

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

COMMUNICATIONS

Richard Miles, city resident, spoke about not being able to read the sign at the “ess” curve because of the blue background, a status report on what to do with both the Mason and Price malls, painting and repairing the breezeway, and maintaining playground equipment.

Jesse Salisbury, city resident, spoke about equipment maintenance, his struggle with fluoride and the communities that are rejecting it.

Eileen Cooper, city resident, spoke about attending a meeting on the fluoride issue and wants to know what is out there, i.e., the type of fluoride, and stated she would like to see the money that is used for fluoride be used for education instead.

NEW BUSINESS

- 5. Consider and approve a request from the Del Norte Solid Waste Management Authority (DNSWMA) to waive the fees for the Cultural Center for the Earth Arts Festival on Sunday, April 19, 2009, and take action as necessary and Appropriate**

Patty Abbey, DNSWMA, spoke about the Earth Arts Festival and stated this year, they are working with the Del Norte Unified School District and students will submit their artwork.

Richard Miles, city resident, sated Patty is a taskmaster because every year he helps clean up. He also spoke about vendors being required to get business licenses for one day.

Discussion followed. Council Member Burns made a motion to approve a request from the DNSWMA to waive the fees for the Cultural Center for the Earth Arts Festival on Sunday, April 19, 2009; the motion was seconded by Council Member Murray and so carried unanimously, 5-0. Mayor Schellong stated the council appreciates everything Patty and her staff does. Patty Abbey asked the public for nominations for the Green Earth award.

- 6. Consider and approve a request from BID to waive the fees for the Cultural Center for a public celebration in honor of Ray and Roberta Young, owners of Glenn’s Bakery**

Cheryl Corpstein, BID, reported this is not a BID-sponsored request, but a gathering open to the public to honor Ray and Roberta Young, owners of Glen’s Bakery, from 1:00 to 3:00 p.m. on Sunday, March 15, 2009. Ray and Roberta owned and operated Glen’s Bakery for 50 years.

Richard Miles, city resident, asked the council to waive the proof of insurance requirement for the event because it is just a small gathering.

Robert Black, City Attorney, stated the city would either have to acquire insurance or declare this gathering to be a city-sponsored event so that it would come under the city auspices.

Council Member Burns made a motion to approve the request from BID to waive the fees for the Cultural Center on March 15, 2009, and for the city to co-sponsor the event; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0.

Mayor Schellong stated that, with consensus of the council, she would be presenting a proclamation to Ray and Robert Young at the gathering.

PUBLIC HEARINGS

- 7. Conduct a public hearing to waive the second reading, read by title only, consider and approve 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, City Attorney, reported the ordinance adds two different things to the state law and that all the veterans need to do is to supply the city with evidence they were honorably discharged from military service. Discussion followed and Council Member Slert made a motion to adopt Ordinance No. 738, an ordinance 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 Burns and so carried, unanimously, 5-0.

- 8. Conduct a public hearing to waive the second reading, read by title only, consider and approve Ordinance No. 739, Municipal Code Amendment (MCA 08-02), to add additional uses to the C-1 (Downtown Business district) and RP (Residential Business District) and take action as necessary and appropriate**

Eric Taylor, Associate City Planner, reported and discussion followed. Donna Westfall asked whether a Goodwill store would be allowed in that area, and Eric Taylor said it is already in the code.

Council Member Burns made a motion to waive the second reading, read by title only, consider and approve Ordinance No. 739, Municipal Code Amendment (MCA 08-02), to add additional uses; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

REPORTS – None

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

CONTINUING BUSINESS

9. Consider and approve Resolution 2009-09, a resolution of the City Council of the City of Crescent City amending the Conflict of Interest Code for the City of Crescent City effective March 2, 2009, and take action as necessary and Appropriate

Robert Black, City Attorney, reported it is a document that is required by the FPPC Act, but it doesn't really define what the conflicts are, but it does define what people have to disclose in the form that are conflicting. It is a document that is supposed to be reviewed and re-adopted or amended every two years, and the city has kept up with the schedule. This particular revision has taken the conflict to a new level and requires people to disclose interests in a more broad manner throughout the county and not just within city limits and it covers people who were not previously covered, such as the IT person, and members of BID. BID is a governmental entity of the city. Mayor Schellong stated that in the last meeting, we discussed what this meant to employees and asked staff to go back to be sure that employees were fully educated about what this means.

Cheryl, Corpstein, BID, said BID will not meet until they get direction from staff. She also asked for clarification about this item since all the people who sit on the board are business owners and wouldn't they all have a conflict of interest?

Robert Black said those are good questions, but the conflict of interest doesn't answer them. All it says is what has to be disclosed. The conflict rules are extremely complex. Martha Rice will be meeting with the BID Board and will make a presentation to them. Also, BID will have to fill out a Form 700.

Discussion followed. Council Member Westfall wanted to know about disclosure categories 1 and 2. Council Member Burns asked if we were in Burbank, would the substance be the same for a larger number of people?

Richard Miles, city resident, said he believes this action will take the veil of conflict of interest away from council and city staff. He stated he has an interest in a ranch in Idaho and doesn't make any money from it, but that he would if the director of the ranch passed on. Mr. Miles stated that Vicki Frazier said to declare that interest just to be on the safe side. Mr. Miles also commented that recently in the newspaper, there was an article about David Finigan and some travel.

Council Member Murray made a motion to approve Resolution 2009-09, a resolution of the City Council of the City of Crescent City amending the Conflict of Interest Code for the City of Crescent City effective March 2, 2009; the motion was seconded by Council Member Slert and so carried unanimously, 5-0.

10. Consider and approve Resolution 2009-08, a resolution of the City Council of the City of Crescent City authorizing execution of new employment agreements with the Crescent City Fire Chief, Director of Finance, Director of Public Works, Central Services Director, and Housing Authority Director, and Resolution 2009-05, amending the Memorandum of Understanding between the City of Crescent City and the Crescent City Management Employees' Association (CCMEA) for the period July 1, 2008, through June 30, 2010, and take action as necessary and appropriate

Rod Butler, City Manager, reported there are no compensation changes in these contracts, just basic updates in the language.

There were no public comments.

Council Member Slert stated he believes in our department heads and is glad to see that collectively, we have been successful in re-negotiation or amending the contract and would like to see everyone agree in the future. Council Member Murray stated she had a wonderful experience at the workshop on Saturday morning and would like to see the Fire Chief be able to take off more time. Council Member Burns echoed what Council Member Slert said in that we have some great department heads and would like to honor them.

Council Member Burns made a motion to approve Resolution 2009-08, a resolution of the City Council of the City of Crescent City authorizing execution of new employment agreements with the Crescent City Fire Chief, Director of Finance, Director of Public Works, Central Services Director, and Housing Authority Director, and Resolution 2009-05, amending the Memorandum of Understanding between the City of Crescent City and the Crescent City Management Employees' Association (CCMEA) for the period July 1, 2008, through June 30, 2010; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0.

11. Consider and approve Resolution 2009-10, establishing procedures for putting items on the agenda, waive full reading, read by title only, and introduce the attached Ordinance No. 740, amending Title 2, Chapter 2.04, section 2.04.030 (Council Agendas) of the Crescent City Municipal Code and take action as necessary and appropriate

Robert Black, City Attorney, reported on rules of other cities for placing items on the agenda and stated it is quite diverse but this one distills most cities across the state. Each Council Member has a right to put things on the agenda, and this specifically mentions how the public can put things on the agenda. To put something on the agenda, you are required to give specific information, state a suggested wording on the agenda, and what final action is wanted to be taken, but the final decision would be with the Mayor, City Manager, or City Attorney. This resolution asks the City Clerk to establish a one-page request form. The Mayor would determine the order of items. This item informs the public of how to get something on the agenda and makes it a little simpler.

Richard Miles, city resident, said he hopes the City Clerk comes up with a form because for years he and Jesse Salisbury fought the city council. He said he would also like to see something done about the breezeway. Mayor Schellong told him that his request would have to be submitted by a week from tomorrow.

Council Member Burns made a motion to approve Resolution 20099-10, establishing procedures for putting items on the agenda; the motion was seconded by Council Member Westfall, and so carried unanimously, 5-0. Council Member Burns amended his motion to include introduce the attached Ordinance No. 740, waive full reading, read by title only amending Title 2, Chapter 2.04, section 2.04.030 (Council Agendas) of the Crescent City Municipal Code; the amended motion was seconded by Council Member Slert and so carried unanimously, 5-0.

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

Mayor Schellong reported there are many laws governing elected officials and it can be overwhelming. This was brought to the meeting two weeks ago, and tonight we have a final version based on comments and changes, including changing the word “agency” to “City” throughout the code have been made.

Richard Miles, city resident, stated he hopes it is passed tonight and includes something concerning a council person who violates the document. He spoke about a mayor down south who was forced to resign, and stated written comments can be considered libel and can be insensitive like cartoons.

Extensive discussion followed. Council Member Westfall asked about #2, protecting the public’s interest. She feels this is being more restrictive than the FPPC and she wondered why. Robert Black, City Attorney, stated the FPPC has reporting limits of gifts under \$50 and the distinction is because of the office the council holds. Family members do not count, but if a developer has a project in front of the council and takes you to dinner, you have to report it. Council Member Westfall talked about being a gardener and if she trades plants, cuttings and bulbs with someone does she report it or not? She said she is also a quilter and has been know to ask for the shirt off someone’s back, and if she gets materials from the quilt guild, does she have to report that? Mr. Black stated that what this document does is establish a general set of moral guidelines. The FPPC trumps this because those are the actual state laws. Nothing in this code requires any reporting. It is more of a plea to your good judgment. If you feel like someone is trying to influence you with a small gift, don’t accept that gift. Council Member Burns stated that to him, it is about common sense. It refers to personal gain, not cleaning up the city. Council Member Burns said you have to look inside yourself. Council Member Murray said if you are doing something because you want to make it look nice, and it is at your own expense, that is your choice. But if you are doing it for the attention and recognition, it is not. Council Member Slert said it is in the spirit of how to conduct yourself. Mayor Schellong stated that if Home Depot is going to donate something, they should donate it to the business, i.e., RHS, and you may do the labor for free. This Code of Ethics is to be

used as a gentle reminder. It was suggested that Council Member Westfall make a list of specific items and call the FPPC for their opinion.

Council Member Burns stated the Code of Ethics is a fluid document and made a motion to adopt the Code of Ethics for City Council Members; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0.

NEW BUSINESS (continued)

13. Consider and approve Resolution 2009-11, a resolution of the City Council of the City of Crescent City adding the Maintenance Worker's/Lead Person position to the administrative citations resolution

Eric Taylor, Associate City Planner, reported the Parks Department staff are out every day and witness a number of violations. Adding the Maintenance Worker's/Lead Person to the resolution would allow the writing of violations or warnings as they occur. There are a lot of repeat offenders who destroy city property, landscaping, trees, etc. Rod Butler, City Manager, said we don't have a Park Ranger to do this work, but this would be an appropriate assignment to make because they are the eyes and ears for us out in the field. The person is not acting as a police officer or getting into confrontations, but could issue citations without getting into problems like that. The defacing of city property, vandalism, and safety violations would be covered at the person's discretion. If something escalates, he could call the police.

Doug Plack, Police Chief, said he thinks it is necessary, like people not curbing their dogs, and things that would not be a top priority for the police.

Richard Miles, city resident, spoke about someone and his frustration over a leash law in this down and the many senior citizens who turn their dogs loose in our parks then do not clean up after them. He also spoke about homeless people who think the trash cans are their private property and go "dumpster diving" and scatter trash. Mr. Miles stated we should make a real dog park at Beachfront Park. He also stated people break branches off the trees and there are some real reasons for a park person to write citations.

Jesse Salisbury, city resident, asked what kind of "teeth" are we going to give the person. He stated he thinks this is a great idea, but what will keep a skateboarder from tearing up a ticket?" Mayor Schellong said the person would go through an administrative hearing. Robert Black, City Attorney, stated this is an administrative citation, not a ticket, and we may write one to a minor and it makes the parents responsible for the minor's behavior.

John Walfield, county resident, asked about smoking within 25 feet of Kidtown. Robert Black stated that when an area is posted, a citation may be issued without giving a warning.

Council Member Burns made a motion to approve Resolution 2009-11, a resolution of the City Council of the City of Crescent City adding the Maintenance Worker's/Lead

Person position to the administrative citations resolution; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0.

14. Discuss the Del Norte Solid Waste Management Authority JPA Ad Hoc Committee and take action as necessary and appropriate

Mayor Schellong stated she received a call from Hemmingsen saying she may appoint someone from the city council to the Del Norte Solid Waste Management Authority JPA and she thinks the entire council should make the decision.

Richard Miles, city resident, asked what comes next? He stated the council needs to appoint someone from the public to attend these meetings and he believes that when the current tipping rates were established, Proposition 218 was not addressed so the garbage rates are higher than those in Brookings, OR. Mr. Miles also stated that since we opened the transfer station, there has never been a garbage audit of what is on that floor and that Kevin used to do a garbage audit on the dump and it should be done at the transfer station immediately. Mr. Miles said that state law mandates that we try to meet a zero waste program and that he gathers up his recyclables and takes them to Jordan Kekry because he thinks Mr. Kekry is doing more to recycle than DNSWMA.

Discussion followed. Mayor Schellong said the public should know where the money is going and that the city and county joined the JPA together, but the county was under a cease and desist order. There are six purposes of the JPA and the last on the list is the successful closure of the landfill and there are about 30 more years of maintenance and monitoring of the landfill. Does this city council want to appoint a member when we already have two members acting as board members? Do we want to designate staff time to this? You have to weigh staff answering to a council member. If the county decides they no longer want to be a part of the JPA, our best interest would be to decide what that would mean to the Crescent City residents, how much money would be needed to meet all the state mandates, and who would be responsible for closing the landfill? Mayor Schellong thinks she personally would like to be able to do her job and make sure the JPA is doing their job and it is in the city's best interest to appoint the City Manager. She does not think we can afford to appoint our City Attorney or the Finance Director. Mr. Black should find the appropriate attorney to take a look at this and tell us what happens to the City of Crescent City if this JPA is dissolved. If the County pulls out, what does that mean to the city?

Council Member Slert said he is respectfully frustrated with putting the "cart before the horse," and asked why the implications of the JPA are coming at this time? As the city, we are a 50% participant. He is perplexed as to why the county has taken the lead and has begun establishing an ad hoc committee with multiple county employees and staff, because if we are equal partners, why don't we have four or five representatives like the county does? He stated that a completely objective citizen's committee makes more sense.

Mayor Schellong stated she thinks this is really a county matter. Council Member Burns noted that at the last City/County meeting, this issue was not brought up at all, but was brought up at a Board of Supervisors meeting instead of the Solid Waste Committee. If the city directs staff to work on this, staff reports to the council, not Solid Waste. There are a lot of things you can't do anymore with hazardous waste, batteries, and so much technical stuff, and if there are issues, Solid Waste should appoint. Solid Waste is audited every year and are doing well. Council Member Westfall stated that if Solid Waste is subject to Proposition 218 and it is not being done and it makes fees comparable to Beverly Hills, then something needs to be done about that. She stated she does not want to be on any ad hoc committee, but is something to be looked at. Council Member Slert stated the county is questioning the usefulness of the JPA. Council Member Murray believes the Authority is a smoothly operating machine. The current Authority has met and in closed session it seems we would not be an equal partner. Mayor Schellong asked Mr. Butler to attend the ad hoc committee. Council Member Burns asked Kevin Hendrick, DNWSMA Executive Director, whether he had any thoughts on this and his reply was that he is mostly here to listen. Mayor Schellong asked about garbage and Proposition 218, and Mr. Hendrick said he feels they are in compliance with Proposition 218. Council Member Burns asked to direct staff to go back to Solid Waste to address the concerns of the city. Council Member Slert wants an equal amount of people. He said they had a private meeting and the ethics and transparency was not there. Mayor Schellong said we are partners because that is why we have a JPA. Council Member Murray would like the two representatives from the council to ask to dissolve the ad hoc committee, and bring it back to the public. Council Member Slert would like appointments to committees from the public to be open questions and to ask the JPA anything about the operations. Council Member Slert is upset because the county brought this up without asking the city. One problem is that we had a City/County meeting the day before, and they did not bring this up at that time. Council Member Murray said to encourage their members to go back to the full board and dissolve the ad hoc committee. Council Member Slert is upset the county is going to do an analysis or reassessment that is going to impact us but we are not included in the analysis.

Cheryl Corpstein, BID, said she works for David Finigan in non-county related business and she believes he is open and honest. She stated that if everything works well and is going smoothly, it will continue; if not, we will take other directions.

Mayor Schellong stated that if an ad hoc committee is full of staff, it is not an objectionable group. Council Member Slert stated he feels we are being end-run around or blocked out. Council Member Murray wonders why someone from the county ad hoc committee isn't here to inform the council. Mayor Schellong stated they are investing in the county's JPA improvement and its budget.

Council Member Burns asked Kevin how much the city contributes in funds to the DNSWMA, and Mr. Hendrick said none.

Mayor Schellong deferred to Rod Butler, City Manager, and said that if he feels it is in the city's best interest to be there, please be there. Council Member Slert was not convinced that is the most beneficial thing for the citizens or the city.

Richard Miles, city resident, said Mayor Schellong and Council Member Burns should make a suggestion at the Solid Waste meeting that citizens will sit and make recommendations at the Solid Waste Task Force. Mayor Schellong said the County Board of Supervisors appoints them all and it is a task force for the Board of Supervisors.

Richard Enea, city resident, stated the JPA can form an ad hoc committee and he believes that is the proper way to do it. Direction was given to staff. No action was taken.

CITY COUNCIL ITEMS

☒ Legislative Matters

Rod Butler, City Manager, reported it appears we avoided any direct additional hits to city funding, we appear to have survived. Mayor Schellong said Mr. Butler and she have been working on the economic stimulus package to make sure the city, county, harbor, Mr. Butler, Ms. Galletioto, and Mr. Renfro have formed the economic stimulus Task Force to make sure the city, harbor and county are on the same page and not competing for the same dollars and are working toward a prioritized project list created by the three agencies.

☒ 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 Slert thanked Steve Wakefield, Fire Chief, for the very informative workshop given at the Fire Departments. Council Members Slert and Westfall had a Meet and Greet meeting on Sunday and more people attended from the county than from the city. One issue was fluoride and it will have to be in a general election in the future. Another issue was the airport concerning things that were not being addressed. If the people do not get responses, they are going to take legal action. Mayor Schellong said it is the Friends of Del Norte Eileen Cooper, and the airport has met all the legal requirements. Council Member Slert said the last thing at the meeting is that the POP people are proposing to put together a booklet of the pool.

Council Member Murray stated she attended the workshop and it was phenomenal. Seeing the Fire Department in action creates even more respect and she got to ride in one of the fire trucks. She also attended the Chamber retreat and it was an opportunity to get to know the board members better.

Mayor Schellong apologized for not attending the workshop, but the radio station scheduled and event for that day and she was required to work.

Council Member Westfall asked that a picture be taken of the welcome signs. It took three volunteers three hours to paint the sign at the “ess” curve, and she thanked several people and agencies who donated time and materials. She is scheduled to appear on Channel 19 on March 12. She and her husband are resurrecting her production company and “What is Right with Crescent City.”

Council Member Burns did attend and start the workshop meeting on Saturday. He stated he would like the council to do more to honor our employees and volunteers. You can’t do that too much because our employees go above and beyond and especially the volunteers. We need to acknowledge that publicly. Even paid staff go above and beyond.

Mayor Schellong asked how the news letter is going and Mr. Butler said the first edition is due out in May 2009.

Mayor Schellong said she is disappointed she can’t write a letter from the Mayor to the citizens because it would be using taxpayers’ money. Robert Black, City Attorney, will look into that.

Mayor Schellong stated we are nearing completion of their for the airport and set to be heard by the board in April. She is reading a lot about Solid Waste in order to do a really good job on the JPA, and looked at the budget. If she finds any way to improve it, she will let Kevin Hendrick know. We are in the middle of our audit for the budget and are nearing completion. The Finance Director, Kenneth McDonald, will have an actual budget to look at in the near future and asked what Saturday looked good for a budget workshop. The Economic Summit is April 4, 2009.

Council Member Slert spoke about a letter to the editor, Tsunami Landing, and Price and Mason malls. The 28th of March is the 45th anniversary of the tsunami and there are still some Christmas decorations that need to be taken down in the malls.

CITY MANAGER DIRECTIVES

Mayor Schellong directed the City Manager to thank Mr. Walfield for the work he has done and to give him some kind of appropriate recognition.

ADJOURNMENT

The meeting adjourned at 8:38 p.m.

ATTEST:

L. Dianne Nickerson, City Clerk