

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

City of Crescent City

Monday	June 15, 2009	5:00 p.m.
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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 City Clerk Nickerson led the Pledge of Allegiance.

STAFF **ROD BUTLER**, City Manager; **ROBERT N. BLACK**, City Attorney; **MARTHA RICE**, Deputy City Attorney; **L. DIANNE NICKERSON**, City Clerk; **SUSIE MENDEZ**, Housing Authority Director; **JIM BARNTS**, Director of Public Works; **DOUG PLACK**, Chief of Police

Mayor Schellong and Council Member Slert spoke about the dedication of the Harbor Trail Bridge prior to the council meeting. They spoke about the area once being a liability that has now been turned into a beautiful area thanks to the hard work of Mssrs. Jim Barnts, Eric Wier, et al.

PUBLIC COMMENT ON CLOSED SESSION ITEMS – None

CLOSED SESSION – No final actions were taken

ACKNOWLEDGMENTS

- 1. Proclamation celebrating United States Army Week, June 8, through June 14, 2009**

Mayor Schellong read the proclamation and presented it to Sergeant Wilson who thanked the community for the warm welcome shown toward the military.

CONSENT CALENDAR

- 2. Approval of the regular meeting minutes of June 1, 2009**

- 3. Approval of warrant claims list for the period June 2, through June 15, 2009**
- 4. Approval of biweekly payroll reports for the period ending June 6, paid June 12, 2009**

Council Member Murray reported that Murray stated a correction in the minutes that should refer to the Fairgrounds Board, not fairgrounds. Council Member Slert made a motion to approve the consent calendar as presented; the motion was seconded by Council Member Burns and so carried unanimously, 5-0.

PUBLIC HEARINGS – None

REPORTS – None

COMMUNICATIONS

Richard Miles, city resident, would like to put the subject of the state cutting down the Monterey Cypress trees in front of the courthouse on the next agenda and spoke about certain trees being designated as heritage trees such as those at Battery Point, the library and the courthouse. He also spoke about the Cultural Center looking tacky.

John Promentero, Walmart Manager, spoke about more funding being needed at the Visitor's Bureau because it doesn't all come from TOT. He said this money will have a return on investment and is investing in the future. He stated his company puts a huge investment into advertising to get more people to come to Crescent City.

Council Member Slert spoke about the Cypress trees and stated he was surprised to hear about this from a public citizen. He stated that if these were designated as heritage trees, it is a little disconcerting to find something so valuable that is an asset to the city is to be cut down. Rod Butler is working on contacting the necessary people to find out when these were declared heritage trees.

CONTINUING BUSINESS

- 5. Waive full reading, read by title only and introduce Ordinance No. 742, an Ordinance of the City of Crescent City adding Chapter 15.34 entitled "Small Business preference for Public Works Projects" to title 15 of the Crescent City Municipal Code and take action as necessary and appropriate**

Martha Rice, Deputy City Attorney, reported this ordinance came as a result of Angelina Bieber's efforts to encourage people to hire locally. They need to be sure that businesses are neither too large, nor too small, otherwise it may disqualify some businesses. Rod Butler, City Manager, will do additional research with other agencies concerning options.

Dave Yeager , Builder’s Exchange, spoke about dialogue having begun. He would like discussion to continue before any decisions are made on guidelines. You can have monster projects, but few employees. The timing is important in that we have missed one project and another project is coming up in a few weeks. We do not represent every contractor in Del Norte County. Rod Butler, City Manager, will work with Martha Rice, Deputy City Attorney, to come up with solutions.

Richard Miles, city resident, stated this would be a great thing for the harbor, the county, the school district and the city. Mr. Miles said there are provisions for these types of projects under federal labor laws, California laws, and US laws. He also said he hasn’t seen the city encouraging minority owned businesses and the hiring of women.

The council would like to see more information on this subject so Mayor Schellong tabled this item for now.

6. Waive full reading, read by title only and introduce Ordinance No. 743, an Ordinance of the City of Crescent City adding Chapter 15.33, entitled Local Hiring for Public Works Projects to title 15 of the Crescent City Municipal Code and take action as necessary and appropriate

Martha Rice, Deputy City Attorney, reported we can’t force people to hire local residents, but we certainly can encourage the practice. We can make sure they are going through the proper procedures, i.e., drug testing, etc., and have a work force available for hire.

Council Member Slert said the bottom line is that we are trying to hire local workers, which is good for the economy and local businesses. Council Members Murray, Burns, and Westfall concurred.

Dave Yeager, Builder’s Exchange, said that in terms of good faith, there re two ways to do it. When you submit your bid, you can give your good faith effort. In that scenario, it really is going to be an ongoing good faith effort. If there is an employee list available, they may state or prove that an employee is not working out and hire outside workers. The big perk is all the crafts have apprenticeship programs and by doing this process, they are allowing people to be hired as apprentices and learn while they are working.

Richard Miles, city resident, talked about the WWTP and construction that is still going on, one of which is masonry, and if this is passed, will the city go to the WWTP contractor.

Council Member Burns would like this ordinance to be similar to the school district’s ordinance, not exactly the same wording, but comparable. Council Member Slert agreed and Council Member Murray said we will also offer our example to the harbor.

Council Member Burns made a motion to waive full reading, read by title only and introduce Ordinance No. 743, an Ordinance of the City of Crescent City adding Chapter

15.33, entitled Local Hiring for Public Works Projects to title 15 of the Crescent City Municipal Code; the motion was seconded by Council Member Westfall and so carried unanimously, 5-0.

7. Receive and discuss report on regulation of smoking in public places and give direction to staff

Robert Black, City Attorney, reported this item is to possibly extend regulation of smoking in public areas. Staff needs direction as to where to begin and whether you would like us to proceed with a regulatory ordinance. Council Member Slert would like to see enforcement at public places. Mr. Black said there are practical things to consider, such as prohibiting smoking on the beach even though there are not going to be enough police officers to enforce it. You shouldn't pass things you can't enforce. As far as ordinance authority, it is legally possible to pass such an ordinance. Mayor Schellong spoke about the difference of someone going for a walk and smoking on the beach versus at a public event. Council Member Murray's primary concern was smoking at parades, and other public events such as the Fourth of July and in parks. She wants to make the public aware that there is a health and safety hazard. She also said they are going to ban smoking at the County Fairgrounds. Council Member Burns stated he knows smoking is not illegal, but he doesn't want to smell it and wants an ordinance that is enforceable. Mr. Plack said place and time are two things to think about. Well-defined places to smoke and well-defined times. Council Member Westfall agreed with all that was said and commented that there needs to be some time for educating people in a pleasant way. Council Member Murray agreed it is a matter of education. Robert Black said we might try no smoking in city parks, see the reaction, and then bring it back. Council Member Westfall said it would be nice to enforce some things now, at least in Kidtown.

Richard Miles, city resident, said that years ago, the city and county did smoking ordinances and that he deals with this issue on a weekly basis. He feels the ordinances are worthless if they aren't enforced. Our police department is responsible enforcement of any ordinances, city or county. And, there is enough signage to choke a horse, along with receptacles, at Kidtown, Peterson Park, etc., and that First Five has a sign and there aren't any cigarette butts around there.

Jeff Wolsfeld, TUPP, made a proposal for all parks to be smoke-free. The key to enforcement is signage and they (TUPP) are willing to do signage for the parks and educate the public on what the laws are. There are others who are allowed to enforce non-smoking laws, so it isn't all on Police Chief Plack. Council Member Slert referred to the teens that were here recently and had collected thousands of cigarette butts from Kidtown, so there is definitely a problem.

NEW BUSINESS

8. Consider and discuss filling the City Clerk position and take action as necessary and appropriate

Robert Black, City Attorney, reported and described the clerk's duties. You have 30 days following the actual vacancy to make a decision, and he went over the options available to the council. Discussion followed.

Richard Miles, city resident, spoke about democracy. He stated that Dianne Nickerson has done a good job over the years, and he feels that one person on the council has a vendetta. He suggested to either put out a notice and allow people to be chosen by the council to fill the remain city clerk's term of office, or have a special election. Don't take the right of the people away. He stated that if someone can get enough signatures to put something on the ballot, then let's go through this recall thing because he believes the people would still choose Kelly and Kathryn.

Council Member Slert stated he can't support the notion of a special election because of economics, but he can support an appointment. Council Member Burns stated the people appointed the council and we can't take their vote away. He suggested appointing someone now, then at the next election in 2010, have someone run for the remaining term of the office, which would end in 2012. Council Member Murray agreed with a compromise because a special election is too expensive. Mayor Schellong said that if they appointed the city manager, and he had a deputy city clerk, the deputy would then know whether he/she would want to run for the position.

Council Member Burns made a motion to appoint the City Manager as the City Clerk also, and have him hire out the city clerk services as needed, and at the next election in November of 2010, the city clerk position would be put on the ballot to fill out the remainder of Dianne Nickerson's term; the motion was seconded by Council Member Murray and so carried, unanimously, 5-0. Robert Black will come back with a formal resolution.

9. Consider entering into the attached contract with *PS Secretarial Services (Karen Phillips) to provide city clerk services on an interim and possibly longer-term basis and take action as necessary and appropriate

Robert Black, City Attorney, stated we will need someone for an interim of time to do the work of the city clerk.

Council Member Burns made a motion to enter into the attached contract with *PS Secretarial Services (Karen Phillips) to provide city clerk services on an interim and possibly longer-term basis; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

10. Consider and authorize three part-time Building and Grounds Maintenance Worker positions to replace one full-time position and take action as necessary and appropriate

The council discussed this item and there were no public comments. Jim Barnts, Director of Public Works, was in favor of this.

Council Member Burns made a motion to authorize three part-time Building and Grounds Maintenance Worker positions to replace one full-time position; the motion was seconded by Council Member Slert and so carried unanimously, 5-0.

11. Consider and approve an application for Federal Funds under the Edward Byrne Justice Assistance program and take action as necessary and appropriate

Rod Butler, City Manager, reported this would support existing police staffing levels. Discussion followed and there were no public comments.

Council Member Slert made a motion to approve an application for Federal Funds under the Edward Byrne Justice Assistance program; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

12. Consider and approve Resolution 2009-24 convening a summit of local government leaders on reforming the governance of California and take action as necessary and appropriate

Rod Butler, City Manager, reported that cities, counties and schools will get together to discuss issues that are taking away funds. Council Member Slert said he supports this resolution because of the critical state of the state. Mayor Schellong said it concerns property, gas, and Proposition 42 funds, and for the City of Crescent City, it amounts to approximately \$250M dollars. COPS is part of it and some of it is for as long as two to three years, which is just too much money to take away from us. There were no public comments.

Council Member Slert made a motion to approve Resolution 2009-24 convening a summit of local government leaders on reforming the governance of California; the motion was seconded by Council Member Murray and so carried unanimously, 5-0.

13. Consider and approve contribution request for \$100 to help cover costs for busses for Council Member Westfall's citywide quilt show and take action as necessary and appropriate

Mayor Schellong stated that Council Member Westfall is sponsoring this quilt show and that a flyer is being circulated indicating the City of Crescent City is a sponsor. Council Member Westfall spoke about the tickets and what they included. She has the agreement of Mark Wall for bus service, and she is doing posters, getting insurance, and talking with TAB. Mayor Schellong asked whether it is legal to donate public funds to a council member for a public event. Robert Black, City Attorney, said the check is supposed to be made out to Redwood Coast Transit and asked whether any of the \$15 per ticket money would be going to anyone personal. Council Member Westfall gave a breakdown of which portions would go to which entities like the bus company, and the quilt guild. She said that anything that was left over would go to her to cover her expenses because she and her husband did this out of their own pockets.

Council Member Burns stated he does not think it is wise to use public dollars for private events. Mayor Schellong point out that Council Member Westfall is using the City of Crescent City on flyers as the entity inviting people to quilt show. Robert Black, City Attorney, stated the way Council Member Westfall described that any remaining money would go to her is not a good idea because people would talk about it as being inappropriate. As far as use of the city name to promote the event is concerned, unless something has the city stamp of approval, Mr. Black did not think Council Member Westfall could really use the city. Mayor Schellong said that on the flyer, the use of the city's name, plus instructions to contact "Council Member Donna Westfall" makes it sound like a city sponsored event and is not a good idea, but wished Council Member Westfall the best of luck with the event.

CITY COUNCIL ITEMS

- ☒ **Legislative Matters --** Consider miscellaneous legislative matters pertinent to the City of Crescent City. Authorize the Mayor to sign the appropriate letters and/or positions with respect to such matters

- ☒ **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 advised that he will be gone the next week and most of July, but would be present at the July 6, 2009 meeting. Council Member Slert stated that last week's Goals Workshop to be very informative. Mayor Schellong stated she really has a very high appreciation for city staff and their coming to the table prepared with a list of needs and goals for their departments. There were no outlandish requests and she walked away even more proud of being the Mayor of Crescent City. She stated the trail ribbon cutting tonight was awesome and reminded that the California Endowment will be featuring a kickoff meeting at the Cultural Center on Wednesday.

CITY MANAGER DIRECTIVES – None

ADJOURNMENT

The meeting adjourned at 7:53 p.m.

ATTEST:

L. Dianne Nickerson, City Clerk

MINUTES
REGULAR MEETING
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Crescent City Housing Authority

CALL TO Authority Member Schellong called the meeting to order at
6:06 p.m.

ROLL CALL Present: Authority Members Schellong, Westfall, Slert, Burns,
and Murray
Absent: None

COMMUNICATIONS – None

CONSENT CALENDAR

1. Approve regular meeting minutes of May 18, 2009
2. Approve warrant claims list for the period May 19, through June 15, 2009

Agency Member Burns made a motion to approve the Consent Calendar as presented; the motion was seconded by Agency Member Slert, and so carried unanimously, 5-0.

HOUSING DIRECTOR'S REPORT – None

PUBLIC HEARING – None

UNFINISHED BUSINESS – None

NEW BUSINESS – None

ADJOURNMENT: The meeting adjourned at 6:07 p.m.

ATTEST:

SUSIE MENDEZ, SECRETARY

**MINUTES
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Crescent City Redevelopment Agency

CALL TO ORDER Agency Member Schellong called the meeting to order in regular session at 7:48 p.m.
ROLL CALL Present: Agency Members Schellong, Burns, Westfall, Slert, and Murray
Absent: None

COMMUNICATIONS

No public comment.

CONSENT CALENDAR

1. Approval of the regular meeting minutes of May 18, 2009

Agency Member Slert made a motion to approve the minutes as presented; the motion was seconded Agency Member Burns 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 7:49 p.m.

ATTEST:

L. Dianne Nickerson, Secretary