

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

*City of Crescent City*

<b>Monday</b>	<b>June 1, 2009</b>	<b>5:00 p.m.</b>
---------------	---------------------	------------------

**CALL TO ORDER** Mayor Schellong called the meeting to order at 5:06 p.m.

**ROLL CALL** Present: Council Members Burns, Murray, Slert, 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; **DOUG PLACK**, Chief of Police

**PUBLIC COMMENT ON CLOSED SESSION ITEMS** – None

**CLOSED SESSION** – No final actions were taken

**ACKNOWLEDGMENTS**

- 1. Presentation given by Police Officer Justin Gill regarding the “Every 15 Minutes” program at Del Norte County High School**

Mayor Schellong introduced Officer Gill, who then gave some background on the “Every 15 Minutes” program that began in 1995 in Chico, CA. According to statistics, someone dies in an alcohol related accident. The presentation was very well done and Officer Gill and Ms. Sylvia Ortega were given kudos from the council and audience for their work on the video.

Richard Miles, city resident, asked the council to support Chief Plack and his officers concerning DUI’s and stated that maybe he wouldn’t be carrying his scars because he was in an alcohol related accident after his high school graduation.

**CONSENT CALENDAR**

- 2. Approval of the regular meeting minutes of May 18, 2009**

3. **Approval of warrant claims list for the period May 19, through June 1, 2009**
4. **Approval of biweekly payroll reports for the period ending May 23, paid May 29, 2009**
5. **Approval of payment of Wahlund Construction invoice #24, and Stover Engineering invoice #25**
6. **Provide review of the proposed Del Norte Solid Waste Management Authority (DNSWMA) budget for Fiscal Year 2009/2010, and notify DNSWMA, in writing, of any specific comments, objections, additions, or deletions to the proposed budget before or during the Public Hearing for the final adoption of the budget scheduled at 3:45 p.m. on Wednesday, June 20, 2009**
7. **Receive the Revenue/Expense Operating Report Period 10 (April), 2009 – Summary Trial Balance**

Council Member Burns reported that on Item #6, the Solid Waste Authority approves their own budget, but they do present it to the council to see, not approve. Council Member Slert stated that Mr. Bieber's first name is "Brandon," not "Brian" in the May 18, 2009 minutes.

Richard Miles, city resident, spoke about the Solid Waste Authority and their budget and he thinks the city should withdraw from Solid Waste. He stated the people of Crescent City don't have too much say about how they (Solid Waste) spend their money and there isn't a member of the Task Force and he wants to know where this money is being spent.

Council Member Westfall asked about new expense to increase overall costs, salaries, and benefits and whether Council Members Burns and Schellong are considered employees and was told the increase is a GASB 45 law and the Council Members are not considered employees.

Council Member Murray made a motion to approve Items 2, 3, 4, 6, and 7; the motion was seconded by Council Member Burns and so carried unanimously, 5-0.

Council Member Murray made a motion to approve Item 5; the motion was seconded by Council Member Burns and so carried, 4-1, with Council Member Westfall against.

### **PUBLIC HEARINGS – None**

### **REPORTS**

Rod Butler, City Manager, reported on the issue of illegal fireworks, especially around the Fourth of July. He stated the first meeting was last Friday with rich Enea, Kirk Roberts, Rick Nolan, Chief Plack, Chief Wakefield and himself. It was a good meeting with lots of emphasis on education. We are not expecting to solve every problem this

year, but want to experiment with different strategies and get a handle on the illegal and dangerous fireworks that have been going on for a number of years and would like suggestions from the council.

Council Member Murray suggested someone from the Chamber should also attend the meetings, along with Cal Fire.

Richard Miles, city residents, stated he hopes they solve something because a friend of his leaves the community every year at this time because she has two dogs and she suffers from PTS.

### **COMMUNICATIONS**

Jeff Wolsford reported that chief Plack received a check for \$300 to go toward the Police Dog Program and that last Thursday, their board approved a smoke-free program for all year.

Richard Miles, city resident, stated that if someone gave him \$1,500, he would move to Monterey and that on June 10, 2009, he will be 63. He spoke about the Governor stated the council and chamber should write to the Governor because our economy is based on tourism and if our state parks close, we may as well say good night. He also spoke about the State of Jefferson, and cleaning up weeds throughout the city.

Kirk Roberts, city resident, requested that the council to add a telephone number to the school contract so people may call the Public Access Channel. He also suggested that the “Every 15 Minutes” video be shown on that channel.

### **CONTINUING BUSINESS** – None

### **NEW BUSINESS**

#### **8. Consider and approve Resolution 2009-21 regarding PERS Retirement Benefits for City Council Members and take action as necessary and appropriate**

Robert Black, City Attorney, reported that the maximum contribution for each council member would be \$296 per month. A retired council member is different from a former council member. The requirements are that you have to be over 50, have five years in the PERS system, and retire from the PERS system at the end of city service, therefore, it won't affect many council members. Discussion followed and Mr. Black stated we have already been through a PERS audit and they want us to be brought up to PERS rules. There is no date deadline, but it makes sense to do it sooner and that Item #9 has been in place since 1999 and is not a new item.

Council Member Burns made a motion to approve Resolution 2009-21 regarding PERS Retirement Benefits for City Council Members; the motion was seconded by Council Member Murray and so carried, unanimously, by the following polled vote:

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

**9. Consider and approve Resolution 2009-22 fixing the Employer’s contribution under the Public Employees’ Medical and Hospital Care Act for City Council Members and take action as necessary and appropriate**

Robert Black, City Attorney, reported.

Council Member Burns made a motion to approve Resolution 2009-22 fixing the Employer’s contribution under the Public Employees’ Medical and Hospital Care Act for City Council Members; the motion was seconded by Council Member Slert and so carried, unanimously, 5-0, by the following polled vote:

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

**10. Consider and approve an updated agreement with the Del Norte County Unified School District regarding the cable television Public Access Channel and take action as necessary and appropriate**

Mayor Schellong stated some items and FCC issues need to be addressed with Jan Moorehouse before any changes are made. Rod Butler, City Manager, reported and recommended the contract be approved. Jan Moorehouse reported that during the years the School District has had the Public access Channel under their use, things have not happened the way wanted. One of the things they want changed is to utilize a program that has been on a different channel for a while. There is a prohibition of anything having to do with advertising and anything with the Sportscasters Club also has that prohibition. They would like to offer sponsorship names to be shown. Chuck Blackburn, county resident, spoke about his broadcast experience and the contracts concerning his voice, as long as he is not breaking his contracts with TV and radio. Ms. Moorehouse said that ads have been a problem and it needs to be corrected. Robert Black, City Attorney, said the contract amendment is reflective of change in the law covering the channel.

Council Member Burns made a motion to approve the updated agreement with the Del Norte County Unified School District regarding the cable television Public Access

Channel; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

Richard Miles, city resident, spoke about his dad's taste in TV and that on Monterey cable, they broadcast council meetings and the meetings of counties. When he was reminded that Crescent City's council meetings are broadcast, he stated the Planning Commission meetings were not broadcast.

**11. Consider and approve a resolution regarding the city's fiscal hardship for distribution to the Governor and Legislature and take action as necessary and appropriate**

Mayor Schellong reported on her conference attendance. Rod Butler, city Manager, reported on a plan to take tax revenue from General Fund money that we can't afford to have them take because it is a bad idea and we can't afford to suffer from it. Discussion followed.

Council Member Murray made a motion to approve Resolution 2009-23, for distribution to the Governor and Legislature, regarding the city's fiscal hardship; the motion was seconded by Council Member Westfall and so carried unanimously, 5-0.

**CITY COUNCIL ITEMS**

**Legislative Matters**

The subject of authorizing Rod Butler, City Manager, to participate in letter writing, phone calls, and the writing of resolutions was discussed. Mike Scavuzzo, city resident, spoke in favor of this and read a statement on this subject and left information with the city manager. Council directed the city manager to carry out these duties.

Mayor Schellong reported the Department of the Army has asked us to honor the Army's Birthday by declaring June 8, through June 14, 2009 as United States Army Week.

Council Member Burns made a motion to add the proclamation to this agenda; the motion was seconded by Council Member Slert, and so carried unanimously, 5-0. Council Member Slert made a motion to prepare a proclamation declaring June 8, through June 14, 2009 as United States Army Week; the motion was seconded by Council Member Burns and so carried unanimously, 5-0.

**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 stated he covered the IGRC meeting for Council Member Westfall. Council Member Murray stated she attended the meeting as well and reminded everyone about the upcoming car show. She also attended the Fair Board Meeting and would like the city to consider an ordinance to make parades smoke-free and would love it if we could do it before the Fourth of July. She also attended the Emedio memorial. Council Member Westfall thanked Council Member Slert for covering her meeting and asked everyone to drive around the city for places to clean up. Mayor Schellong stated she, too, attended the Emedio memorial and thanked Guy Towers for his participation. She also attended the League of California Cities' conference in San Diego and learned a lot that she will put into written form.

Robert Black reminded the council that on the non-smoking suggestion, council direction is needed.

**CITY MANAGER DIRECTIVES** – None

**ADJOURNMENT**

The regular meeting adjourned at 7:45 p.m. to continued closed session on Tuesday, June 2, 2009 at 4:30 at the Cultural Center.

**ATTEST:**

---

L. Dianne Nickerson, City Clerk