

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

City of Crescent City

Monday	April 20, 2009	5:00 p.m.
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CALL TO ORDER Mayor Schellong called the meeting to order at 5:00 p.m.

ROLL CALL Present: Council Members Burns, Murray, Skert, Westfall, and Mayor Schellong
Absent: None

PLEDGE OF ALLEGIANCE Council Member Burns 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; **ERIC TAYLOR**, Associate Planner; **ERIC WIER**, Associate Engineer; **DOUG PLACK**, Chief of Police

PUBLIC COMMENT ON CLOSED SESSION ITEMS – None

CLOSED SESSION – No final actions were taken

ACKNOWLEDGMENTS

1. Proclamation for First Five Del Norte

Mayor Schellong read the proclamation and presented it to Patty Vernelson of Del Norte First Five. Ms. Vernelson and Chief Place gave some background on the Crime-free Multi-housing Program.

CONSENT CALENDAR

- 2. Approval of the regular meeting minutes of April 6, 2009 to be approved at next regular meeting**
- 3. Approval of warrant claims list for the period April 3, through April 20, 2009, including Housing warrant claims for the period March 18, through April 20, 2009**

4. **Approval of biweekly payroll reports for the period ending April 11, paid April 18, 2009**
5. **Approval of Release of Retention for Tricon Construction for Fred Endert Swimming Pool renovation**

Council Member Slert asked about future recourse in the event the decking fails at the pool if we release Tricon Construction now (Item #5). Jim Barnts, Director of Public Works, stated we have a one-year warrant and within that time, we should know whether or not the deck is going to hold up. Plus, we held back money for future resurfacing of the deck.

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.

PUBLIC HEARINGS – None

REPORTS – None

THE HOUSING AUTHORITY MEETING WAS HELD ON APRIL 6, 2009

COMMUNICATIONS

Richard Miles, city resident, spoke about four of the council members censuring Ms. Westfall and said he was shocked at what he read in the newspaper on Saturday. It was his opinion that for a city council member to lead a drive to recall elected officials is serious. He also spoke about records management and finding a sister city in Japan, his request for the last study of the Harbor exceeding ten days, and hiring summer hire to scan documents.

Judy Glenn, county resident, commented on the wonderful presentation the teenagers did on TUPP. She also spoke about tobacco and a drug education program.

Jesse Salisbury, city resident, spoke about parks being smoke-free and the skate park. He stated it is a problem in the parks and in the bars. He also asked about the bi-weekly payroll report for two part-time people who make over \$10K, which he said is more than a lot of people make; the city will check on it.

CONTINUING BUSINESS – None

NEW BUSINESS

6. **Consider and approve the signing of a letter in support of Project Kidtown and take action as necessary and appropriate**

Karen Phillips introduced the leaders of the Wild Rivers Coast leadership team. She thanked city staff for working with the leadership class and showed the map of the Kidtown project to the council. The yellow highlighted areas are where they intend to put matting. The project came about through the Ford Family Foundation and she gave some background on the project. There have been issues with vandalism, lighting, and safety edges on ramps. Some time in the fall is their timeline goal.

Mayor Schellong thanked everyone involved in the leadership class.

Richard Miles, city resident, spoke about the Parks Departments going to Hambros every year to get shredded bark to put in the playground and stated that in other places, they use chopped tires which makes a safer landing for kids.

Council Member Westfall left the meeting at 7:02 p.m., and returned at 7:04 p.m.

Council Member Slert made a motion to approve the signing of a letter in support of Project Kidtown; the motion was seconded by Council Member Burns and so carried, 4-0. (Council Member Westfall was out of the room.)

7. Presentation from Tobacco Use Prevention Program (TUPP)

Jeff Wolsfeld, Health Education Coordinator, introduced the people who made up the team of TUPP and gave a presentation, including statistics on the number of cigarette butts picked up during a recent cleanup in Kidtown and on the beaches. Several of the teenage participants of “Friday Night Live” spoke about their experiences in trying to keep things smoke-free. They would like better signage at Kidtown because it is against the law to smoke in playground areas and want to extend the smoke-free area to all of Beachfront Park. In January 2009, two of the team members tried to purchase cigarettes as a test, and none of the retailers in Del Norte County allowed cigarettes to be purchased. Mr. Wolsfeld stated TUPP is donating four signs for Kidtown and signs for city buildings.

The council gave TUPP accolades for their work and involvement. The City Manager will work on a proposal to adopt a no smoking policy in all of the parks and bring it back to a future agenda.

8. Consider and adopt Resolution 2009-14, accepting the relinquishment of the California Department of Transportation (Caltrans) right-of-way which encompasses the Harbor Trail Bridge and portions of the trailhead and take action as necessary and appropriate

Eric Taylor reported on the necessary process for the bridge.

Richard Miles, city resident, asked when the toilet of going to be installed and Mr. Taylor reported it is already there. Mr. Miles spoke about landscaping and said the paving

project is not done and asked whether they are going to put grass or native plants in the spaces.

Discussion followed. Council Member Burns made a motion to adopt Resolution 2009-14, accepting the relinquishment of the California Department of Transportation (Caltrans) right-of-way, which encompasses the harbor Trail Bridge, and portions of the trailhead; the motion was seconded by Council Member Slert and so carried unanimously, 5-0.

9. Consider and adopt Resolutions 2009-15, 16, 17, and 18, regarding benefits contracted with California Public Employees Retirement System (CalPERS) and take action as necessary and appropriate

Rod Butler, City Manager, reported on a CalPERS audit in January 2009, and stated we did very well overall. There are a couple of items that we need to catch up on, and these resolutions are simply following up on the recommendations from PERS.

There were no public comments. Council Member Slert made a motion to pass all four resolutions, 2009-15, 2009-16, 2009-17, and 1009-18, regarding benefits contracted with the California Public Employees Retirement System (CalPERS); the motion was seconded by Council Member Burns and so carried unanimously, 5-0, by the following polled vote:

AYES:	Council Members Slert, Burns, Murray, Westfall, and Mayor Schellong
NOES:	None
ABSTAIN:	None
ABSENT:	None

10. Consider a waiver of Conflict of Interest as discussed in a letter from Robert Black, City Attorney, and take action as necessary and appropriate

Robert Black, City Attorney, was asked to leave the room for Item #10, and discussion of annexation of the Harbor ensued. Mr. Black is a private attorney who works under contract for both the city and Harbor. He has asked that on this subject, he be allowed to represent the Harbor exclusively and has provided the council and Harbor a letter concerning Conflict of Interest. The only reason he has to do this is because we are really working together on this. McDonough Holland is the backup counsel per Rod Butler. Council Member Slert stated he was concerned at first, until he understood the situation with the Harbor's lack of resources and our backup counsel, then he was OK with it.

Richard Miles, city resident, spoke about the California Coast and Robert Black doing the "big numbers." Mr. Miles stated that Mr. Black has many clients including the Airport commission, and Solid Waste Authority. Mr. Miles said he believes that at times, there is a conflict of interest and for that reason, he would like the council to ask the other attorney to review Bob's relationship with the Airport Commission and Solid Waste

because one cannot serve two or three masters at the same time. Mayor Schellong stated that Mr. Black had already done the outside research.

Tim Hoone, city resident, was interested to know whether the Harbor is on board with this.

Jack Reese, county resident, stated the Harbor is fine with this and the same issue is on the Harbor's agenda for next week. Mr. Reese said that in such a small community, there is always going to be a conflict with something, but he doesn't see a problem with this and the Harbor is good to go as far as he can see.

Victoria Dickey, county resident, stated that even when people are working in the same direction, council is well advised to have separate counsel even though they both come to the same conclusion.

Council Member Burns made a motion to approve a waiver of Conflict of Interest as discussed in a letter from Robert Black, City Attorney; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0. Mr. Black returned to the council meeting.

11. Waive full reading, read by title only, and introduce Ordinance No. 741, an Ordinance of the City of Crescent City adding Section 1.20.060 to Chapter 1.20 of Title 1 of the Crescent City Municipal code to authorize the City Manager to act on claims and take action as necessary and appropriate

Robert Black, City Attorney, reported the government requires that on almost all claims against the city, a person has to file paperwork and the city has to act on the claim or it is denied. A problem the city has is that we have not designated anyone to act on claims. It is not the practice of the city to bring all claims to the city council; Bragg and Associates adjusts our claims through SCORE and it allows someone to act earlier than 45 days to deny a claim rather than have someone sue. Mayor Schellong stated her concern was that the limit seemed high and Mr. Black stated it might be adjusted. Mr. Black stated he would like the City Manager to have the power to deny claims before the 45-day limit. Discussion followed and Council Member Slert suggested a lower limit of \$25K.

Richard Miles, city resident, stated that most people have a person on staff who is a City Risk Manager. He spoke about someone falling in front of a local business and a possible claim against the city and asked whether anyone is designated to go around town to make sure there are no claims against the city.

Discussion followed. Council Member Slert made a motion to waive the full reading, read by title only, and introduce Ordinance No. 741, an Ordinance of the City of Crescent City adding Section 1.20.060 to Chapter 1.20 of Title 1 of the Crescent City Municipal code to authorize the City Manager to act on claims and to change the limit to \$25K; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

12. Consider an MOU with First Five Del Norte regarding Crime-free Multi-housing Program and take action as necessary and appropriate

Police Chief Place gave a report on the relationship between the city and First Five Del Norte and explained how they may tap into each other's grants. Discussion followed and there were no public comments.

Council Member Burns made a motion to approve the MOU with First Five Del Norte regarding the Crime-free Multi-housing Program; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0.

13. Consider and discuss a student City Council representative

Mayor Schellong reported and stated this program would stimulate the students' learning process, and help keep them off the streets, and off drugs, and she wants to bring this to the council for consideration. The School board has the same program and would like to start the discussion process.

Michael, a student, spoke in favor of the experience and stated he has learned a lot as the Student Vice President.

Julian, a student, also spoke in favor of this program. He asked that even though the people would not elect them, please keep the program open to all grades, not just seniors. He said candidates are interviewed by the School District.

Council Member Burns stated there are four high schools in Del Norte County, and would the students need to be city residents, which he thinks they do. Mayor Schellong disagreed and stated it should be open to all students, regardless of whether they lived in the city or county. Council Member Murray thanked the Mayor for bringing this forward to the council, but stated she also thinks the students should be city residents. Council Members Slert and Westfall concurred that the students should be city residents. Council Member Murray stated there should be an alternate student. Direction was given to Rod Butler to put together the application process for sophomore through senior students and this will be on the next agenda for action.

Richard Miles, city resident, spoke about a high school performing a mock city council meeting and would act just like the council and would actually run the city for one day per year. Robert black, City Attorney, stated that when he was in high school, the Kiwanis Club ran a mock city council and had a job "shadow" with an election.

Mayor Schellong reported that Robert black, City Attorney, was the Mayor of Davis, CA in 1976-1978 and was honored by being chosen by UC Davis to be the Grand Marshall for their parade this year.

14. Consider and discuss the date of May 16, 2009 for the town hall meeting

The council discussed a Town Hall meeting. It will be held at the Crescent Fire Protection District on Washington Boulevard on May 16, 2009, at 9:30 a.m. Subjects will include where we are financially and will focus on the future, not the past. Round table discussion will include Public safety, the City Infrastructure, Downtown, Business Development, and Tourism. Also, they may possibly have a tour of the Waste Water Treatment Plant for those who haven't been able to participate in that yet.

ADJOURNED TO RDA

CITY COUNCIL ITEMS

☒ Legislative Matters

Rod Butler, City Manager, reported that things are heating up a little bit in Sacramento besides the budget.

☒ 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 Burns attended Earth Day at the Cultural Center. Council Member Murray attended IGRC, the Senior Center meeting, the LTC meeting, and the Seabreeze Crime-free Multi-housing meeting. Council Member Slert attended the Del Norte Solid Waste Management Authority ad hoc committee meeting and this week it will include a tour of the landfill; also, the Tri-agency Workshop on Saturday. Mayor Schellong attended the Del Norte Latino Business Association meeting, and the Economic Development Agency 2X2 with the county. She reported that this is the Week of the Young Child and there will be a story time on the radio every night.

CITY MANAGER DIRECTIVES

ADJOURNMENT

The meeting adjourned at 7:59 p.m.

ATTEST:

L. Dianne Nickerson, City Clerk

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

Crescent City Redevelopment Agency

CALL TO ORDER Agency Member Schellong called the meeting to order in regular session at 7:51 p.m.
ROLL CALL Present: Agency Members Schellong, Burns, Westfall, Slert, and Murray
Absent: None

COMMUNICATIONS

Richard Miles, city resident, wants Eric Wier to put one of the non-smoking signs down by the fountain area because people smoke heavily in that area.

CONSENT CALENDAR

1. Approval of the regular meeting minutes of March 16, 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 7:54 p.m.

ATTEST:

L. Dianne Nickerson, Secretary