



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

*City of Crescent City*

**Monday August 3, 2009 5:00 p.m.**

**NOTE: THE CLOSED SESSION BEGINS AT 5:00 p.m., FOLLOWED BY THE OPEN SESSION MEETING AT 6:00 p.m.**

**Call to Order** Mayor Schellong called the meeting to order in open session at 5:02 p.m.

**Roll Call** **Council members present:** Charles Slert, Donna Westfall, Kathryn Murray and Mayor Kelly Schellong.  
**Council members absent:** Dennis Burns  
**Others present:** City Manager Rod Butler, City Attorney Robert Black, Deputy City Clerk Karen Phillips, Public Works Director Jim Barnts, Economic Development and Specialist Michele Rambo

**Pledge of Allegiance** Council Member Westfall

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

**1. CLOSED SESSION**

- Existing Litigation (Gov't Code § 54956.9 subdivision (a)) (Four cases: Sanches versus City of Crescent City, USDC CV08-1395; 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; Brian Strom vs. City of Crescent City, USDC Case #CV08-4708
- Conference with Labor Negotiator Re: Crescent City Police Officers Association (CCPOA) (Gov't Code § 54956.8)
- Conference with legal counsel, significant exposure to litigation (Gov't Code § 54956.9(b)) – one case

A closed session was held from 5:02 p.m. to 5:59 p.m. Mayor Schellong reopened the regular session at 6:02 p.m. City Attorney Black announced that no final action was taken during closed session.

**ACKNOWLEDGEMENTS - None**

**CONSENT CALENDAR**

2. Approval and adoption of the minutes of the joint City/County meeting held May 12, 2009.

3. Approval and adoption of the special budget workshop minutes of June 8, 2009 Crescent City Council meeting.
4. Approval and adoption of the regular session minutes of the July 20, 2009 Crescent City Council meeting.
5. Approval of warrant claims list for the period July 21, through August 3, 2009.
6. Approval of biweekly payroll reports for the period ending July 18, 2009, paid July 24, 2009.
7. Consider and adopt Resolution No. 2009-30, entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY APPOINTING ROD B. BUTLER AS INTERIM CITY CLERK OF THE CITY OF CRESCENT CITY.

On a motion by Council Member Slert, seconded by Council Member Murray, and unanimously carried on a polled vote, with Council Member Burns absent, the City Council of Crescent City approved and adopted the consent calendar, consisting of items 2-7, as presented.

**PUBLIC HEARINGS - None**

**REPORTS**

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

City Manager Butler reported that California League of Cities representative, Charles Dalldorf, would be joining the council to give an update on the League's activities at the next council meeting on August 17, 2009.

**COMMUNICATIONS**

**PUBLIC COMMENT PERIOD -**

The following persons addressed the council: Richard Miles, city resident, commented on vandalism at Beach Front Park and the award fund for reporting vandalism; Richard Enea, city resident, commented on the ability to receive funds into the general fund to give rewards for vandalism.

**CONTINUING BUSINESS**

8. Waive full the reading, read by title only, and adopt Ordinance No. 745, entitled, 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 (Robert Black)

Discussion was held regarding Ordinance No. 745. No public comments were received.

On a motion by Council Member Murray, seconded by Council Member Westfall, and unanimously carried on a polled vote, with Council Member Burns absent, the City Council of Crescent City waived the full reading, read by title only and adopted Ordinance No. 745, entitled, 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.

9. Consider and appoint delegates for the League of Cities Conference September 16-18, 2009 in San Jose. Consider and take action with regard to resolutions “relating to social host liability” and “urging city governments and others to divest from banks that fail to cooperate with foreclosure prevention efforts” as listed in the handout. (Rod Butler)

Discussion was held regarding the League of Cities Conference delegates and resolutions. City Manager Butler asked for two volunteer members of the council who are interested in attending the conference. Mayor Schellong and Council Member Westfall both expressed interest.

On a motion by Council Member Murray, seconded by Council Member Slert, and unanimously carried, with Council Member Burns absent, the City Council of Crescent City voted to make Mayor Schellong the voting delegate and Council Westfall the alternate delegate for the 2009 California League of Cities Conference.

Randy Bancroft, representing the Community Action and Prevention Alliance, addressed the council regarding the “social host” resolution proposed by the League, especially from the standpoint of minors. The Mayor invited local youth to a future meeting to make a presentation regarding prescription drug and alcohol use prevention by teens.

City Manager Butler reported on the foreclosure resolution (which appears to relate to larger cities), and how it relates to our community and financial policies. Mayor Schellong asked that Mr. Dalldorf bring more information to the council on this resolution during this September 17<sup>th</sup> visit.

Angelina Countess-Bieber commented on the lack of cooperation exhibited by banks in restructuring loans to avoid home foreclosures. Both resolutions were tabled until the next meeting.

10. Consider and approve payment of Wahlund Construction invoice #26 (\$620,722.00) and Stover Engineering invoice #27 (\$84,118.21) with regard to the Crescent City Wastewater Treatment Plant. (Jim Barnts)

Discussion was held regarding invoices #26 and #27. Council Member Slert asked questions about the percentage of project completion versus the percentage of funds expended. Staff indicated that there will be an adjustment, presented to the council soon, from Stover Engineering regarding the costs associated with the project. Jim Barnts reported on the additional funds requested by Stover Engineering and totals for extra work performed at the request of the council. There is, on file, a breakdown each month

for the work done, which is done on a time and materials basis and a contingency exists that was originally built into the project for this type of overrun.

On a motion by Council Member Murray, seconded by Council Member Slert, and carried on a three-fourths vote, with Council Member Westfall voting “no” and Council Member Burns absent, the City Council of Crescent City approved payment of the Wahlund Construction invoice #26 and Stover Engineering invoice #27 as presented.

### **NEW BUSINESS**

11. Consider and discuss a request from Council Member Slert to recognize and celebrate the most energy-minded local business for their energy conservation, “green” and/or “sustainable” efforts. Give direction to staff. (Charles Slert)

Council Member Slert feels that this program would be a good gesture from the City to recognize businesses and private residences within the City for making an effort at being forerunners in the green industry. Mayor Schellong suggested that building permit fees could reflect a discount for the use of green technology and asked staff to report back on the program. Council Member Westfall reported that the last City Planning Commission meeting, where discussion was held regarding guidelines for sustainable energy and green technology use. Council Member Murray wanted to know how the businesses and individuals would be selected. She also indicated that she liked the City leading by example. Several methods of choosing the winners were thrown out for discussion. Direction was given to Michele Rambo, and the City Planning Commission staff, to come back with a report on what other communities are doing in this regard.

Angelina Countess-Bieber commented on prevailing wage laws and suggested that the City look into becoming a chartered city due to its advantages over being a general law city. Discussion was held regarding both charter cities versus general law cities and prevailing wage issues.

12. Consider and discuss a request from Council Member Slert to fight City blight by recognizing and celebrating the best of Crescent City, by honoring the best maintained home, yard and business of the month or year with a plaque from the mayor and council. Give direction to staff. (Charles Slert)

Council Member Slert reported on the blight fight within the City and choosing to celebrate those making substantial changes to their properties. The Triplicate gives annual recognition to businesses that combat blight. Mayor Schellong asked that the foreclosed property maintenance be addressed with the banks and that staff make a push to get the banks to maintain them while Staff will look into sending a letter to local realtors and the county regarding this issue.

13. Consider and adopt Resolution No. 2009-\_\_\_, entitled A RESOLUTION OF THE CITY COUNCIL OF CRESCENT CITY DECLARING THE AREA OF STATE WATERS FROM THE MOUTH OF THE KLAMATH RIVER TO THE MOUTH OF THE SMITH RIVER AN OCEANOGRAPHIC AREA OF UNIQUE ECONOMIC IMPORTANCE TO THE CITY OF CRESCENT CITY, or take other action as necessary. (Rod Butler)

Mayor Schellong indicated that this resolution should be tabled until it could be adopted jointly with other agencies at the request of the Chairman of the Board of Supervisors, who is working to update and expand the resolution. The Yurok Tribe should be consulted as well before adopting the resolution. Discussion was held regarding including the entire community prior to bringing the matter back to the council.

### **CITY COUNCIL ITEMS**

#### **☒ Legislative Matters –**

Mayor Schellong asked for a thank you letter to be sent to Chuck Dalldorf for all his work on the budget.

#### **☒ Reports, Concerns, Referrals, Council travel and training reports –**

The following matters were discussed: Michele Rambo, Economic Development Specialist, reported on the ongoing work on the wind energy ordinance, the code enforcement program, working with California Coastal Commission on final Coastal Plan (current plan is dated 1981 and the updates have been with the Coastal Commission for several years), working with the joint City/County Planning Commission on architectural design in boundary areas and meetings with business owners looking to expand. Harbor annexation meetings will be scheduled when questions are identified.

Council Member Westfall indicated that she would like to have conclusion to the City theme. Commissioners indicated that the three themes have been chosen previously. Raising awareness of the three themes for downtown and getting buy-in for those themes needs to occur.

Council Member Slert asked about the Coastal Commission and the Coastal Plan with regard to the sea level.

Mayor Schellong asked for an update on the Costa Norte development. Staff indicated that there may be a report as soon as next meeting.

The following matters were discussed: Council Member Slert commented on Tri-Agency holding a special meeting last week and stated that a new business will be opening, called “A Gamers Retreat”. Council Member Slert likes the 9<sup>th</sup> Street improvements and stated that several people have commented on the urban forest behind Home Depot and the cemetery where a homeless encampment exists. This might be an area where the City and County could work together to eliminate the liability. He has also received several complaints on the CDBG grant community garden at Peterson Park. The management of the garden was given to the Community Assistance Network (CAN). The city may need to take over the community garden if it is not managed appropriately.

Mayor Schellong asked about a workshop regarding all the cities grants. Staff is working on that process.

Council Member Murray reported that she went to a LAFCO and Tri-Agency meeting and report on the new business.

Council Member Westfall reported that she went to the LAFCO meeting and the quilts for the annual quilt show are beginning to arrive.

**Pursuant to Crescent City Municipal Code § 2.08.200, the City Council may instruct the city manager**

The following matters were referred: Mayor Schellong asked about the follow-up from the town hall meeting, she would like a timeline on a fourth town hall meeting and a 4<sup>th</sup> quarter workshop for the council goals for 2010.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 7:25 p.m. until the next regularly scheduled meeting of August 17, 2009 at 6:00 p.m.

ATTEST:

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By: Karen L. Phillips, Deputy  
City Clerk for Rod B. Butler City Clerk