

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

City of Crescent City

Tuesday February 17, 2009 5:00 p.m.

CALL TO ORDER Mayor Schellong called the meeting to order at 9:20 p.m.

ROLL CALL Present: Council Members Burns, Murray, Slert, Westfall,
and Mayor Schellong

Absent: None

PLEDGE OF ALLEGIANCE Council Member Murray led the Pledge of Allegiance.

STAFF **ROD BUTLER**, City Manager; **ROBERT N. BLACK**, City Attorney; **L. DIANNE NICKERSON**, City Clerk; **JIM BARNITS**, Director of Public Works; **SUSIE MENDEZ**, Housing Authority Director; **DOUG PLACK**, Chief of Police

PUBLIC COMMENT ON CLOSED SESSION ITEMS – None

CLOSED SESSION

No final actions were taken.

ACKNOWLEDGMENTS

1. Introduction of Kenya, Bombs/Explosives sniffing dog, and handler, Suzie Spehling

Police Chief Doug Plack gave some background on Kenya and Ms. Spehling, who contributed to the successful resolution of a recent bomb threat at the high school. Ms. Spehling spoke, introduced Kenya to the audience, and thanked everyone for their support.

2. Proclamation in recognition of Engineer's Week, February 15, through February 21, 2009

Council Member Burns read the proclamation and presented it to Art Reeve and Jim Barnts. Mr. Reeve thanked the council and gave some background on the American Society of Civil Engineers (ASCE). Council Member Slert stated his pride in working with engineers because they turn architects' dreams into reality.

CONSENT CALENDAR

- 3. Approval of the regular meeting minutes of February 2, 2009**
- 4. Approval of the warrant claims list for the period February 3, through February 17, 2009**
- 5. Approval of biweekly payroll reports for the period ending January 31, paid February 6, 2009**

Council Member Slert 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

REPORTS

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

Rod Butler, City Manager, reminded everyone of the Special Meeting Workshop on Saturday, February 28, 2009, and the "Meet and Greet" with Council Members Westfall and Slert on Sunday, February 22, 2009, at the Crescent City Convalescent Home on Marshall Street from 1:30 to 3:00 p.m.

COMMUNICATIONS

Richard Miles, city resident, thanked Mayor Schellong for her comments in the newspaper that she cares about ratepayers for garbage pickup. He also talked about the Del Norte Solid Waste Authority, tipping fees at the transfer station, a contract with Tommy sparrow, the City as a partner in the Solid Waste Authority, Proposition 218, dissolving the Solid Waste Authority and allowing the people to bring up a protest vote of the Proposition 218 protest.

Jesse Salisbury, city resident, spoke about fluoride, a letter from Dianne Feinstein, a study to get rid of fluoride, his website, and he asked why they changed the comment period on closed session to before the meeting.

CONTINUING BUSINESS

NEW BUSINESS

6. Consider and approve an amended Joint Powers Agreement (JPA) to enable the appointment of an alternate public member to the DNSWMA Board of Commissioners and take action as necessary and appropriate

Kevin Hendrick, Executive Director of the Del Norte Solid Waste Management Authority (DNSWMA), reported it started in 1993. The City and County each appoint two members to the Board of Commissioners, and a fifth member is appointed together by the City/County. At the last public appointment, it was suggested to appoint a public member alternate. Mr. Hendrick said he consulted with the attorney and was told to insert a single sentence into the amended JPA. It is not a requirement, it just creates an opportunity. Mayor Schellong opened the item to the council for questions and discussion followed. Only one sentence changes on the JPA, page 5, and the County has not voted on it yet.

Richard Miles, city resident, does not think of Jack Reese or Clarke Moore as public members and wants someone really from the public appointed, otherwise the public does not have a real representative on Solid Waste. Mr. Miles also wants Mayor Schellong to appoint a public member to the Task Force. Mayor Schellong responded she does not have the power to appoint anyone.

Council Member Burns made a motion to approve an amended Joint Powers Agreement (JPA) to enable the appointment of an alternate public member to the DNWSMA Board of Commissioners; the motion was seconded by Council Member Murray. Robert Black, City Attorney, asked the motion to be amended to state that the amended JPA includes the sentence mentioned, and both Council Members Burns and Murray agreed to the amended motion, which carried unanimously, 5-0.

Mayor Schellong announced that anyone from the public may submit an application to be the alternate.

7. Consider and approve a Memorandum of Understanding (MOU) between the Elk Valley Rancheria (the “Tribe”), the City of Crescent City (“City”), and the Bureau of Indian Affairs (“BIA”) to add the sections of City routes listed in Exhibit A to the Tribe’s Indian Reservation Roads program (“IRR program”) inventory and take action as necessary and appropriate

Chris Howard, Elk Valley Rancheria, reported the City would still have complete ownership of the routes. Council Member Murray remarked that “we took the tribe’s land or roads, and now they are giving us money to help fix them.”

There were no public comments on Item #7.

Council Member Burns made a motion to approve a Memorandum of Understanding (MOU) between the Elk Valley Rancheria (the “Tribe”), the City of Crescent City (“City”), and the Bureau of Indian Affairs (“BIA”) to add the sections of City routes listed in Exhibit A to the Tribe’s Indian Reservation Roads program (“IRR program”)

inventory; the motion was seconded by Council Member Murray and so carried unanimously, 5-0. Council Member Murray thanked the Tribe for their generosity.

8. Consider and approve Resolution 2009-04, designating the City Manager as alternate representative Board Member of the Small Cities Organized Risk Effort (SCORE) Joint Powers Authority and take action as necessary and appropriate

Rod Butler, City Manager, reported that Ken McDonald, City Finance Director, will be the primary representative for SCORE, but that we just need an alternate. There were no public comments on this item.

Council Member Burns made a motion to approve Resolution 2009-04 designating the City Manager as the alternate representative Board Member of the Small Cities Organized Risk Effort (SCORE) Joint Powers Authority; the motion was seconded by Council Member Slert and so carried unanimously, 5-0.

9. Consider and authorize the expenditure of \$2,500 for the maintenance and repair of the Peterson Park baseball field and take action as necessary and appropriate

Mayor Schellong reported this item is already in the budget for the Parks and Recreation Department. Jim Barnts, Director of Public Works, reported then introduced Casey Duncan who spoke about the use and maintenance of the park. Mr. Duncan stated they are trying to keep kids interested in outdoor things and it's pretty tough these days. Mr. Barnts said part of the expenditure is reimbursement for materials and the City will work with the Babe Ruth people on other things. They presented slides showing some of the problems and reported the people who are seen doing the work in the pictures are all volunteers who no longer even have children who play on the team.

Council Member Slert stated he saw the field before and after the improvements and it was a huge amount of effort from volunteers and is now safer for kids to play. He also stated it is an asset to the community and thanked the volunteers for their efforts.

Council Member Burns stated he used to coach JV baseball and the park has improved so much that he can't believe it. He stated it is nice to see the community get involved.

Council Member Murray reiterated appreciation for volunteers taking the initiative in making improvements and encouraging a healthy lifestyle for kids in the community. She also thanked MaryJo Duncan for her efforts, and stated that Ace Hardware donated supplies.

Council Member Burns made a motion to authorize the expenditure of \$2,500 for the maintenance and repair of the Peterson Park baseball field; the motion was seconded by Council Member Slert and so carried unanimously, 5-0.

Richard Miles, city resident, thanked MaryJo Duncan for her work over the years and suggested this summer the City automate the sprinkler system in the park so the field will look better. He also said that every three years there is a baseball tournament in the park on the Fourth of July and it brings in TOT to the City.

Casey Duncan, county resident, said all the sprinklers have been repaired and are functioning.

Sam Lockyear, Babe Ruth team member, stated he likes what has been done to the field.

10. Report from the City Attorney on the use of goats for brush removal within city limits

Robert Black, City Attorney, reported there are no impediments to the use of goats to clean lots, but there are ordinances regarding keeping farm animals within city limits. If the City were to undertake this as a City function, then we would use an MOU or contract and need insurance, and security for the public and the animals. If it is the private activity of a group, the arrangement would be between the landowner and the goat owner. Mayor Schellong said there is a process to protect the goats and they would need to be tied, watered, and fed by the owner. They can't just take a goat to a private owner's property and let it eat the brush. There is a spectrum from one extent to another that would have different requirements. Council Member Slert asked whether they would be using it on public land, and Council Member Murray stated she does not see why this is a City matter.

Rod Butler, City Manager, said there is a big difference between whether private property owners do it on their own, or the City does it. There are more efficient ways of doing blight clearance and can be done after either City or County staff has sent blight letters. Within City limits, there are situations that could be handled through mowing.

Richard Miles, city resident, spoke about landscape ordinances, the Himalaya blackberry being on the list of noxious weeds, Humboldt County's and Caltrans' use of goats, and the enforcement of ordinances.

Jesse Salisbury, city resident, spoke about goats being on previous agendas, the County going along with the idea, and a few places in town that would be helped by goats. He stated the goats did a "bang-up" job at the airport, but they were left alone and wild dogs killed them.

Discussion followed. Council Member Burns said it should be an option, and Council Member Slert said it is probably more appropriate for a larger land area. No action was taken.

11. Consider and discuss painting welcome signs with stain and take action as necessary and appropriate

Council Member Westfall reported the Rotary Club will vote on donating \$100 for the cost of stain for the signs and she has volunteers. The consensus of the council was that they were OK with staining the signs. Caltrans either needs to be under the current permit, or an encroachment permit needs to be applied for from Caltrans. A city staff person will be appointed to work on it and make it happen.

Richard Miles, city resident, said the City does not have an easement on the Northcrest and Highway 101 sign, and stated it doesn't make sense to paint a sign then not take care of the blackberries and weeds and is Council Member Westfall going to adopt that piece of property.

Council Member Burns stated that Council Member Westfall had already applied for "Adopt a Highway" for that piece of property. Mayor Schellong stated that in her opinion, any person who wants to clean up their own property is great.

12. Consider and discuss a Code of Ethics for City council Members and take action as necessary and appropriate

Mayor Schellong reported it is sometimes daunting to understand all the codes of ethics we have to live by, and that council members go into it wanting to do the right thing at all times, but are looking down a long line of ethics that need to be followed. It is important that we as a council adopt a code to live by. Attached was a summarized version of the important things we need to keep in our minds as we do business as council members and it was a copy of the City of Santa Ana's code and was published in the League of California Magazine. Mayor Schellong stated we don't have to vote on it tonight and can either move forward or discuss it. Council Member Slert said it is a good thing to have a policy of ethics in place because it is about transparency and he approves of it and likes the idea. Council Member Murray agreed with Council Member Slert and is in full support of it. Council Member Burns stated he knows we have to comply with implied ethics and sign something and he is very happy to do something with this. Council Member Westfall stated she is in favor of it.

Robert Black, City Attorney, stated there is a difference between the laws and regulations that pertain to conflicts of interest, which is only one aspect of ethics. These are principles of conduct to bring honor to the city and the City Council and to make the citizens of the City feel welcome and respected and to keep the wheels of progress turning in a productive manner. Rod Butler, City Manager, stated it is a very good start and we are still working on the project for staff.

Council Member Burns stated he would like to have it worked on to make it apply more to Crescent City. Robert Black stated that if it is voted on tonight, it may be brought back at the next meeting as a resolution.

Richard Miles, city resident, said he wants something added to this because council doesn't have the right to libel the public and it creates a problem for the City considering a lawsuit can be raised. He stated people may not be perfect in this community, but the

city should be faithful and the principle concerning liability and libel in print is a higher standard.

Jesse Salisbury, city resident, began to discuss the Rosenberg Rules and was reminded they did not concern conduct on ethics, but on conducting meetings.

CITY COUNCIL ITEMS

☒ Legislative Matters – None

☒ 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*

Mayor Schellong publicly acknowledged City staff and stated over 25 local businesses were involved in completing the pool project and she is proud and thankful that we were actually able to complete this project. She has lots of questions on setting and putting items on the agenda for residents and council and staff. She also spoke about the 2007-2008 audit meeting and said that things are looking great and we should have things completely caught up to date by mid-March. Her intent is to take the new City Manager and City Council and have a town-hall meeting and have a visionary workshop to see what we would like our city to look like down the road.

Council Member Slert reported his attendance at the School Board meeting and a presentation by Angelina Beaver and he thinks the presentation should be made to the council to establish how we approach local suppliers. LTC Caltrans has some funds available for the concept of “traffic calming” for the entrance to the corridor to the city. He would like to find out what funds and resources are available and find out which zones they are considering. He will give information to the City Manager. He also stated the council should think in terms of renewable energy for the future.

Council Member Murray said the public has shown great support for the pool and they are turning out in droves at the pool. She also attended the IGRC meeting and the public transportation meeting as well. Council Member Murray stated that Tamara Buchanan discussed such things as roundabouts and medians in the road. Options to slow down traffic coming into the city, and the County ad hoc committee were also discussed.

A lengthy discussion ensued concerning the ad hoc committee appointments to Solid Waste and Council Member Murray would like to see a joint decision and not have Mr. Sullivan say who we can and cannot have. Council Member Burns said that if Solid Waste would like to have an ad hoc committee to dissolve it, OK, but it takes the DNSWMA to withdraw from the JPA. Mayor Schellong said they should have brought it up at the City/County joint meeting. Council Member Murray said it sets a bad precedent if there isn't dialogue before something is decided.

Council Member Burns state the pool opening was wonderful and a lot of people were involved. He said we have to remember the City voted to fund the pool in really tough times, and there was a lot of City support, but the pool is still a drain on the City's Budget. He also spoke about the LTC meeting and Last Chance Grade was referenced for future possible earthquakes and Caltrans knows that may happen, but there isn't any other alternative than to build in another place.

CITY MANAGER DIRECTIVES – None

PUBLIC COMMENT ON CLOSED SESSION ITEMS – None

The City Council reconvened back into closed session at 8:14 p.m.

CLOSED SESSION

No final action taken.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.

ATTEST:

L. Dianne Nickerson, City Clerk

MINUTES
REGULAR MEETING
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Crescent City Housing Authority

CALL TO Authority Member Schellong called the meeting to order at
8:09 p.m.
ROLL CALL Present: Authority Members Schellong, Burns, Westfall, Slert, and
Murray
Absent: None

COMMUNICATIONS – None

CONSENT CALENDAR

1. Approve regular meeting minutes of January 26, 2009
2. Approval of warrant claims list for the period January 27, through February 17, 2009

Agency Member Burns made a motion to approve the Consent Calendar as presented; the motion was seconded by Agency Member Slert, and so carried unanimously, 5-0.

HOUSING DIRECTOR'S REPORT – None

PUBLIC HEARING – None

UNFINISHED BUSINESS – None

NEW BUSINESS – None

ADJOURNMENT: The meeting adjourned at 8:10 p.m.

ATTEST:

SUSIE MENDEZ, SECRETARY

**MINUTES
REGULAR MEETING
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Crescent City Redevelopment Agency

CALL TO ORDER Agency Member Schellong called the meeting to order in regular session at 8:10 p.m.
ROLL CALL Present: Agency Members Schellong, Burns, Westfall, Slert, and Murray
Absent: None

COMMUNICATIONS

Richard Miles, city resident, asked about the stimulus package and asked whether the city made inquiries about it, and spoke about legislation deals with redevelopment, the city parks crew cleaning up the fountain area and pruning trees, peeling paint and rotten wood.

CONSENT CALENDAR

1. Approval of the regular meeting minutes of January 26, 2009

Agency Member Burns made a motion to approve the minutes as presented; the motion was seconded Agency Member Slert and so carried unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT – None

BUSINESS ITEMS – None

REDEVELOPMENT AGENCY ITEMS – None

PUBLIC HEARING – None

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

ATTEST:

L. Dianne Nickerson, Secretary