



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

**Monday**                      **April 19, 2010**                      **4:30 p.m.**

Call to Order                      Mayor Schellong called the meeting to order in open session at 6:00 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, Deputy City Attorney Martha Rice, Public Works Director/City Engineer Jim Barnts, Associate Engineer/Utilities Director Eric Wier, Police Chief Doug Plack, Finance Director Ken McDonald, IS Administrator Fritz Ludemann, Sergeant Garrett Scott, Pool Manager Matt Hildebrant, Lifeguard Brooke Knox, Housing Programs Supervisor Megan Miller and Equipment Operator II/Lead Person Jason Wylie

Pledge of Allegiance    Council Member Murray

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

**1. CLOSED SESSION**

- Public Employment (Gov't Code § 54957 (b)) Police Chief, Fire Chief, Finance Director, City Planner/Economic Development Specialist, Housing Authority Executive Director, Public Works Director/City Engineer, and Central Services Director
- Conference with Labor Negotiator: Rod Butler, Crescent City Management Employees Association (Gov't Code § 54956.8)
- Conference with Labor Negotiator: Rod Butler, Crescent City Employees Association (Gov't Code § 54956.8)
- Public Employment (Gov't Code § 54957 (b)) City Manager/City Clerk
- Real Property Negotiations; Negotiator Rod Butler; APN 118-170-02, APN 118-260-12 (Gov't Code § 54956.8)
- Existing Litigation (Gov't Code § 54956.9 subdivision (a)) (Six 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; Wahlund Construction Company, O & M Industries Inc, Sequoia Construction Specialties, Ward Stover, PE dba Stover Engineering and Colburn Electric vs. City of Crescent City, Rod Butler, Donna Westfall and Douglas Westfall, Del Norte County Superior Court Case # CVPT 10-1075)
- 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 Schellong opened the closed session at 4:36 p.m. with all five Council Members present. There were no public comments on closed session items. The Closed Session was adjourned at 5:58 p.m. Mayor Schellong stated that the Council will return to closed session at the end of the open session and will report on any actions taken.

### **ACKNOWLEDGEMENTS**

2. Approve and read A PROCLAMATION SUPPORTING THE DESIGNATION OF MAY 2010 AS NATIONAL FOSTER CARE MONTH. (Karen Sullivan)

The above proclamation was read by Mayor Schellong and was received by Karen Sullivan. Mrs. Sullivan spoke on the impacts of foster parenting and the value to the community. Council Member Murray expressed her appreciation for Mrs. Sullivan and the people who are like her.

3. Introduction of the Crescent City Next Generation Group. (Rod Butler)

City Manager Rod Butler introduced IS Administrator Fritz Ludemann, Designated Head Lifeguard Brooke Knox, Equipment Operator II/Lead Person Jason Wylie, Pool Manager Matt Hildebrant, Police Sergeant Garrett Scott, and Housing Programs Supervisor Megan Miller as members of this group who will be the future leaders for the City. He explained that there have been many speakers who came forward to guide them, offer advice, as well as telling their own story on how they became leaders in the community. Two of the speakers were Superintendent Jan Moorehouse and County Administrative Officer Jay Sarina. Mayor Schellong congratulated the members of this group and wished them well.

### **CONSENT CALENDAR**

4. Approval of the regular minutes of the April 5, 2010 Crescent City Council meeting and the Budget Workshop Minutes of February 8, 2010.
5. Approval of warrant claims list for the period April 6, through April 19, 2010.
6. Approval of biweekly payroll reports for the period ending April 10, paid April 16, 2010.
7. Receive and file the City of Crescent City Comprehensive Annual Financial Report dated June 30, 2009. (Ken McDonald)

Council member Slert – page 4 of meeting minutes – April 5<sup>th</sup> – duplication of middle of top paragraph duplication of Council Member Westfall’s name and the explanation Ms. Westfall gave regarding her “no” vote was not included.

Council Member Westfall stated that she wants her comments added to the minutes regarding the interest on the loan for the Wastewater Treatment Facility as well as her Prop 218 comments.

On a motion by Council Member Slert, seconded by Council Member Burns and unanimously carried 5-0, the City Council of the City of Crescent City approved and adopted the consent calendar as amended, consisting of items 4 – 7 with changes requested.

The following citizen made a comment: Richard Miles had a concern regarding a warrant claim for a purchase made from Home Depot for flowers.

**ADJOURN TO CRESCENT CITY REDEVELOPMENT AGENCY**

8. See attached minutes. (Rod Butler) –

**9. 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 regarding final accomplishments made through grants to the City under the State's Community Development Block Grant (CDBG) program, grant number 05-STBG-1517 and grant number 06-EDBG-2693, and to close out the grants. (Charlaine Mazzei)

Mayor Schellong explained how Mrs. Charlaine Mazzei has helped the City with the grant process. Mrs. Mazzei addressed the Council and audience members on the details of the public hearing. She explained the process to get the grants completed in detail and why it had taken so long.

Mayor Schellong opened the public hearing at 7:28 p.m.

The following citizen made a comment: Richard Miles expressed his concern over Community Assistance Network's (CAN) lack of accounting for funds given thru a recent CDBG grant. Mayor Schellong stated that a report from CAN had already been received.

On a motion by Council Member Burns and seconded by Council Member Slert and unanimously carried 5-0, the City Council of the City of Crescent City accepted the final grantee performance report for the Community Development Block Grant (CDBG) program, grant number 06-EDBG-2693 and to direct staff to complete the close-out process.

On a motion by Council Member Burns and seconded by Council Member Slert and unanimously carried 5-0, the City Council of the City of Crescent City accepted the final grantee performance report for the Community Development Block Grant (CDBG) program, grant number 05-STBG-1517 and to direct staff to complete the close-out process.

**10. REPORTS**

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

- Chamber of Commerce quarterly report (Gina Zottola)

Ms. Zottola gave a detailed report in regards to the Chamber of Commerce activities and day to day business. She stated that March was a really great month for the Visitor's Center as they had 960 people come in requesting information on the city. They've currently mailed out 16 relocation packets and this was a 60% change from last year.

### **COMMUNICATIONS**

➤ **PUBLIC COMMENT PERIOD** – the following citizens made comments: Suzie Williamson, County resident, asks the City to review the Mobile Vending Ordinance and bring it up to date. Richard Miles spoke in regards to Suzie Williamson's comment and hopes the Council will listen to her and also spoke in regards to the recent recall efforts being an "embarrassment" to the City. John Stetson spoke in regards to the "Compassionate Use Act of 1996". Donna Westfall spoke in regards to the Daily Triplicate's article regarding the money she has cost the City, as well as Bill Renfroe's public comment in a former meeting that Ms. Westfall's actions keep people from coming to our city. Chris Howard spoke in regards to Rod Butler's Next Generation Group and his appreciation for it. He further stated that during the Chamber Luncheon there was a minority speaker that spoke against the Wastewater Treatment Plant (WWTP). He stated that businesses in town as well as families are in support of the infrastructure, i.e.: the WWTP. Lisa McKeown, Del Norte Chamber President, stated that she speaks on behalf of the Chamber and states they are in support of the Council's effort to move forward. Mayor Schellong thanked the comments from the Chamber and expressed the Council's appreciation for them.

### **CONTINUING BUSINESS**

11. Review, consider, and introduce for first reading Ordinance No. 756, amending Crescent City Municipal Code Chapter 9.17 to prohibit smoking in public parks, playgrounds and other public places. Waive full reading and read by title only. (Martha Rice)

Mayor Schellong stated that she is very proud of the children in attendance and the work they have done to clean up all of the cigarette butts in the parks around the City. Deputy City Attorney Martha Rice explained the purpose of the Ordinance as well as its content. She stated that the Ordinance was revised upon gaining input from Jeff Wolsfeld, Health Education Coordinator for Del Norte County Health and Human Services. Council Member Slert commends the Deputy City Attorney for her work on this Ordinance. He believes it is impractical to put the burden of having a butt receptacle on the businesses. Council Member Murray asked if a VIP from Sacramento was indeed coming up that the Council could consult with (answer was given from the audience). She states her appreciation for the children's work within the community in picking up all of the cigarette butts and is very pleased with this Ordinance. Council Member Burns thanks Ms. Rice for her work on the Ordinance. Council Member Westfall had a question regarding the smoking prohibitions that may inhibit someone such as Mr. John Stetson, a proponent for a Medical Marijuana clinic, from putting on an event to educate people regarding Medical Marijuana. Mayor Schellong explained that if Mr. Stetson wanted to have an event to educate people on this topic, they would not be in a room smoking marijuana. Council Member Westfall asked if Mr. Stetson's group would be allowed to smoke marijuana in the park – Mayor Schellong answered "absolutely not". Council Member Westfall asked for further clarification that the smoking of marijuana, crack cocaine or tobacco would be prohibited at an event – Deputy City Attorney Martha Rice

stated that the event itself would not be prohibited, but the smoking of any substance at the event would be. Mayor Schellong asked about how the business owners and residents would be educated about this new Ordinance? Ms. Rice stated that the Tobacco Use Prevention Program (TUPP) has indicated that they can provide vinyl stickers to place in the windows of businesses. Mayor asked if there was a general fiscal impact for signage – City Manager Rod Butler stated that there have been no reports done for this particular Ordinance for budgetary issues regarding signage.

The following citizens made comments: Jeff Wolsfeld, Health Education Coordinator for Del Norte County Health and Human Services Tobacco Use Prevention Program, thanks the Council for this Ordinance, this is a “dream come true”. He stated that at the next Health Fair receptacles will be passed out that the children have designed. The following children spoke regarding this Ordinance (some did not give last names) Miss Jolie Tynes spoke in regards to the health problems smoking causes to those who smoke and those who inhale second-hand smoke. Nicolas Jacob spoke in support of this program and would like our community to be a healthier place. Vic Del Santos is glad that the parks will be smoke free. Phang Tow would like to have smoking banned. Sage Swann he spoke in regards to the statistics for smoking’s bad affect on health. Alyssa is in support of smoking ban in public areas. Cora Hogan stated that she is in support of a smoking-ban and that her brother has asthma and second-hand smoke causes him to have painful coughing fits. Diane Lee feels that smoking is bad for the environment and people’s overall health and asks for those in attendance to be smoke free. Faith spoke in regards to being in support of a smoking ban. Shelby feels it is a bad idea to smoke for its negative health issue and stated that she used to hide her father’s cigarettes to keep him from smoking – he is now smoke free. Susan Williamson, County resident, volunteers in the parking lot of the high school and picks up hundreds of cigarette butts. Richard Miles thanks the Council for this Ordinance and was very touched by him watching children pick up cigarette butts. He’s also concerned with the smoking being done outside of State buildings. Cathy Tryon, employee of the Del Norte Resource Center, gave a round of applause for the children and said that if one agency in Del Norte County – namely the Del Norte Family Resource Center can do it, the rest of us can. Charles Clausing spoke in support of the smoking ban. Jason stated that smoking does not only harm the smoker, but others and the environment. Mai Tow spoke in regards to what she has learned about smoking and asked for everyone to be smoke free. Haley Ponder she feels everyone should be smoke-free and spoke as someone who suffers from asthma. John Stetson, County resident, stated that spoke again in regards to Medical Marijuana and location of usage allowed by law. He commends the children for what they have learned and that they can make change. Michael thanks the Council for this Ordinance and stated that this Thursday, April 9<sup>th</sup>, the Boy Scouts, Crescent Elk students, and Friday Night Live participants will be picking up cigarette butts and trash within the City parks to keep it safe and healthy. Dale Watson, spoke on his experience to help people to stop smoking. He commended the Council for considering this Ordinance.

Mayor Schellong encouraged the children to continue on the path they are on and advised them to look at our agendas online to offer the Council their opinion. Council Member Slert applauds the students for participating in this matter, that this shows what can happen when a community works together.

On a motion by Council Member Burns, seconded by Council Member Westfall, and carried 5-0 on a polled vote, the City Council introduced and waived the first reading of

Ordinance No. 756, amending Crescent City Municipal Code Chapter 9.17 to prohibit smoking in public parks, playgrounds and other public places.

**NEW BUSINESS**

12. Consider and approve the proposed list of surplus property from the Public Works Director/City Engineer. (Jim Barnts)

Public Works Director/City Engineer Jim Barnts explained the surplus property process in detail. Discussion followed on a particular item on the list being a street sweeper for a starting bid of \$100.

The following citizen made a comment: Richard Miles stated that there was a motorcycle in storage that was for the PD but isn't being used. Chief Plack explained that the motorcycle was free and of no charge to the City. The Officer that has been trained to ride the motorcycle is on leave due to an injury; therefore, it is not cost-effective to train another Officer to ride it.

On a motion by Council Member Slert, seconded by Council Member Murray, and carried 5-0 on a polled vote, the City Council approved the proposed list of surplus property from the Public Works Director/City Engineer.

13. Receive report and view slide show regarding the recent trip to Haiti to assist with earthquake recovery. (Eric Wier/Mike Young)

Former Interim City Manager Mike Young explained the non-profit organization called Engineering Ministries Institute headquartered in Colorado Springs, CO, and what they have done for the world as a whole. Both he and Associate Engineer/City Utilities Manager Eric Wier described their experiences while in Haiti after the recent catastrophic earthquake. A touching slide show was presented with a vivid description of each picture. *Council Member Westfall left the dais at 7:49 and returned to the dais at 7:51.* Most of the inspections they did as Engineers were to satisfy the Haitians that certain buildings were either habitable or inhabitable. Mr. Wier went into detail about how this experience has changed his life forever and he has no qualms about paying his taxes, nor his water or sewer bill after seeing what the Haitians have had to face. Mayor Schellong expressed her gratitude to both Mr. Young and Mr. Wier for what they did in Haiti. Council Member Slert saluted Mr. Young and Mr. Wier for the sacrifices they had made. He stated that this saves a huge amount of humanity in times like this and that we have a lot to be grateful for. Council Member Murray stated that this has brought back to her mind the foster children in our area who do not have the opportunities. She appreciated the gentleman for their work in Haiti.

14. Consideration of future agenda items requested by Councilwoman Donna Westfall. (Mayor Schellong)

Mayor Schellong explained the censure of Council Member Westfall and that the agenda items pertaining to the Wastewater Treatment Plant are to be brought before the Council. Council Member Westfall's first request was to: 1) Have a forensic audit of the water and sewer rate collection system. Mayor Schellong asked for clarification of this request and Council Member Westfall stated that Jodi Mangum said that the raising of the rates was done illegally. Discussion continued on the topic and Mayor Schellong stated that in her

discussion with the Finance Director, she learned that the words “forensic audit” is not an actual name for any audit. Mayor Schellong stated that the City has been audited; therefore Ms. Westfall’s request is unclear. Ms. Westfall stated that her request is to find out that if the rates were raised illegally, what happened to that money?

Council Member Murray stated that this item has been discussed by either Council Member Westfall or her cohorts, over and over again. Council Member Slert stated that this is more of the baseless, aimless accusations that have been made many times over and no facts have been presented, no case has been created, it is a basic witch hunt, therefore he cannot support it.

The second request from Council Member Westfall was: 2) A request for an investigation into the City’s acceptance of the Wastewater Treatment Plant bid and whether or not that violates any laws. Mayor Schellong stated per City Attorney Bob Black, accepting one bid is not illegal. Deputy City Attorney Martha Rice stated that for example if only one bid is available, by accepting this bid is not illegal by any means – which was the case for the Wastewater Treatment Plant. Council Member Murray reiterated that this has been discussed several times at previous Council meetings.

The following citizen made a comment: Richard Miles stated that his rent has been increased five times by his landlord Vickie Dickey due to her having to pay higher water/sewer rates.

Mayor Schellong asked if any of the Council Members wish to have this on the agenda - Council member Slert stated that being that there was only one bid is a non-issue – it was a reflection of the climate at the time. It went out to bid and does not deserve any more time. Council Member Westfall stated that the fact remains that the allegation that the bid was fixed is still out there. Council Member Westfall read an article from the Press Democrat written by Steve Hart. *Kathryn Murray left the dais at 8:30 p.m.*

15. Consider and approve advance training expenditure request from the Police Department. (Chief Doug Plack)

City Manager Rod Butler reminded the Council about the formerly approved Travel Expense Policy. There currently are funds available for such training for Sergeant Garrett Scott to attend the POST Management Program. Chief Plack stated that he had to cancel several training events to provide for this particular training.

The following citizen made comment: Richard Miles expressed his concern over the PD spending \$2,000 at this time. *Kathryn returned to the dais at 8:33*

On a motion by Council Member Burns, seconded by Council Member Slert, and carried 5-0 on a polled vote, the City Council approved for Sergeant Scott to attend the POST training and the advance training expenditure request from the Police Department.

### **CITY COUNCIL ITEMS**

➤ **Legislative Matters – none**

➤ **Reports, Concerns, Referrals, Council travel and training reports – Council**  
Member Westfall stated that she had attended a meeting of the Del Norte Homeless

Active and Remediation Prevention Coalition on April 7th. She stated that she learned since there is no money in homeless shelters, no one is stepping up to the plate. Chief Plack stated for clarification that any facility that was to be eligible for a shelter has to pass thru a permit process and be suitable for a shelter. Discussion on homeless shelters continued in detail. Council Member Burns stated that the Del Norte Solid Waste Management Authority Board met and have three bids in for the new franchise – one out of Willits, two from Crescent City. Mayor Schellong stated that she will be on the ad hoc committee to review these bids. She also stated that code enforcement is being addressed as a part of the Solid Waste Management Board. Council Member Slert stated that he has attended meetings for the Intergovernmental Relations Committee, Local Transportation Commission, and the Visitor’s Bureau. He stated that sustainable funding is necessary for the Visitor’s Bureau to function. Mayor Schellong asked for clarification of the \$100,000 that the City has given to the Visitor’s Bureau, Council Member Slert stated that the money has been spent on various items and an account for that money will be forthcoming. Council Member Slert wanted to make sure the Wastewater Treatment Plant area will be cleaned up for the 4<sup>th</sup> of July celebration – Public Works Director Jim Barnts reassured the Council that it would be. Council Member Slert addressed the recent recall effort to recall the entire City Council, except Council Member Westfall, and that “actions speak louder than words”. A few summary points – in Ms. Westfall’s case: 17 months she will have conducted and/or endorsed, 9 recalls, 2 lawsuits, 2 initiative petitions, and underwent a censure ship. He stated that his constituents tell him that this is not a reflection of the majority, and that this is unparalleled, political absurdity. Mayor Schellong stated that its interesting that both she and Council member Burns are up for reelection this year and Council Member Burns is not seeking reelection. Council Member Westfall stated that the 499 people that signed the recall petitions felt like they were being ‘cash-cows’. She felt that the Council is not open to discussion. Mayor Schellong questioned Council Member Westfall’s intention to use tax-payers’ money to put two people on the ballot that are up for re-election. Council Member Murray stated that she had attended the Youth and Family Fair on Saturday wherein over 600 people attended. She also attended the Earth Day Festival yesterday. Mayor Schellong stated the City had an Annexation Workshop that was very informative, a Youth Town Hall meeting was held with the main discussion topic being under-age drinking. The Mayor was asked to be a speaker at this event. She stated that she also attended the Officer’s Ball on Saturday and had a wonderful evening. The Police Explorers worked very hard and after expenses they raised \$6,500 which will be used to send the Explorers to the National Explorer Academy. Mayor Schellong attended the ribbon cutting for the partnership that the Police Department has with Crime-Free Multi Housing and First Five Del Norte. She stated that there was a Community Development Block Grant Funding Fair in Redding and unfortunately no City staff members were able to attend. She stated that however, President Scott Feller of the Harbor Commission attended, for which he gave her an informational packet. Mayor Schellong stated that the Town Hall meeting was a huge success; she thanked the staff for making it happen and the Council for being present. The City received 99.9% positive feedback from citizens and surveys were completed.

- **City Manager Directives** – Mayor Schellong asked for an update on the courthouse trees and the gateway signage. City Manager Rod Butler stated that allegedly, the courthouse trees will be planted on Wednesday of this week.

**ADJOURNMENT**

Adjourn the meeting to the regularly scheduled meeting on Monday, May 3, 2010 at 5:00 p.m.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 9:06 p.m. to adjourn to the next regularly scheduled meeting on Monday, May 3, 2010 at 6:00 p.m.

Upon adjournment of the Closed Session that continued after the City Council meeting, the following action was taken:

On a motion by Council Member Burns and seconded by Council Member Westfall, and unanimously carried 5-0, the City Council of the City of Crescent City authorized the City Manager to execute settlement agreements in the cases of Strom vs. the City of Crescent City, USDC Case #CV08-4708 and Sanches vs. City of Crescent City, USDC CV08-1395.

ATTEST:

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



**MINUTES**  
*Crescent City Redevelopment Agency*  
**REGULAR MEETING**  
**APRIL 19, 2010 AT 6:00 P.M.**  
**FLYNN CENTER, 981 H STREET, CRESCENT CITY, CA 95531**

Call to Order Mayor Schellong adjourned to the Redevelopment Agency at 8:35 p.m.

Roll Call Council Members Burns, Slert, Westfall, Murray, and Mayor Schellong

**COMMUNICATIONS**

***PUBLIC COMMENT PERIOD*** - The following citizens made comments: Richard Miles offered some tips on the RDA saving money as well as the breezeway at Tsunami Landing. Mayor Schellong stated that the matter of Tsunami Landing was addressed at our Town Hall meeting.

**CONSENT CALENDAR**

1. Approval of the regular meeting minutes of April 5, 2010 of the Crescent City Redevelopment Agency.
2. Approve warrant claims list of April 6, 2010 to April 19, 2010.

On a motion by Council Member Slert, seconded by Council Member Burns and unanimously carried 5-0, the Redevelopment Agency of the City of Crescent City approved and adopted the consent calendar as amended, consisting of items 1 – 2.

**EXECUTIVE DIRECTOR'S REPORT** – None

**BUSINESS ITEMS** – None

**PUBLIC HEARING** – None

**REDEVELOPMENT AGENCY ITEMS** – None

**ADJOURNMENT**

Adjourn the meeting until the next regularly scheduled meeting of May 3, 2010 at 6:00 p.m.

There being no further business to come before the Redevelopment Agency, Mayor Schellong adjourned the meeting at 8:40 p.m. and immediately convened as the City Council.

ATTEST:

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