



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

Monday	May 17, 2010	5:00 p.m.
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Call to Order Mayor Schellong called the meeting to order at 6:02 p.m.

Roll Call Council Members present: Mayor Pro Tem Burns, Westfall, Sler, Murray and Mayor Schellong
Others present: City Manager Rod Butler, Deputy City Clerk Robin Patch, City Attorney Robert Black, Public Works Director/City Engineer Jim Barnts, Associate Engineer/Utilities Director Eric Wier, Police Chief Doug Plack, Finance Director Ken McDonald and Associate Planner Eric Taylor

Pledge of Allegiance Council Member Murray

PUBLIC COMMENT ON CLOSED SESSION ITEMS

1. CLOSED SESSION

- 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)
- 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)) (Four cases: 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; 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 5:01 p.m. with all five Council Members present. There were no public comments on closed session items. Council Member Westfall left the closed session at 5:35 p.m. The Closed Session was adjourned at 5:59 p.m. City Attorney Bob Black reported that no final actions were taken on closed session items.

ACKNOWLEDGEMENTS- none

CONSENT CALENDAR

2. Approval of the regular minutes of the May 3, 2010 Crescent City Council meeting.
3. Approval of warrant claims list for the period May 4, through May 17, 2010.
4. Approval of biweekly payroll reports for the period ending May 8, paid May 14, 2010.
5. Receive and file the General Ledger for March 2010. (Ken McDonald)

Council Member Slert stated that on page 5 – 8 lines down, 3rd paragraph – word contact should be “contract” right after the word “bidder”. Same page 3rd paragraph from bottom – both motions were made by “Slert” in error. Page 6 – 12 lines from bottom on far right – first two industries – should be “how many jobs”.

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, consisting of items 2 – 5 with changes noted.

ADJOURN TO CRESCENT CITY HOUSING AUTHORITY

6. See attached minutes. (Susie Mendez)

ADJOURN TO CRESCENT CITY REDEVELOPMENT AGENCY

7. See attached minutes. (Rod Butler)

8. PUBLIC HEARING(S) - none

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)

9. REPORTS

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

Mayor Schellong reported her previous idea to have local youth to be involved on the City Council as a Youth Member. Michael Clark, a Senior at Del Norte High school, has been very interested in the Council and politics in general and was present at the meeting tonight. He conducted a survey of our local youth and what their desires were for youth activities in Crescent City and distributed his summary to the Council. The top five desires of the students in order of importance were: a shopping mall, a community basketball gym (open 24/7), improved skating rink, and an In & Out Burger restaurant. He stated that he will be doing a more detailed survey next week. Council Member Westfall asked how many students were at the high school, approximately 1,000. Council Member Westfall asked if another question could be added to the survey of if the students would be interested in working towards making these desires to come to fruition. Council Member Murray stated that she has known him for many years and thanked him for his work for towards this endeavor.

COMMUNICATIONS

- **PUBLIC COMMENT PERIOD** – the following citizens made comments: Richard Miles spoke in regards to a letter he brought to the Police Department regarding a report from Humboldt County called “Problem Oriented Policing”. Christa Norton spoke in regards to the Sewer Rate Rollback Initiative and if County residents will get the rollback – Council Member Westfall said “um-hum”. Christa stated that it’s her understanding that even though the County gets the benefit, the City has to pay for it all.

CONTINUING BUSINESS - none

NEW BUSINESS

10. Consider a request from the Promote Our Pool (POP) Foundation to waive the Cultural Center facility rental fees for the Foundation’s “Sweets by the Sea” fundraising event to be held on Saturday, June 26, 2010. (Rod Butler)

City Manager Rod Butler went over this request in detail. He stated that the basic Cultural Center fees were asked to be waived, but that the Foundation be required to pay for the \$180 cleaning fee. Chairman Peter Mann spoke and asked for fees to be waived so all funds can go towards the pool and asked if it was possible, to also waive the cleaning fees as well.

The following citizens made comments: Richard Miles spoke as a proponent for the waiver of both fees. Richard Enea spoke as a proponent of this waiver as that the proceeds from this event benefit the City.

Council Member Slert spoke in favor of the fees to be waived for this event, however, is also in favor of charging the fee for cleaning due to the costs associated with the rental of the Cultural Center. Council Member Murray stated that all of the money that is generated from this event will go straight to the pool. City Manager Butler stated that it is the Council’s discretion to decide if the event will generate money for the City, the waiver of the fees can be considered. However, due to the fact that we are using a private cleaning firm, the cleaning fee may be a reasonable decision. Mayor Pro Tem Burns stated that whatever profit POP makes eventually comes back to the City – he has no problem waiving the cleaning fee. Council Member Westfall is in agreement with Mayor Pro Tem Burns.

On a motion by Council Member Burns and seconded by Council Member Murray and unanimously carried 5-0 on a polled vote, the City Council of the City of Crescent City approved to waive the Cultural Center facility rental and cleaning fees for the Foundation’s “Sweets by the Sea” fundraising event to be held on Saturday, June 26, 2010.

11. Consider and approve a Resolution entitled, Resolution No. 2010-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA, APPROVING THE APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS. (Eric Taylor)

Associate City Planner Eric Taylor presented this Resolution and the reason the Marine Mammal Center was chosen. Mr. Taylor stated that the City would have more involvement for future funding should this Resolution pass.

Council Member Slert announced that he would be recusing himself from this discussion as he is currently assisting the Marine Mammal Center. He left the dais at 6:40 p.m.

The following citizens made comments: Dr. Dennis Wood spoke in regards to the Marine Mammal Center, which he helped create. He explained the programs the Center is involved in and their excitement for this Resolution. Richard Miles stated his hopes for using the money to enlarge the care area for the seal pups as it is currently too small.

Mayor Pro Tem Burns asked in regards to the resolution's wording of sufficient funds to complete, to operate and maintain the project – who takes over the maintenance of the building if there is not enough money – Mr. Taylor stated it would be the Marine Mammal Center – clarification was made that the grant will be written to show they are responsible. Mayor Schellong asked Dr. Wood if the organization will be able to fund any additional fees associated with enlarging this area – Dr. Wood answered from the audience stating that yes, they will and have for 15 years. Council Member Murray stated that this is a great idea. Council Member Westfall asked Mr. Taylor how much money will be applied for – Mr. Taylor stated it has not been decided yet. Dr. Wood came to the podium and explained the idea in detail. Council Member Westfall asked if this would create full or part-time jobs – Dr. Wood stated he's not sure if that will happen, currently it's staffed by volunteered – however, there is the possibility of job creation in the future. Mr. Eric Taylor stated that jobs will be created by the construction process. Mayor Schellong stated that if this isn't going to happen for us, we will have a facility available at the WWTP to be available to the Marine Mammal Center. City Attorney Black asked Mr. Taylor how the grant will be structured; who would be on the grant application as the applicant, who would be the recipient, and who would be the grant administrator? Mr. Taylor stated that the City would be the applicant as a joint application. Mayor Pro Tem Burns stated it is a great idea to expand the Marine Mammal Center. Mayor Schellong asked Mr. Taylor to meet with City Attorney Bob Black soon to make sure that Council Member Slert is protected.

On a motion by Council Member Burns and seconded by Council Member Westfall and unanimously carried 4-0 on a polled vote, with Council Member Slert recusing himself, the City Council of the City of Crescent City approved a Resolution entitled, Resolution No. 2010-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY, CALIFORNIA, APPROVING THE APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS.

Council Member Slert returned to the dais at 6:54 p.m.

12. Consider and approve the appointment of Millie Ratzloff to the Joint Americans with Disabilities Act Advisory Commission. (Rod Butler)

Mayor Schellong outlined Mrs. Ratzloff's resume and application in detail.

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 approved the appointment of Millie Ratzloff to the Joint Americans with Disabilities Act Advisory Commission.

13. Receive and file an update on the costs related to Council Member Westfall's information requests and legal actions. (Charles Slert)

Council Member Westfall left the dais at 6:56 p.m. Council Member Slert went over his request in detail and stated that he has asked this detailed report for some time. He feels it is exceptionally important that the taxpayers know how much money Council Member Westfall's actions are costing the City. He stated he finds it curious that Ms. Westfall on the surface claims that she wants to save the taxpayers money, however, her various legal actions against the City, and/or recalls, to date they have not resulted in anything constructive or productive for our City; in fact, it has cost the City money. *Council Member Westfall returned to the dais at 6:59 p.m.* Council Member Slert outlined City Manager Butler's report in detail and stated that it is ultra conservative and suggests a cost to the City of \$66,000+ over the past several months, in particular in the past two months, there has been \$28,000 worth of expenses incurred by Council Member Westfall. He stated that he noticed that there were no costs shown for both the Public Works Director/City Engineer Jim Barnts or for the Associate Engineer/Utilities Director Eric Weir and feels these figures are very conservative. He requests a directive to the City Manager and Staff to specifically line itemize all associated costs in the future so that the City is not guesstimating the cost, but having a true reflection of the cost to our citizens. Our Town Hall meetings have given the City a lot of goals and objectives and unfortunately we cannot get to all of them, certainly in part of the ongoing associated legal costs. The \$66,000 represents a substantial amount of money – it could have been used for a full time job for a Police Sergeant position, or a new City Center master plan with money left over, or it'd be 2/3 of a Visitor Bureau commitment. Council Member Slert referred to a recent Daily Triplicate editorial that was regarding a survey and indicated that 39% of the City's residents, and 43% of joint City/County residents were unhappy with the direction that the City has taken. The survey also stated that 81% specifically indicated a dislike for Council Member Westfall. He feels this is a clear message and he asks Ms. Westfall to seriously consider stopping the mindless and wasteful continued expenditures that is costing the taxpayers. Council Member Westfall responded by saying that she is thankful for Mr. Slert's concern for the taxpayers money, however, she wanted to remind him of his votes approving the \$5,511,000 on the Wastewater Treatment Facility payments, \$100,000 to the Visitor's Bureau, \$55,000 for the Police Lieutenant position, as well as a few other items. She also stated that the four other Council Members were not interested in saving \$17,000 a year by removing "industrial waste grade" fluoride from the drinking water. She feels it is an appropriate time to talk about "corruption" because this is why she ran for City Council. She went into detail about problems that Colburn Electric, Stover Engineering, and Maple Engineering have had with payroll issues. She stated that she could've saved the City money if people that were hired would do their job. She also went into detail about her censure and agenda requests and referred to an "illegal rate increase since 1997". She then turned in a public records request to City Manager Rod Butler wherein she requested the information from August 1, 1997 – August 1, 1999 when sewer rates were increased "illegally" and wants to know how much money was collected, proof of the Prop. 218 process that it went through, where the money went from that rate increase (did it go into the Sewer Fund or General Ledger?), how that money is spent, how much money did it

cost to operate the Sewer Plant during those years. She further stated that “several dozen” street lights have been out for years. Mayor Schellong pointed out to Council Member Westfall that the budget that Ms. Westfall has a copy of has a line item to take care of street lamps. Mayor Schellong further explained to Council Member Westfall that Crescent City has severe winds that cause the lights to go out often and it is a common occurrence in a coastal town. Mayor Schellong thanked Council Member Slert for his vote for another Police Officer to protect the citizens of the City. Mayor Schellong asked Council Member Westfall about the recent round of recalls and why Ms. Westfall had not followed through with the process? Mayor Schellong stated that this is another instance of people’s time being wasted. Council Member Westfall stated that she would rather not comment on that issue at this time. Mayor Schellong wanted the public to know that in regards to Council Member Westfall’s actions, the City has had to pay over the months of February and March: the City Attorney approximately \$7,500; City staff time was \$4,200; the County Clerk for the Initiatives and recalls was \$2,200, Engineering Consultant time almost \$8,000. Mayor Pro Tem Burns stated that removing fluoride from the water is not a City Council option; it is a voter matter, if they want it removed, they’ll have the opportunity to vote on it – therefore it is not corruption. Dozens of street lights out is hardly corruption. He further stated that it the City that brought to light the problem with electrical matter and that Ward Stover took care of it, it was clarified that the issue with Wahlund Construction was not a City issue, therefore it was not City corruption. Wahlund Construction’s workers wanted to work four 10’s. Wahlund Construction was simply trying to meet the needs of their employees that worked out of town.

The following citizen made a comment: Richard Miles stated that Council Member Westfall could be compared Marie Antoinette and that ever since Ms. Westfall has taken her Oath of Office nothing has improved in the City.

14. Receive report on Town Hall discussion regarding Front Street’s future. (Jim Barnts)

Mayor Schellong introduced this item to the audience. Public Works Director/City Engineer Jim Barnts went over the Town Hall discussion regarding Front Street in detail. He explained the design for the future of Front Street and what the City is looking for in regards to this design. Mayor Pro Tem stated that the main concern of the citizens was the idea of raised medians. This would not allow the parade route to be on Front Street. Mr. Barnts announced the upcoming workshop on May 20th at 6pm at the Washington Street Fire Hall to get more public input on the design of Front Street. Council Member Slert clarified that the biggest part would be to redo the structural base of Front Street beginning with the pipes. Mr. Barnts further explained that there are many unknowns when dealing with the structural base. He reported on the micro-surfacing – he stated that all of the striping was taken off and it was planned to have the micro-surfacing done next week – however weather has stopped the progress. Once drier weather is here, the micro-surfacing will be able to start. Mayor Schellong applauded the Town Hall Meeting and it the items that have come out of it.

The following citizen made a comment: Rich Enea cautioned the Council to make sure funding is found before anything is done as the public seems to think it’ll be done right away.

CITY COUNCIL ITEMS

- **Legislative Matters – none**
- **Reports, Concerns, Referrals, Council travel and training reports –** Council Member Slert attended the Elk Valley Rancheria meeting with the Mayor. Council Member Murray attended the City Budget meeting. Council Member Westfall learned that the City Council 40 years ago put fluoride in the water without public input or vote. It was clarified by both Mayor Schellong and Mayor Pro Tem Burns that it *was* put before the voters. She then asked City Manager Rod Butler if it was true that Ward Stover’s contract was with the City, not Wahlund Construction – Mr. Butler stated that yes, the contract is with the City. Mayor Schellong reminded Ms. Westfall that this was not a time for new business – Ms. Westfall stated that she had nothing further. Mayor Pro Tem Burns reported on the Del Norte Solid Waste Management Authority (DNSWMA) and that it is moving forward with the franchise agreements for collections. The three bidders are Recology, Hambro, and an organization out of Willits. Mayor Schellong stated that she is on the ad hoc committee for the DNSWMA regarding the bidding process. She wanted the public to know that regardless of which bid is selected, rates will increase. The reason is that when we entered in our franchise agreement, we are still paying the same rates as we did 15 years ago with the cost of living increases along the way. The community will have more options for recycling: garbage, recycling, and organic waste containers will be available. She attended the Art Walk – “downtown was alive” it was a really nice evening. She attended the mural dedication on 9th street for the Aleutian Geese Festival. She reported that on June 1st, Lt. Governor Maldonado will be at Rural Human Services for everyone to meet. She attended the Bird and Nature Festival, went to the gala as well, and it was a very nice event. She is on the ad hoc committee for the Cultural Center fees along with Council Member Slert and Mr. Butler will come back to the Council with recommendations to consider. She stated that on June 3rd the VA Clinic will have a grand opening on 1575 South Railroad Ave. She stated that being the Mayor has been a tremendous honor and she will be throwing the first pitch for Little League. She wanted to bring something to the Council that was requested of her – a gentleman who recently moved here to retire wants to start a second car show on July 3rd at the Fairgrounds which will include events for children. He also has a lot of valuable historical documents in which he will display them during the car show in the Arts & Crafts building. Mayor would like to have an old picture of CC for this show – there will be armed guards staffing the event due to the value of these documents.
- **City Manager Directives - none**

ADJOURNMENT

Adjourn the meeting to the joint City Council/Crescent Fire Protection District Board meeting on Tuesday, May 18, 2010 at 5:00 p.m.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 7:48 p.m. to adjourn to the joint City Council/Crescent Fire Protection District Board meeting on Tuesday, May 18, 2010 at 5:00 p.m.

ATTEST:

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



MINUTES
Crescent City Housing Authority
REGULAR MEETING
MAY 17, 2010 AT 6:00 P.M.
FLYNN CENTER, 981 H STREET, CRESCENT CITY CA 95531

Call to Order Mayor Schellong called the meeting to order at 6:06 p.m.

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

COMMUNICATIONS

} ***PUBLIC COMMENT PERIOD*** – *there were no public comments.*

CONSENT CALENDAR

1. Approve regular meeting minutes of April 19, 2010 Crescent City Housing Authority.
2. Approve warrant claims list for the period of April 6, to May 17, 2010.

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 Housing Authority consent calendar, consisting of items 1 - 2.

HOUSING DIRECTOR'S REPORT – None

PUBLIC HEARING – None

CONTINUING BUSINESS – None

NEW BUSINESS - None

ADJOURNMENT

Adjourn to the next regular meeting scheduled on June 21, 2010 at 6:00 p.m.

There being no further business to come before the Housing Authority, Mayor Schellong adjourned the meeting at 6:08 p.m. and immediately reconvened as the Redevelopment Agency. The Housing Authority was adjourned to the next regularly scheduled meeting on June 21, 2010 at 5:00 p.m.

ATTEST:

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



MINUTES
Crescent City Redevelopment Agency
REGULAR MEETING
MAY 17, 2010 AT 6:00 P.M.
FLYNN CENTER, 981 H STREET, CRESCENT CITY, CA 95531

Call to Order Mayor Schellong called the meeting to order at 6:08 p.m.

Roll Call Redevelopment Agency Board Members Slert, Murray, Westfall, Burns,
and Mayor Schellong

COMMUNICATIONS

PUBLIC COMMENT PERIOD - The following citizen made a comment: Richard Miles would like the Redevelopment Board to consider giving him some monies from the RDA to plant trees on his block.

CONSENT CALENDAR

1. Approval of the regular meeting minutes of May 3, 2010 of the Crescent City Redevelopment Agency.
2. Approve warrant claims list of May 4, 2010 to May 17, 2010.

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

EXECUTIVE DIRECTOR'S REPORT – None

BUSINESS ITEMS – None

PUBLIC HEARING – None

REDEVELOPMENT AGENCY ITEMS – Redevelopment Agency Director Butler stated that he was directed by the State (6:10) to cut a check from the RDA in the amount of \$306,000. There will be items on the ballot this year to protect local agencies from having this “money grab” by the State. (listen to recording) Mayor Schellong stated that three cities refused to pay the money demanded by the State.

ADJOURNMENT

Adjourn the meeting until the next regularly scheduled meeting of June 21, 2010 at 6:00 p.m.

There being no further business to come before the Redevelopment Agency, Mayor Schellong adjourned the meeting at 6:12 p.m. to adjourn next regularly scheduled meeting on Monday, June 21, 2010 at 5:00 p.m.

ATTEST:

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