

**MINUTES
REGULAR CITY COUNCIL MEETING
CRESCENT CITY CULTURAL CENTER
1001 FRONT ST
CRESCENT CITY CA 95531**

City of Crescent City

Monday	June 18, 2007	6:00 p.m.
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CALL TO ORDER

Mayor Burns called the meeting to order at 6:03 p.m.

ROLL CALL

Present: Council Members Tynes, Schellong, Scavuzzo, Rich Enea, and Mayor Burns
Absent: None

PLEDGE OF ALLEGIANCE

Council Member Scavuzzo led the Pledge of Allegiance.

STAFF

ELI NAFFAH, City Manager; **L. DIANNE NICKERSON**, City Clerk; **JOEI SANCHES**, City Finance Director/Treasurer; **SUSIE MENDEZ**, Housing Authority Director; **MATT HILDEBRANDT**, Pool Director; **WILL CAPLINGER**, City Planner; **JIM BARNTS**, Director of Public Works; **DOUG PLACK**, Police Chief

ACKNOWLEDGMENTS

Administer Oath of Office for new Crescent City Police Officers Jennifer Schneck, and Maia Wiley

Police Chief Plack gave some background, and then administered the Oath of Office to the two new police officers. The council congratulated the new officers and Mayor Burns called a break at 6:10 p.m. so that the public could have a chance to meet Officers Schneck and Wiley. The council meeting resumed at 6:22 p.m.

COMMUNICATIONS

Richard Miles, city resident, spoke about a newspaper article, a resolution with other mayors, a planning meeting and elitists.

Jim Snow, county resident, spoke about having the deck party catered the way it used to be, televising city, county, and harbor meetings, money spent for sewers and change orders, and applicants for city council.

CONSENT CALENDAR

- 1. Approval of the regular meeting minutes of June 4, 2007**
- 2. Approval of warrant claims list for the period June 5, through June 18, 2007**
- 3. Receipt of biweekly payroll reports for the period ending June 9, paid June 15, 2007**

Council Member Schellong made a motion to approve the consent calendar as presented; the motion was seconded by Council Member Enea and so carried unanimously, 5-0.

Mayor Burns went directly to item #9.

PUBLIC HEARINGS

- 4. Conduct a public hearing to consider adoption of a resolution deciding an appeal of a Planning Commission decision rendered on May 17, 2007, regarding variance application #V-07-04, and take action as necessary and appropriate**

Council Member Enea recused himself from this public hearing because he was a Planning Commissioner when this decision was made on May 17, 2007. Will Caplinger, City Planner, reported and discussion followed. The council asked Baird Rumiano if he would be willing to come back and apply for permits if a variance is granted this evening, while at the same time, a 60' height limit goes to the Planning Commission for a code change. Mr. Rumiano stated he would be willing to come back and apply for the proper permits if the code is changed. Kirk Olsen spoke and thanked the staff at Rumiano's and the city for showing their support.

Dee Kenny, city resident, spoke in favor of the variance.

Mary Webster, city resident, spoke about so much noise coming from the plant, e.g., trucks, alarms, halogen floodlights, sandblasting towers at night, and stated that Rumiano's is not a good neighbor and they need to contain the noise. She also spoke about a trench that was dug and not filled, and a broken line.

Richard Miles, city resident, spoke in favor of the variance.

Christopher Trip, a minister, spoke in favor of Rumiano's.

Gerry Hemmingson, county resident, spoke in favor.

Jim Snow, county resident, stated that if anything happens to a kid, he will go to the parents to help with a lawsuit, and suggested that Rumiano's look for another location for their plant.

Ken (no last name or residence) asked that Rumiano's cut down on the noise a little bit.

Mike Sullivan, county resident, spoke in favor of Rumiano's.

Charles Slert, city resident, spoke in favor of Rumiano's.

Joby Rumiano talked about gold medals that Rumiano's had won at State Fairs.

Council Member Tynes made a motion to adopt Resolution No. 2007-13, a resolution of the City Council of the City of Crescent City, California granting an appeal of the decision of the Planning Commission on variance application No. V-07-04; the motion was seconded by Council Member Schellong and so carried by the following vote:

AYES:	Council Members Tynes, Schellong, Scavuzzo, and Mayor Burns
NOES:	None
ABSTAIN:	Council Member Enea
ABSENT:	None

REPORTS

5. Chamber of Commerce

Grant Skolls, Chamber of Commerce Vice President, spoke about upcoming events.

6. Other reports relative to City of Crescent City programs, projects, and/or Council and staff travel and training reports

None.

UNFINISHED BUSINESS

7. Consider the appointment of a Planning Commissioner, and take action as necessary and appropriate

Will Caplinger, City Planner, reported that only one application had been received for the position of Planning Commissioner. The applicant, Marge Shearer, spoke to the council.

Richard Miles, city resident, spoke in favor of appointing Ms. Shearer.

Council Member Scavuzzo made a motion to appoint Marge Shearer to the Planning Commission to fill the vacancy left by Council Member Enea's resignation; the motion was seconded by Council Member Schellong and so carried unanimously.

NEW BUSINESS

8. Introduce and waive the first reading of an ordinance proposing to amend Title

9 of the Crescent City Municipal Code to add Chapter 9.16 entitled Camping Within City Limits and take action as necessary and appropriate

Police Chief Plack reported and discussion followed.

Richard miles, city resident, spoke in favor of the ordinance.

Gerry Hemmingson, county resident, spoke about the impact this ordinance would have on the county.

Council Member Schellong made a motion to introduce and waive the first reading of an ordinance proposing to amend Title 9 of the Crescent City Municipal Code to add Chapter 9.16 entitled Camping Within City Limits and set the public hearing for July 2, 2007; the motion was seconded by Council Member Tynes and so carried unanimously.

9. Receive a report on the state mandated Tobacco Use Prevention Program of Del Norte County (no action necessary)

Randy Bancroft, County Health Education Coordinator, gave a presentation on the state mandated tobacco use prevention program in Del Norte County. Dr. Bancroft also introduced two students who spoke about the high numbers of cigarette butts they clean off the beaches and near playgrounds in the area.

Richard Miles, city resident, spoke in favor of the program.

Discussion followed. No action necessary.

10. Receive a report on current skateboarding events (no action necessary)

Kim Yost, Events Coordinator, reported and stated the next skateboarding event is scheduled for June 30, 2007. Discussion followed concerning the number of complaints received by the Police Department last year due to the volume and content of music played at the event. Ms. Yost assured the council this would not happen again this year.

Richard Miles, city resident, thanked Kim Yost, the recreation plan, and spoke about the lack of safety equipment worn by some of the skateboarders, violation of vehicle codes, the destruction of property, and the necessity for insurance for skateboard events.

No action necessary.

11. Consider and discuss a Draft Agreement for the Joint Powers Agreement of Airport Governance and take action as necessary and appropriate

Eli Naffah, City Manager, spoke, and Bob Black, attorney, reported on this JPA. As it stands, the City of Brookings and City of Gold Beach have expressed interest and an answer is still being sought from the Curry County Council specifically as to whether

Oregon law would allow them to enter into a cross-border JPA, and it has been determined that California entities such as the City of Crescent City and the County of Del Norte to engage in Joint Powers Agreements across state lines. If Oregon law authorizes the same thing, that potential does exist. There is also the present potential for Elk Valley Rancheria to join this JPA because they have obtained specific state legislation that designates them as a public entity for purposes of the JPA law. The Smith River Rancheria and the Yurok Tribe have both written to the county saying they would like to join in this effort. They will need statutory authority to do that, but hopefully they will pursue it. The agreement itself is a fairly simplistic and inviting agreement that asks for a low-level of commitment from all the participants, even the County of Del Norte. The county would not transfer ownership of the airport property to the Joint Powers Authority; the county does commit to put funds into the JPA, but the commitment has both a ceiling and a floor at the 2006/2007 budgetary level. As far as other entities such as the City of Crescent City who might choose to join, there is no budgetary commitment. There is the ability to withdraw from this JPA on fairly short notice. The idea here essentially is to bring parties together to develop a sense of ownership by transferring the actual airport decision making and operations to this Joint Powers Authority, but not to ask for or receive any firm commitments to any type of funding or any other drain on the city's resources.

Gerry Hemmingson, Airport Advisory Commission, commented that this is an opportunity to truly become a regional partnership and everybody have input on how the airport is run. It is important that all the players have the opportunity to see how their airport is going to be run.

Extensive discussion followed.

Richard Miles, city resident, spoke about the expense of flying out of the local airport, and against the JPA.

Eli Naffah, City Manager, stated this is well written, to the point, and flexible enough to be a changeable document. On the other hand, it actually is more of a help to entities other than the county because it gives them the ability with the budget to have a voice with a smaller amount of money. In other words, if the county puts in \$300,000, and one of the other entities chooses to put in \$10,000, according to the verbiage here, the budget will have no force in effect until it is approved or ratified by each participant that is contributing funds to the authority pursuant to that budget, so it really gives a lot of voice to minor contributors. If we don't contribute, fine, we still have a lot of powers. But if we do contribute with a small amount of money, we will still have a budget decision-making voice, which would be significant and equal to the county's.

Council Member Schellong made a motion that the City of Crescent City join the Border Coast Joint Powers Agreement; the motion was seconded by Council Member Enea and so carried unanimously, 5-0.

12. Consider approval of Amendment 10 of the Brown and Caldwell Contract to

add the Construction Engineering Services, authorize the mayor to execute the amendment on behalf of the city, and take action as necessary and appropriate

Jim Barnts, Director of Public Works reported and discussion followed. There were no public comments.

Council Member Tynes made a motion to approve Amendment 10 of the Brown and Caldwell Contract to add the Construction Engineering Services, and authorize the mayor to execute the amendment on behalf of the city; the motion was seconded by Council Member Enea and so carried unanimously by the following polled vote:

AYES:	Council Members Tynes, Enea, Scavuzzo, Schellong, and Mayor Burns
NOES:	None
ABSTAIN:	None
ABSENT:	None

CITY COUNCIL ITEMS

Reports, Concerns, Referrals

Council Member Enea reported going to several events. Council Member Schellong attended the BID meeting. Mayor Burns went to the Farmers Market.

Legislative Matters

CITY MANAGER DIRECTIVES

The City Clerk was asked to advertise for positions on the ADA Committee.

CLOSED SESSION

No action taken.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

ATTEST:

L. Dianne Nickerson, City Clerk