

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

City of Crescent City

Monday	April 7, 2008	5:00 p.m.
---------------	----------------------	------------------

CALL TO ORDER Mayor Tynes called the meeting to order at 5:02 p.m.

ROLL CALL Present: Council Members Schellong, Burns, Enea, and Mayor Tynes; Council Member Scavuzzo arrived at 5:44 p.m., but did not attend the closed session.
Absent: None

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

STAFF **ELI NAFFAH**, City Manager; **ROBERT BLACK**, City Attorney; **L. DIANNE NICKERSON**, City Clerk; **WILL CAPLINGER**, City Planner; **JIM BARNTS**, Director of Public Works; **MATT HILDEBRANDT**, Pool Director; **SUSIE MENDEZ**, Housing Director; **STAN AREND**, Acting City Finance Director; **DOUG PLACK**, Chief of Police

PUBLIC COMMENT ON CLOSED SESSION ITEMS – None

CLOSED SESSION

No action taken.

ACKNOWLEDGMENTS

- 1. Proclamation recognizing National Volunteer Week, April 27, through May 3, 2008**

Council Member Burns read the proclamation and presented it to Charlie Wick.

- 2. Proclamation supporting the designation of April 2008 as Child Abuse Prevention Month**

Council Member Scavuzzo read the proclamation and presented it to Dylan Nelson.

3. Proclamation designating April 26, 2008 as Junior Miss Day

Council Member Schellong read the proclamation and presented it to Debra Wright.

4. Proclamation designating April as Earth Awareness Month

Council Member Enea read the proclamation and presented it to Patty Abbey.

COMMUNICATIONS

Donna Thompson, county resident, spoke about trees that came down during the last storm and remarked that some people think it is because too many branches have been trimmed too severely and that weakens the trees and causes them to fall.

Eileen Cooper, city resident, spoke about the Agricultural District making significant decisions that the environmental community thinks are inappropriate regarding taking out significant wetlands and encroaching in the heart of Elk Creek that flows through the fairgrounds. She stated the Agricultural District is not the agency to make a decision like this and it was done with little notice to the community.

Craig Strong, county resident, spoke about the fairgrounds area and a large document that was not circulated on a negative declaration; it has no project name and was not given to the city or county. He asked whether there had been an analysis on the need for additional parking and stated he is a wildlife biologist and this document is not enough to make a negative declaration.

Donna Thompson, county resident, remarked that she had heard five acres in the Elk Creek wetlands area will be cleared; they have a high resource value and there is no need to remove that many trees. Ms. Thompson stated she loves Crescent City, but she keeps seeing trees being cut down.

Janet Haley, county resident, stated that she is new here, but also just became aware of this plan and asked where there is some plan for the Elk Creek corridor. She asked how this project would fit into the plan, and how this plan can get out in the open so the citizens have an opportunity to comment on the plan.

CONSENT CALENDAR

- 5. Approval of the minutes of March 24, 2008**
- 6. Approval of warrant claims list for the period March 25, through April 7, 2008**
- 7. Receipt of biweekly payroll reports for the period ending March 29, paid April 4, 2008**
- 8. Approval of Wahlund Construction request for payment #10 and Stover Engineering request for payment #11**

Council Member Schellong made a motion to approve the Consent Calendar items 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

Mayor Tynes reported the Airport JPA is asking for an alternate commissioner to Council Member Schellong's position in case of her absence. Council Member Enea was appointed as the new alternate and it was recommended he attend all meetings in order to stay apprised of information.

Will Caplinger, City Planner, reported on the third meeting concerning the Fourth of July, which he felt was well received and he felt was accomplishing goals. Matt Hildebrandt, Pool Manager, has consented to act as the event coordinator due to the closure of the pool. This year, more vendors will be out on Front Street because it is more cost effective and they will not be on the grass and tree areas. It also facilitates the movement of the stage, as opposed to where it was last year. Council Member Schellong complimented Mr. Caplinger on the positive meetings that have involved the public. Mr. Caplinger stated there would be additional planning meetings concerning Beachfront Park, and it is a mix of what people want. If we can delineate the trees and irrigation, it can work. The Planning Commission is the agency that looks at use in compliance with regulatory layers of the coastal program, and the city council cannot legislate publicly, but can give direction to staff. We have always been required to do a CEQA. Five professional certified arborists have stated vehicle damage has impacted the trees that were lost, not the wind.

Council Member Scavuzzo spoke about Sea Cruise and stated it is not the concept of this council to eliminate Sea Cruise. There are things we have traditionally done for years and there should not be any problems and no CEQA. Will Caplinger, City Planner, stated the purpose of CEQA is to comply with the laws, not just because we lost trees, this is his specialty and it is a requirement of the Coastal Environmental Act. Council Member Scavuzzo asked about people using the park and Mr. Caplinger stated people yes, vehicles no. He also reported that in the mid 1980's, there had been a double row of trees and people began driving in that area and that is where the trees have perished, the pattern of vehicular abuse has contributed to the loss.

Mayor Tynes stated she appreciates having Will Caplinger as our Planner and listening to people and following the law to protect our resources. She thanked him for his work and stated she knows it is contentious at times.

Eli Naffah, City Manager, asked if council wants this as an update or a separate agenda item each time and was told it can stay under reports.

Council Member Burns talked about traditions over 150 years and appreciates the fact the city still can meet the needs of people and still maintain the integrity of our parks.

Council Member Schellong reported the Tri-Agency is having its first Strategic Planning Session on April 19, 2008.

Council Member Enea spoke about the idea of having a dog park.

UNFINISHED BUSINESS

9. Consider, discuss and take action to issue a Request for Proposals for an engineering study of capacity charges and/or rates and take action as necessary and appropriate

The ad hoc committee gave the council an item for their information. Robert Black, City Attorney, reported the SRF loan has been executed. The city must present a revenue program on how it will pay back the loan and how to find ongoing revenue and maintenance. The state is requiring us to document best practices. Capacity charges can be levied to pay for past or future expansions, but a plan to pay for future expansions has to be put on the board. There are consulting engineers and economists that look at cities to see what projected capital programs generate, then they come back with recommendations, both in the area of sewer and water. We are suggesting we hire one of these consultants because there is an ongoing controversy and there may be developers who will challenge this in court and cities have to justify how they arrive at charges. There was substantial work done on water rates and charges, but they are now old, and it is suggested that consultants step up and look at water capacity charges and sewer rate charges.

Eli Naffah, City Manager, reported on the ad hoc committee and the rates and requests for RFP's. Dennis Sutton, Chair of the committee, spoke to the council about what was being suggested and what his role will be in the future. He said the committee would like to request RFP's for sewer and water, but expedite the sewer portion and appoint ad hoc committee involvement in the selection process and in finalizing rates. If consultants can't get it done quickly enough, then something needs to be done from the inside. Mayor Tynes stated she appreciates the committee taking on the burden with the city and coming up with several ideas.

Council Member Scavuzzo stated there are no controls on hookup fees and Proposition 218 does not govern capacity fees, only user fees. Robert Black stated GC 66016 has nothing to do with Proposition 218, if you have voter approval, then you can charge more than the estimated cost of providing service. However, before you impose a differential rate on county residents, you need to sit down and examine it. Council Member Scavuzzo stated this should have been done prior to the contract going out, not

after the fact. Mr. Black stated the loan pledges city revenues, not specifically fees. Council Member Scavuzzo said to check on an April 18, 2003 JPA; Mr. Black said it fell through and never came back to the council. Council Member Scavuzzo said to check it because the Rancheria, Del Norte County, and Crescent City formed a JPA and it is registered with the State. Mr. Black stated the JPA was held in committee and never approved because the city decided not to do it. No money changed hands. Tim Goodman, then the head of the Rancheria, made an assertion that the tribe came up with \$30,000,000, but that was not true and the city left the table and no money changed hands. Council Member Scavuzzo wants Mr. Black to check to see whether there is a JPA and, if there isn't, the city never signed an agreement.

Council Member Burns agreed with sending out a Request for Proposals for capacity charges for the sewer. Mr. Black stated he would not recommend a capacity charge with no study, but the city can arrive at an interim rate while a more sophisticated study is being done. GC 66016 has a 60 day waiting period for this to go into effect.

Council Member Enea stated he appreciates all the time the committee spent on this and although he is not sure about an advanced study, he agrees about doing the sewer study.

Council Member Schellong spoke about the possibility of costs in 2009 being different than what they are now and asked if we go through an RFP process, do we have to take the lowest bid and may committee members participate in the selection. Mr. Black stated we do not have to take the lowest bid and ad hoc committee members may be in the selection process.

Council Member Burns asked that if it is going to take too long with a consultant, could we come up with a fairly good idea of what the rate should be. We would take the cost of the project and the cost of Phase I and Phase II stages and divide it by half to come up with what the amounts should be.

Ward Stover, Engineer, stated Stage II will be approximately \$30,000,000 and State III will be approximately \$25,000,000. There are some parts that should have been done now according to the ad hoc committee and they have a good understanding of what the pieces of the project are.

Jesse Salisbury, city resident, commented he is confused with the issue and asked how many hookups have been sold cheaply at the current rate and what is that going to do to future rates. He stated he thought the entire project was going to cost \$42,000,000, and now he finds that Stage II is \$30,000,000 and State III is \$25,000,000.

Eileen Cooper, city resident, stated we charge just enough to cover the debt and our use, but it also has a small growth capacity attached to it that is supposed to be our good standing use. She asked where is the sunset clause and whether everyone is supposed to keep paying indefinitely.

Jody magnum, county resident, stated the capacity needs to be increased, but our rates are going up 30% per year and if we do that in three phases, year after year fees would go up. She commented that Jim Barnts bought 68 hookups and she thought you had to have a building permit in place before you could buy hookups.

Mayor Tynes spoke about people who may have to hook up even though they are not new developers and are already living here and are part of the community.

Dennis Sutton, ad hoc committee Chair, stated because they are not developers, they will get the money back when they sell their house. That is why they are going to have a study to set a possible cost. Mayor Tynes asked the committee to come up with options because the goal is to make it equitable for everyone, not to kill development and not to kill the rate payers.

Council member Schellong commented that when we talk about growth, it doesn't mean that 20,000 people will be moving into Crescent city.

Banu Patel, city resident, spoke about getting the data base and knowing where we stand and forget about past problems. The idea of the committee is not to decline, but to do whatever needs to be done because the state is not going to let you off the hook. There are going to bring more and more regulations. Make sure we look into this project in a fair way to make sure everything is done right.

Council Member Scavuzzo stated that in the past, the city had a bond to pay off the cost.

Council Member Burns made a motion directing staff to put out RFP's for capacity and water rates, to include the ad hoc committee in both the review of those proposals and to make sure we put the WWTP as the first priority in the proposal; the motion was seconded by Council Member Enea and so carried unanimously, 5-0.

Council Member Burns stated he would like a time line so the proposals will be done more quickly.

NEW BUSINESS

10. Waive full reading, read by title only, and introduce Ordinance no. 732, an Ordinance of the City Council of the City of Crescent City pertaining to Administrative citations

Robert Black, City Attorney, reported on the concept of an administrative citation program and discussion followed. Council Member Schellong asked whether the county is working on a similar ordinance and Mr. Black stated the county has had a similar ordinance for five years. The second step will be to establish a hearing process for appeals and other types of civil hearings. The person could be a lawyer, judge, or court commissioner. Police Chief Plack stated that because there is no hearing process for an appeal, we do not issue parking citations.

There were no public comments and discussion followed.

Council Member Burns made a motion to waive full reading, read by title only, and introduce Ordinance No. 732, an Ordinance of the City Council of the City of Crescent City pertaining to Administrative Citations; the motion was seconded by Council Member Enea and so carried unanimously, 5-0.

11. Consider and approve Resolution 2008-07, a resolution of the City Council of the City of Crescent City, California approving submittal of a grant application to the California Department of Conservation's Division of Recycling for Beverage Container Recycling by the Del Norte Solid Waste Management Authority for 2008-09, and take action as necessary and appropriate

Council Member Schellong recused herself from this session because she has some business involvement with this item. Patty Abbey, DNSWMA, reported on the grant application and there were no public comments.

Council Member Scavuzzo whether DNSWMA is going to administer the program and Ms. Abbey stated it is managed for the City and County and the grant is in the amount of \$15,000 – the City receives \$5,000, and the County receives \$10,000.

Council Member Burns moved to approve Resolution 2008-07, a resolution of the City Council of the City of Crescent California approving submittal of a grant application to the California Department of Conservation's Division of Recycling for Beverage Container Recycling by the Del Norte Solid Waste Management Authority for 2008-09; the motion was seconded by Council Member Enea and so carried 4-0, with Council Member Schellong abstaining.

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

Council Member Enea reported traveling to Southern California and stated that out of 479 cities, we are one of 70 cities who have applied for a Proposition 1B grant and we received our on March 14, 2008.

Council Member Schellong and Mayor Tynes asked about agenda items for the upcoming City and County meeting on Monday, April 14, 2008. Council Member Schellong stated she wants the City reports by Wednesday, April 9, 2008. Mayor Tynes asked when she

and Supervisor Finigan are supposed to get together regarding this meeting; Eli Naffah will check on it tomorrow.

The City/County Joint Special Meeting will be on Monday, April 14, 2008, at 3:30 p.m.

CITY MANAGER DIRECTIVES – None

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

ATTEST:

L. Dianne Nickerson, City Clerk

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

Crescent City Housing Authority

CALL TO Authority Member Enea called the meeting to order at 9:13 p.m.
ROLL CALL Present: Authority Members Burns, Enea, Scavuzzo, Schellong, and Mayor Tynes
Absent: None

COMMUNICATIONS – None

NEW BUSINESS

- 1. Consider, approve and authorize execution of the Annual Plan 2008 for the Crescent City Housing Authority by required resolution, and take action as necessary**

Eli Naffah reported, and there were no public comments.

Council Member Burns made a motion to approve and authorize execution of the Annual Plan 2008 for the Crescent City Housing Authority by required resolution; the motion was seconded by Council Member Schellong and so carried unanimously, 5-0.

ADJOURNMENT: The meeting adjourned at 9:15 p.m.

ATTEST:

SUSIE MENDEZ, SECRETARY

**MINUTES
SPECIAL MEETING
FLYNN CENTER
981 H STREET
CRESCENT CITY CA 95531**

Crescent City Redevelopment Agency

CALL TO ORDER Agency Member Tynes called the meeting to order in regular session at 8:18 p.m.
ROLL CALL Present: Agency Members Scavuzzo, Burns, Schellong, Enea, and Tynes
Absent: None

COMMUNICATIONS – None

REDEVELOPMENT AGENCY ITEMS

- 1. Consider and approve Resolution 2008-08, a resolution of the Redevelopment Agency of the City of Crescent City supporting the application of Simpson Housing for low-income housing tax credits for the Del Norte Point Apartments project, and take action as necessary and appropriate**

Will Caplinger, City Planner, reported and there were no public comments. Discussion followed and no action was taken.

- 2. Consider a second funding request for the Pacific Coast Plaza project and take action as necessary and appropriate**

Will Caplinger, City Planner, reported and discussion followed.

Matt Hildebrandt, county resident, spoke about borrowing the funds from the Water fund and stated matt Fearing has done amazing things to improve our town and he would really like to see the council support Mr. Fearing.

Jim Barringer, county resident, stated he agrees with Matt Hildebrandt.

Council Member Schellong made a motion to not change pool funding and make a temporary loan of \$204,000 from the RDA as an advance from the Water Fund for Mr. Fearing for Pacific Coast Plaza for that money to be paid back to RDA within six (6) months; the motion was seconded by Council Member Enea and so carried, 4-2, by the following polled vote:

AYES: Council Members Schellong, Enea, and Mayor Tynes
NOES: Council Members Scavuzzo, and Burns
ABSTAIN: None
ABSENT: None

ADJOURNMENT

The meeting adjourned at 9:13 p.m.

ATTEST:

L. Dianne Nickerson, Secretary