrimination, and that the BID assessment should be paid.

Council Member Burns made a motion to waive full reading, read by title only, and introduce Ordinance No. 738, amending Section 5.08.070 of Chapter 5.08 of Title 5 of the Crescent City Municipal Code to exempt veterans from business license fees; the motion was seconded by Council Member Slert, and so carried unanimously, 5-0.

**10. Authorize \$60K of the enterprise fund to upgrade 50 beachfront sites within the Shoreline RV Park, and take action as necessary and appropriate**

Eric Taylor reported and gave an update of the park via Power Point presentation. He spoke about the rusted power pedestals, power fluctuations, and low water supplies. The new pedestals will have water hookups in them that are made for marinas. All electrical will be put in conduit and to code. There will be separate sewer and water connections, along with cable and power lines, and all will be safely installed. Right now, some lines power lines are not the proper size and cable connections corrode so when one goes out on a line, they all go out. They are also proposing widening the beachfront sites for places people may park their extra vehicles. The park was originally designed for smaller units, and they became bigger every. All improvements will be done at one time.

Council Member Murray said how much she appreciates how much work has been done on the park and Mayor Schellong stated she would like to see a master plan for the park for budget time.

Richard Miles, city resident, spoke about the Towes and a man from Grants Pass. He said if these upgrades are not make, we are not competitive with a number of local parks and it is essential this work is done. It may be cheaper in the long run to contract the work out to the community because we are in a recession and if we keep using city crews, they can't fix lights at night and can't mow around the lab. The majority of our Street and Grounds Departments are all down at the swimming pool.

Doug Plack, Chief of Police, stated Eric Taylor has done a stupendous job compared to what the park looked like before and all the time police officers had to be called to the park. It is a golden opportunity for the city to continue to improve the park and the council should be very proud of what the city has for an enterprise to show that the city can function for the benefit of the citizens.

Council Member Slert said this is one of the city's true investment centers and we need to get this phase done in order for spring and summer maximum business.

Council Member Westfall would like to see a competitive bid where other locals can get some work instead of city crews. Bob Black said that is an excellent idea, but should be agendized on another meeting.

Eric Taylor, Associate Planner, said the time budgeted to finish the work is about two weeks. Mayor Schellong said to take a look at the budget and give a timeline to upgrade the rest of the park.

Jesse Salisbury, city resident, said we should be tearing out stuff now if it is not up to snuff because we are not going to be using the same old ditches anyway.

Council Member Burns made a motion to authorize \$60K of the enterprise fund to upgrade 50 beachfront sites within the Shoreline RV Park; the motion was seconded by Council Member Slert and so passed unanimously, 5-0.

**11. Consider and approve the placement of a bench honoring Captain DeSoleni and recognize the Crescent City Employees' Association (CCEA) and take action as necessary and appropriate**

Kelly Schellong reported the Crescent City Employees' Association put their own money together for a bench in honor of Captain DeSoleni. Mike Young, Interim City Manager reported and Mayor Schellong said the council was proud of what the CCEA did.

Richard Miles, city resident, spoke about his talking to the family about whether they knew about this donation because there are two sides to the family. He said that Jim Barns, Director of Public Works, stated it is going to be by the flagpole and he hopes the city asks the family where they want this bench. In one place it will be vandalized, and in the other, skateboarders will use it to jump on.

Council Member Burns said we may ask the family where they would like the bench to be and the city may place it, but CCEA provided the bench, not the city. Direction was given to staff.

**12. Consider and approve Resolution 2009-06, appointing Martha D. Rice Deputy City Attorney and take action as necessary and appropriate**

Robert Black, City Attorney, reported and discussion followed. Council Member Murray liked the idea of an appointed second attorney, particularly for the Planning Commission. Council Member Slert said he truly believes in Department Heads and trusts Robert Black's opinion and guidance. Council Member Westfall said sometimes Robert Black puts a certain slant on things she doesn't agree with.

Richard Miles, city resident, spoke about all attorneys and ethics and being members of the state board. He thinks we do need an assistant city attorney because he has seen a need for legal advice for Planning Commissioners. There have been times where decisions were made at a planning level that he thought were not legal.

Richard Enea, city resident, stated that every place he has worked had an assistant attorney, so that there is continuity. You hire a firm, and if you don't like the service, then you have other remedies. As a Planning Commissioner, he thought it would be nice to have some legal advice.

Council Member Murray made a motion to approve Resolution 2009-06, appointing Martha D. Rice Deputy City Attorney; the motion was seconded by Council Member Burns and so carried, 4-1, with Council Member Westfall dissenting.

**13. Consider and adopt Resolution 2009-04, new employment agreements for the Director of Public Works, the Fire Chief, the Central Services Director, the Housing Authority Director, and the Finance Director, and take action as necessary and appropriate. Consider and adopt Resolution 2009-05, assigning the Utilities Director/Associate Engineer position to the CCMEA employee group and amending the CCMEA pay schedule to establish the pay (same as the present) for the position and take action as necessary and appropriate**

Council Member Westfall asked to vote separately on each position. She wanted Public Works and the Fire Chief to be voted on separately. Mayor Schellong pulled those two just for voting purposes, leaving the Central Services Director, the Finance Director, and the Housing Authority Director.

Mike Young, Interim City Manager, reported these contracts would include COLA increases, would not include severance pay, and would include Conflict of Interest Codes over and above that required by the state. Extensive discussion followed.

Council stated it wants to be sure that employees who sign these contracts know what they mean and also realize that their information may be disclosed to the public. Council Member Burns said that as an elected official, he is held to a very high standard and that employees and department heads have the same obligation to do that, and he understands transparency but does not want employees to be held to a higher standard than the council.

Mayor Schellong would like to see the new city Conflict of Interest Code prior to it going on the agenda. This item will be brought back.

Richard Miles, city resident, said council needs to start listening to the attorney. Mr. Miles stated that in the past he has put in a request for the California Information Act and the last time was for the community garden and he asked in the document if Will Caplinger's wife was an employee of C.A.N. and Eli Naffah said he did not have to tell him.

Jesse Salisbury, city resident, said the public needs transparency.

Council directed staff to put this all in one package and distribute it prior to a council meeting and share the information with employees.

**14. Waive full reading, read by title only, and introduce Municipal Code Amendment (MCA 08-02), set the date for a public hearing, second reading and adoption, and take action as necessary ad appropriate**

Eric Taylor reported and discussion followed. There were no public comments.

Council Member Burns made a motion to set March 2, 2009 for a public hearing, second reading, and adoption of Municipal Code Amendment (MCA 08-02); the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

**CITY COUNCIL ITEMS**

**☒ Legislative Matters**

Rod Butler, City Manager, said we are continuing to follow the state budget drama.

**☒ 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***

Council Member Westfall stated she wants the council to approve painting the signs with stain and to put it on the next agenda. She also stated that concerning updating the 50 beachfront sites at Shoreline RV Park, she wants to give the city some charm and identify.

Council Member Slert stated a couple of constituents complained the audio is not coming across sufficiently during council meetings. The City Clerk stated the equipment belongs to the county and they had been notified and are aware of the problem.

Mayor Schellong reported that she, and Council Members Slert and Westfall participated in Hospitality 101 at Crissey Field. Council Member Westfall stated she would have

liked to have one in Crescent City and Council Member Murray stated that there was one in Crescent City, but the Council Members were out of town at that time.

Mayor Schellong talked about the New Mayors and Council Members training in Sacramento and stated they learned quite a bit.

**CITY MANAGER DIRECTIVES** – None

Mayor Schellong thanked Mike Young for all he has done for the city as Interim City Manager, and she appreciates his straightforwardness, reasoning, time and effort and wishes him the best of luck. Mr. Young stated he enjoyed working with everyone.

The meeting adjourned back into Closed Session at 9:33 p.m.

**ADJOURNMENT**

The meeting adjourned at 9:06 p.m.

**ATTEST:**

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L. Dianne Nickerson, City Clerk