



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

Tuesday February 16, 2010 5:00 p.m.

Call to Order Mayor Schellong called the meeting to order in open session at 5:59 p.m.

Roll Call Council Members present: Burns, Westfall, Slert, Murray and Mayor Schellong
Others present: City Manager Rod Butler, Deputy City Clerk Robin Patch, City Attorney Robert Black, Public Works Director Jim Barnts, Police Chief Doug Plack, Utilities Director/Associate Engineer Eric Wier and Housing Authority Director Susie Mendez

Pledge of Allegiance Police Officer Joseph Sullivan

PUBLIC COMMENT ON CLOSED SESSION ITEMS

1. CLOSED SESSION

- 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 County Superior Court
- Potential Litigation (Gov't Code § 54956.9 subdivision (b)) (Two cases)
- Liability Claim – Claimant: Donna Westfall, agency claimed against City of Crescent City et al.

Mayor Pro Tem Dennis Burns opened the closed session at 5:03 p.m. and three Council Members were present with Mayor Schellong arriving at 5:09 p.m. Ms. Westfall arrived at 5:32 p.m. and joined Closed Session meeting already in progress. There were no public comments on closed session items. The Closed Session was adjourned at 5:58 p.m. City Attorney Bob Black reported that no reportable actions were taken on closed session items.

ACKNOWLEDGEMENTS

2. Oath of Office for new Police Officer Joseph Sullivan.

Mayor Schellong offered her congratulations to new Officer Sullivan. Police Chief Plack gave background information regarding Officer Sullivan. He then administered the Oath of Office to the new police officer. Officer Sullivan thanked his family for their support. Mayor Schellong offered her appreciation and support for Officer Sullivan's dedication to the City; Council Member Burns echoed those sentiments.

CONSENT CALENDAR

3. Approval of the regular minutes of the February 1, 2010 Crescent City Council meeting.
4. Approval of warrant claims list for the period February 2, through February 16, 2010.
5. Approval of biweekly payroll reports for the period ending January 30, paid February 5, 2010.

On a motion by Council Member Slert, seconded by Council Member Murray and unanimously carried 4-1, with Council Member Westfall voting no, the City Council approved the consent calendar, consisting of items 3-5.

6. ADJOURN TO HOUSING AUTHORITY

The Crescent City City Council adjourned at 6:11 p.m. and reconvened as the Housing Authority. All five Council Members were in attendance.

- Review of Housing Authority annual report

Executive Director Mendez went over the annual report for the Housing Authority in detail. Mayor Schellong stated that the City services 550-575 families in Crescent City and is a great service that we offer our community. Council Member Murray commended Ms. Mendez for continuing to get a score of 100% on the HUD evaluation process. Discussion continued regarding the detailed report.

On a motion by Council Member Slert, seconded by Council Member Burns and unanimously carried 5-0, the City Council approved the consent calendar, consisting of items 1-2.

7. ADJOURN TO CRESCENT CITY REDEVELOPMENT AGENCY

The Council adjourned to the Redevelopment Agency at 6:21 p.m. with all five Council members in attendance.

The following citizens made comments: Richard Miles spoke on revisiting Redevelopment Area #1 regarding the downtown area.

On a motion by Council Member Slert, seconded by Council Member Murray and unanimously carried 5-0, the City Council approved the consent calendar for the Redevelopment Agency consisting of items 1-2.

The Crescent City Redevelopment Agency adjourned at 6:25 p.m. and reconvened as the City of Crescent City Council.

8. PUBLIC HEARING(S) –

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)

- Conduct a public hearing to receive comments regarding the application from Chris Ohman for a taxicab operations permit. Take action as necessary and appropriate. (Rod Butler)

City Manager Rod Butler went over Mr. Ohman's application for a taxicab permit in detail. The applicant will be the third taxi company in Crescent City. Mayor Schellong questioned if the owner and employees are subject to drug tests as a part of the background check. Chief Plack explained the process in detail and stated that drug testing is not a part of the background check. Mayor Schellong asked if the vehicles that are driven by the taxicab company go through a safety check. Council Member Burns stated that the Municipal Code we have in place gives direction in regards to safety and sanitation of taxicabs. He also stated that the Police Department has authorization for enforcement of that matter. Council Members discussed in detail the importance of certain guidelines being followed. City Attorney Black stated that as the Council approaches the task of deciding whether or not to issue a Certificate of Public Convenience and Necessity, the Municipal Code gives direction to them through section 5.24.050. Mr. Black

stated that the Council's necessary findings are to determine whether further taxicab service is required by public convenience and necessity, if the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of the chapter and the rules promulgated by the City Council.

Mayor Schellong opened the Public Hearing at 6:38 p.m. She gave Chris Ohman an opportunity to speak after he was sworn in by City Clerk Rod Butler. Mr. Ohman stated his experience in this area and also his opinion of the need for another taxicab company in Crescent City. Mayor Schellong asked Mr. Ohman his opinion about drug testing; he said he's in support of having all of his employees tested. Council Member Murray asked if Mr. Ohman had selected a name, he stated he chose "Crescent Cab."

The following citizens made comments after being sworn in by City Clerk Rod Butler: Richard Miles expressed his concern over the rules regarding taxicab companies. Joyce Lane, owner of Comfort Cab, stated that due to RCT doing "home to home" transit, the business for taxicabs has been cut back severely. She is an opponent of a new taxi company as there is no need currently due to the downturn in cab service. Ricky Lane, co-owner of Comfort Cab with his wife Joyce Lane, echoed his wife's sentiments and stated that his company will fail if another cab company is approved. Richard Pearcey, owner of Del Norte Taxi for 20 years, is an opponent of a new taxi company. His business is affected in the same manner that Comfort Cab is. Bridget Barnts is a proponent for the new taxi cab company and felt that competition is good. She desires more options available to the public. Brenda Little, driver for Del Norte Taxi, stated that she is concerned for the safety of the applicant's passengers. She stated he was involved in an accident in his personal vehicle that injured two of his passengers. Mayor Schellong asked Chief Plack if there were any accidents on Mr. Ohman's DMV record. The Chief stated "No, I don't think so." Council Member Slert stated that he has used both current cabs and he is in support of new business and development in our city. Council Member Murray asked Mr. Ohman if he had a business plan. Council Member Burns stated that any plan for a new business needs to include whether or not this will make a living for those involved. Council Member Westfall stated that she is an entrepreneur and is troubled by the fact that RCT has taken business away from the local cab companies. She is in favor of competition and fairness. Mayor Schellong encourages the cab owners to ensure that they are driving safe vehicles and further stated that she is in favor of competition.

On a motion made by Council Member Burns, seconded by Council Member Slert, and carried unanimously on a 5-0 polled vote, the City Council made the findings required by Section 5.24.050 of the Municipal Code, including the finding of necessity and public convenience for the new taxi cab and approved the application from Chris Ohman for a taxicab operations permit.

9. REPORTS

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

COMMUNICATIONS

- **PUBLIC COMMENT PERIOD** - The following citizens made comments: Richard Miles stated he would like Crescent City to be as progressive as the City of Davis and spoke on 2x2 meetings in other towns and how they are handled. Jody Mangum spoke on the sewer rate initiative and Coburn Electric's payroll. Christa Norton spoke in regards to the sewer rate initiative and asked what Council Member Westfall's plans are to pay for the Wastewater Treatment Plant if the initiative passes. Bill Renfroe updated the Council on the Crab, Wine and Cheese Festival. Donna Westfall read from a "letter to the editor" written by a Councilperson in another town published previously in The Daily Triplicate.

CONTINUING BUSINESS

10. Consider and adopt second reading, 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, waive full reading and read by title only (Chief Plack)

Chief Plack advised that he has looked into the Americans with Disabilities Act (ADA) requirements and will more than likely have an amendment to this Ordinance. The following citizens made comments: Richard Miles hopes that the Council approves this Ordinance and hopes for a solution to the homeless population.

On a motion by Council Member Slert, seconded by Council Member Burns, and carried 5-0 on a polled vote, the City Council adopted 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.

NEW BUSINESS

11. Receive certification by the County Clerk and City Clerk of the results of the petition filed pertaining to City sewer fees and take related action pursuant to California Elections Code 9215. (Rod Butler)

City Manager Rod Butler explained the City's agreement with the County Clerk to verify the signatures on the Sewer Rate Rollback Initiative. The County Clerk Recorder verified that the petition had 178 sufficient signatures and that 171 were needed to qualify the measure for the ballot at the 10% level. He also explained the next step in the process is that the City has three options which were listed in the staff report. Those options are as follows: 1. To adopt the Ordinance as it was circulated in the Initiative Petition without any alteration, 2. Submit the Ordinance without alteration to the voters at a special election, or 3. Order a report pursuant to California Elections Code 9212 at tonight's meeting, which is Mr. Butler's recommendation. This report will outline the impact of this initiative to the City's finances. Council Member Westfall stated her opinion that the County Clerk Recorder's office did not count the Initiative signatures accurately.

The following citizens made comments: Richard Miles spoke about the signature collection process and those who signed it. Jody Mangum spoke in regards to people not being able to afford the new rates and the signature collection process. City Attorney Bob Black stated that Ms. Mangum's statements were completely false. Council Member Slert stated that this process is to educate the citizens on the fiscal impact this will have on the City.

On a motion by Council Member Slert, seconded by Council Member Murray, with Council Member Westfall voting no, the City Council voted 4-1 to receive the certification by the County Clerk and City Clerk of the results of the petition filed pertaining to City sewer fees and take related action pursuant to the California Elections Code to direct the staff to produce a financial impact report on this Initiative.

Council Member Slert further stated that educating City residents of this impact is necessary and hopes to use Channel 4 for this purpose. Mayor Schellong stated that once the report is ready and has been reviewed by the Council, action can be taken in that regard.

12. Consider and approve format and date for a City Council workshop on the annexation process. (Rod Butler)

City Manager Rod Butler went into detail about the Harbor Annexation Sub-Committee. He feels that the best thing to do for positive progress is to conduct a workshop on the annexation process. The workshop will focus on the land use aspects and fiscal impacts of annexations and would be

at least 90 minutes to 3 hours long. Mr. Butler will be researching the fees associated with the guest speaker at the workshop. Presently he is asking for the Council's support to hold the workshop. Mayor Schellong stated that we need to weigh the pros and cons on annexation. The Council decided on April 12, 2010 at 5:00 p.m. as the date and time for the annexation workshop at the Crescent City Fire Hall, 520 I Street.

Richard Miles spoke in regard to the State Economic Development Agency and Mike Scavuzzo's suggestions of areas to annex when he was on the Council.

13. Adoption of a resolution, No. 2010-02, entitled A RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010. (Rod Butler)

City Manager Rod Butler stated that this is a build on to Proposition 1A to protect local revenue from the State. He stated that if City employees want to advocate this measure it will be necessary for them to do this off City time and Mayor Schellong agreed.

On a motion by Council Member Slert, seconded by Council Member Murray, and carried 5-0 on a polled vote, the City Council adopted Resolution, No. 2010-02, entitled A RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010.

14. Consider and adopt Resolution No. 2010-03, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENTS AND ANY AMENDMENTS ON THE H STREET (FRONT STREET TO ELEVENTH STREET) PEDESTRIAN ACCESS RAMP IMPROVEMENT PROJECT CONTRACT #2010-010. (Eric Wier)

Utilities Director/Associate Engineer Eric Wier stated that he has combined items number 14 and 15 in the PowerPoint presentation as they are funded from the same source; both are American Recovery and Reinvestment Act (ARRA) projects. There will be a reconstruction of 34 ramps and rehabilitation of three ramps. The estimate of \$150,000 is what was allotted for the project, which includes a 10% contingency should anything come up. The plans for this project were done by City staff completely in house. Council Member Slert asked if the ARRA funds helped with the design that City staff did – Mr. Wier stated that it had been decided that whatever they do not spend in construction will be allocated to staff time. Council Member Westfall asked if bids were sought from local contractors – Mr. Wier stated yes, that included in the bid package will be the local contractors bidding Ordinance that was adopted last year. Mayor Schellong clarified that these bids are published and any contractors can bid on it. However, due to the Ordinance in place, local contractors will receive preference.

The following citizen gave public comment: Richard Miles stated his concern with the Public Works Director signing contracts instead of the City Manager. It was clarified by Mr. Wier that either the City Manager, the City Attorney, or the Director of Public Works could sign the contract per Cal-Trans. Discussion followed in regards to the wording of the Resolution. Mayor Pro-Tem Burns amended the Resolution to read as follows:

On a motion by Council Member Burns, seconded by Council Member Westfall, and carried 5-0 on a polled vote, the City Council adopted Resolution No. 2010-03, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA, AND CAL-TRANS AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND THE CITY MANAGER TO EXECUTE THE AGREEMENTS AND ANY

AMENDMENTS ON THE H STREET (FRONT STREET TO ELEVENTH STREET)
PEDESTRIAN ACCESS RAMP IMPROVEMENT PROJECT CONTRACT #2010-010.

15. Consider and adopt Resolution No. 2010-04, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE AGREEMENTS AND ANY AMENDMENTS ON THE FIFTH STREET (A STREET TO WENDELL STREET) REHABILITATION & PEDESTRIAN IMPROVEMENT PROJECT CONTRACT #2010-020 (Eric Wier)

Utilities Director/Associate Engineer Eric Wier described the project and the estimated cost of \$108,000 which had a 10% contingency built into it as well. As with the H Street project, all plans were done by City staff in house. The Resolution was amended to read as follows:

On a motion by Council Member Burns, seconded by Council Member Slert, and carried 5-0 on a polled vote, the City Council adopted Resolution No. 2010-04, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA, AND CAL-TRANS AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND THE CITY MANAGER TO EXECUTE THE AGREEMENTS AND ANY AMENDMENTS ON THE FIFTH STREET (A STREET TO WENDELL STREET) REHABILITATION & PEDESTRIAN IMPROVEMENT PROJECT CONTRACT #2010-020.

City Manager Rod Butler advised the Council that both former Interim City Manager Mike Young and Utilities Director/Associate Engineer Eric Wier will be heading to Haiti to assist with structural evaluation in regards to children's buildings there. The Council congratulated Mr. Wier and is looking forward to hearing about the trip when he returns home.

16. Approve and authorize the Mayor to sign the second amended JPA Agreement for the Border Coast Regional Airport Authority (BCRAA). (Bob Black)

Mayor Schellong stated that this is formally accepting the Joint Powers Authority (JPA) Agreement that includes Curry County as a member. Council Member Slert stated that the formation of the JPA is helping secure funding and broadening our base, to increase funding potential. Mayor Schellong stated that having the support of the Oregon legislators is ideal and a benefit to our City. Council Member Murray stated that it is very significant to have support from both California and Oregon Congressional representatives. Mayor Schellong stated it is important for people to know that this is a Joint Powers Authority between two cities, two counties, as well as a sovereign nation.

On a motion by Council Member Murray, seconded by Council Member Burns, and carried 5-0 on a polled vote, the City Council authorized the Mayor to sign the second amended JPA Agreement for the Border Coast Regional Airport Authority (BCRAA).

CITY COUNCIL ITEMS

- **Legislative Matters** – none
- **Reports, Concerns, Referrals, Council travel and training reports** – Council Member Burns stated that “someone is not listening” regarding Grand Jury reports that have been resolved, statements being made about staff, Council, and County representatives being “crooks.” He stated that it is so much easier to speak negatively and cast aspersions rather than speaking the truth.

Council Member Slert spoke in regards to our “trees of mystery” for the Courthouse – it seems that things are moving forward, however without the City’s input. Mr. Butler stated that Mr. Unterkoefer has spoken to him regarding this, however, did not speak on advising the City what types of trees would be planted. He stated that perhaps the resolution to this matter would be to write a letter to Mr. Unterkoefer explaining the agreement and how the Landmark Ordinance works. (Council Member Westfall left the dais at 8:28 p.m.) Mayor Schellong directed the City Manager to write such a letter and to send a copy to both Council Member Slert and Burns for their review.

Council Member Slert requested an update from the City Manager in regards to the cost of the recall effort and Sewer Rate Initiative to date. Mr. Butler stated that he is still awaiting an invoice from the County Clerk-Recorder’s office. However, City staff time spent on these matters has been calculated. He will be creating a report and will be presenting it to the Council at an upcoming meeting. Mayor Schellong also reiterated the request for an update on the legal costs.

Council Member Slert stated he was pleased to see the numerous American flags displayed on Presidents’ Day and hopes there will be consideration to do this in the downtown area. He also stated that it was his understanding that the City used to have a franchise for trash collection (Council Member Westfall returned to the dais at 8:30) and that it was turned over to the DNSWMA. He asked if it would be beneficial for the City to have its own trash franchise. Mayor Schellong and Council Member Burns stated that there is a lot involved with debris collection and felt that it is worthwhile to discuss the matter further in another setting. Discussion continued.

Council Members Slert and Mayor Schellong attended an Elk Valley Rancheria 2x2 and discussed the local coastal plan and “Spheres of Influence”. He also attended the Local Transportation Commission with Council Member Murray and there were discussions involving advertising. They made an action in good will to participate with Lake County regarding the purchase of a bus this year, and they will help us next year. The IGRC meeting was attended by Council Members Slert and Murray, and Superintendent Jan Morehouse suggested the City use Channel 4 for getting information out to the City residents. He also attended the American Heritage Foundation’s first meeting that includes three counties – Del Norte, Humboldt, and Mendocino. Discussion was held on what was common amongst these counties and how to celebrate it.

Council Member Murray wanted to remind everyone that there is a Parks Grant meeting tomorrow night at 5:30 p.m. at the I St. Fire Hall. She hopes that everyone will attend the Mural Society Fundraiser that is the same evening as the Crab, Wine and Cheese Festival. Mayor Schellong met with Steve Chaney, the Superintendent of Parks, to better understand the relationship between the State and National Parks and how they and the City can work together in the future. He updated her on the Joint Visitors Center venture project. She also attended the Elk Valley Rancheria 2x2 that Council Member Slert reported on. She stated that the City had a very difficult budget meeting and that the City is suffering due to lack of revenues. However, the City is looking for remedies. She spoke on the Airport JPA meeting including the appeals by the Coastal Commission and the Friends of Del Norte. Mayor Schellong hopes to attend the League of Cities Division Meeting on February 26th. If she is unable to attend, she will have a report from Mr. Dalldorf to share with the Council.

- 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.)

ADJOURNMENT

Adjourn the meeting to the regularly scheduled meeting on Monday, March 1, 2010 at 5:00 p.m.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 8:40 p.m. until the regularly scheduled meeting on Monday, March 1, 2010 at 5:00 p.m.

ATTEST:

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