



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

**Tuesday                      September 7, 2010                      5:00 p.m.**

Call to Order                      Mayor Schellong called the meeting to order in open session at 6:05 p.m.

Roll Call                      Council Members present: Westfall, Slert, Murray, Mayor Pro Tem Burns and Mayor Schellong  
Others present: City Manager Rod Butler, Deputy City Clerk Robin Patch, City Attorney Bob Black, Public Works Director Jim Barnts, Tri-Agency Executive Director Bill Renfroe and Police Chief Doug Plack

Pledge of Allegiance    Council Member Murray

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

Mayor Schellong called the closed session to order at 5:05 p.m. with all five Council Members present.

**1. CLOSED SESSION**

- Conference with Labor Negotiator: Rod Butler, Crescent City Employees Association (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); City of Crescent City vs. Westfall, Del Norte Superior Court, No. CVUJ 10-1134; Potential Litigation (Gov't Code § 54956.9 subdivision (b) ) (Two cases)
- Conference with Real Property Negotiator: Rod Butler, APN: 118-070-07, 118-070-09, 118-070-10, 118-130-38, 118-130-39, and 118-260-12 (Gov't Code § 54956.8)
- Liability Claim – Claimant: Donna Westfall, agency claimed against City of Crescent City et al.

Council Member Westfall was excused from the closed session at 5:53 p.m. The closed session later adjourned at 6:03 p.m. and City Attorney Black stated that no final actions were taken on closed session items.

Mayor Schellong asked for an emergency item to be placed on the agenda for a letter of support requested by a few of the Pelican Bay State Prison Correctional Officers to write to Governor Schwarzenegger in opposition of 12 hour work shifts.

On a motion by Council Member Murray, seconded by Council Member Westfall and passed unanimously, the City Council of the City of Crescent City agreed to place an emergency item on tonight's agenda for a letter of support for our local Correctional Officers to keep their current work schedule.

**ACKNOWLEDGEMENTS-**

2. Approve and read A PROCLAMATION SUPPORTING THE DESIGNATION OF SEPTEMBER 17-23 AS CONSTITUTION WEEK.

Mayor Pro Tem Burns read aloud the above proclamation and presented it to Mrs. Katie Gavin of the Daughters of the American Revolution. She thanked the Mayor and Council for recognizing this week.

3. Consider and approve A PROCLAMATION SUPPORTING THE DESIGNATION OF THE CITY OF CRESCENT CITY BEING A “LET’S MOVE” CITY.

Council Member Slert read aloud the above proclamation and presented it to Angela Reese-Goughnour.

**CONSENT CALENDAR**

4. Approval of the regular minutes of the August 16, 2010 Crescent City Council meeting.
5. Approval of warrant claims list for the period August 17, through September 7, 2010.
6. Approval of biweekly payroll reports for the period ending August 14, paid August 20, 2010, and for the period ending August 28, paid September 3, 2010.

On a motion by Council Member Slert, seconded by Council Member Murray, the City Council of the City of Crescent City adopted the consent calendar consisting of items 4 – 6 with corrections as noted.

Council Member Slert asked for a breakdown explanation of the checks paid to the City Attorney that totaled \$16,765. It was discussed that the majority of these expenditures were due to the Sewer Rate Initiative and Westfall lawsuits. Council Member Slert asked for the City Manager to continue to track the City’s spending for these issues.

Council Member Westfall asked for “cost of living increases and benefit increases during these recessionary times” to be added to her statement regarding her opposition to the pay increases from the minutes on page 2.

**7. PUBLIC HEARING(S) - None**

**8. REPORTS - None**

**COMMUNICATIONS**

➤ **PUBLIC COMMENT PERIOD** – the following citizens made comments:

Bill Lonsdale addressed the Council in regards to ratepayers that live in the County that cannot vote on City water matters, ie: the Fluoride Initiative.

Rich Enea responded to Mr. Lonsdale’s comments and stated that the County Board of Supervisors gave the charge to the City to handle all water services and matters.

Donna Westfall read aloud a letter written by Rachel Towe in regards to the previous meeting wherein Council Member Slert’s comments were interrupted by an outburst in the audience.

Mayor Schellong asked City Attorney Black to answer Mr. Lonsdale's concern over the County not being able to vote on City matters.

### **CONTINUING BUSINESS**

9. Consider and approve Payment #39 for Wahlund Construction and Payment Invoice #7998 for Stover Engineering regarding the Wastewater Treatment Plant. (Jim Barnts)

On a motion by Council Member Murray, seconded by Council Member Slert, and carried on a 4-1 polled vote with Council Member Westfall voting no, the City Council of the City of Crescent City approved payment #39 for Wahlund Construction and Payment Invoice #7998 for Stover Engineering regarding the Wastewater Treatment Plant.

10. Consider and adopt at second reading Ordinance No. 758, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY CHANGING THE BUSINESS IMPROVEMENT DISTRICT BUSINESS CATEGORIES AND AMOUNTS OF ASSESSMENTS. Waive full reading and read by title only. (Martha Rice)

Mayor Schellong recused herself and left the Board Chambers at 6:34 p.m. Mayor Pro Tem Burns facilitated the meeting during her absence. City Manager Rod Butler explained that this Ordinance will take effect 30 days from the adoption this evening.

The following citizen made a comment:

Billie Kaye Gavin-Tygart, Business Improvement District (BID) Advisory Board President – expressed her gratitude for adopting this Ordinance and that she appreciates the support BID has received from the Council.

On a motion by Council Member Slert, seconded by Council Member Murray and carried 4-0, polled vote with Mayor Schellong recusing herself, the City Council of the City of Crescent City adopted Ordinance No. 758, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING CHAPTER 5.100 OF THE CRESCENT CITY MUNICIPAL CODE CHANGING THE BUSINESS IMPROVEMENT DISTRICT BUSINESS CATEGORIES AND AMOUNTS OF ASSESSMENTS.

*Mayor Schellong returned to the Board Chambers at 6:38 p.m*

11. Consider and appoint a two-member City Council ad hoc committee to participate in the project/program selection process for CDBG grants. (Charlaine Mazzei)

City Manager Rod Butler explained this item in detail and what was discussed at the recent CDBG Workshop. Mrs. Charlaine Mazzei came to the podium and addressed the Council; it was the consensus of the Council to await the election of new Council Members this year before choosing the members of the ad hoc committee. The appointment for the two-member ad hoc committee will be in December.

The following citizen made a comment:

Bill Lonsdale spoke in regards to ad hoc committees and that he felt 2x2 meetings were not the way the Council should do business.

12. Discuss and provide guidance to staff as to the implementation of new options allowed by the State for the use of Community Development Block Grant (CDBG) Program Income. (Charlaine Mazzei)

City Manager Rod Butler explained this agenda item and gave a brief overview of what was discussed at the CDBG Workshop on August 30<sup>th</sup>. Grant Writer Charlaine Mazzei came to the podium and explained to the Council what was being requested tonight was the need to give her framework in order to utilize CDBG funds appropriately for the City. Discussion on the topic continued in detail. The Council came to the consensus that it was necessary to create deadlines for these grant application requests. It was decided that a good time frame to get the necessary information publicized, etc. would be November 1, 2010.

### **NEW BUSINESS**

13. Consider and approve the appointment of Rick Nolan to the Crescent City Planning Commission. (Rod Butler)

City Manager Rod Butler introduced Mr. Nolan by giving a description of his experience and attributes that would make him a great addition to the Planning Commission. Council Member Westfall asked Mr. Nolan for his opinion of the tourism industry; it is very important to him and his experience from working for the California National Parks developed it. Council Member Slert stated that he has known Mr. Nolan as a personal friend for a long time and that he would be an excellent asset to the Planning Commission.

14. Consider and provide direction to staff regarding City funding for public art projects. (Rod Butler)

City Manager Butler explained this agenda item and that former City Planner Michele Rambo had brought it before the Council earlier this year. He gave the Council a few options available for them to decide if the City was interested in following up with this funding plan. Mr. Harley Munger approached the podium and explained to the Council that it will be necessary to receive funding via grants in order for him to continue with the public art projects he has been doing around the City for awhile. Discussion continued on whether the County may be interested in being involved in this and the possibility of discussing it with them further at the next Joint City/County Meeting in October. Council Member Murray was pleased with this idea and explained her experience in Medford, Oregon with the art projects around their community. *Council Member Westfall left the dais at 7:54 p.m.* Council Member Slert expressed his desire to continue public art projects as it is about culture, community, and commitment.

*Council Member Westfall returned to the dais at 7:56 p.m. after the motion had been made.*

On a motion by Mayor Pro Tem Burns, seconded by Council Member Slert, and carried unanimously, the City Council of the City of Crescent City approved to use Option A, for 30 hours, not to exceed \$2,700, to come back to the Council and that all avenues other than General Fund be used to fund projects.

15. Consider and approve the City's written response to the 2009-2010 Del Norte County Grand Jury Report, or take other action as necessary and appropriate. (Rod Butler)

City Manager Butler explained the Grand Jury's findings and recommendations. He suggested that his staff report for tonight's meeting be used as the response. One of the

recommendations from the Grand Jury was to have Volunteer Firefighters to complete Form 700's for the Fair Political Practices Commission (FPPC). However, Mr. Butler did not agree with this recommendation as the volunteers do not make financial decisions for the Fire Department. Council Member Westfall stated that some of her constituents have expressed to her their belief that the Grand Jury was corrupt. Mayor Pro Tem Burns explained that sometimes the Grand Jury receives complaints from the public that they feel are not necessary to investigate further.

On a motion by Mayor Pro Tem Burns, seconded by Council Member Slert, the City Council of the City of Crescent City approved the use of City Manager Rod Butler's staff report as the response to the 2009-2010 Del Norte County Grand Jury Report.

16. Consider a request from Del Norte Ambulance for a letter of support related to the Del Norte Ambulance rate increase request. (Rod Butler)

Mayor Schellong recused herself and left the dais at 8:13 p.m., Mayor Pro Tem Burns facilitated the meeting in her absence. Del Norte Ambulance General Manager John Pritchett approached the podium and explained why the ambulance company has to raise rates to keep response time and staffing the same. Council Members were in agreement that this is a reflection of the current economic times and it is necessary to keep the same service that is currently being received in all of Del Norte County.

The following citizens made comments:

Bill Lonsdale stated that he felt that the Council should know more before deciding to offer a letter of support.

Rich Enea spoke in response to Mr. Lonsdale's comment and stated that the Board of Supervisors can vote on the ambulance services, but the City cannot.

On a motion by Council Member Murray, seconded by Council Member Slert, and carried 4-0 with Mayor Schellong abstaining, the City Council of the City of Crescent City approved to write a letter in support of Del Norte Ambulance to the Board of Supervisors asking them to take all due diligence and look at a sufficient raise to maintain adequate services for residents of Crescent City.

17. *Emergency Item:* Consider a request from Pelican Bay State Prison Correctional Officers for a letter of support for the State to not change to 12 hour shifts.

Mayor Schellong introduced this agenda item and how it came before her for attention. She stated that the Correctional Officers of Pelican Bay State Prison have been an integral part of this community where local sports and other civic activities are concerned. She stated that if they were to be forced into 12 hour, no set days off, shifts, local sports and other community events that rely heavily on volunteers will be affected greatly. Correctional Officers Mike Mattz, Sean Harper, and Mitch Jones were present at the meeting to express their concern for working 12 hour shifts.

The following citizen made a comment:

Jon Alexander stated that these people approached him to ask for his support – he stated that these employees are huge volunteers in our community and they enrich every aspect of it.

On a motion by Council Member Murray, seconded by Council Member Slert, and carried 5-0, the City Council of the City of Crescent City authorizing the Mayor to send a letter to

Governor Schwarzenegger and legislators in order to stop the changing of the Pelican Bay State Prison Correctional Officers current shifts to 12 hour shifts and requesting the current shift schedule stay in place.

### **CITY COUNCIL ITEMS**

- **Legislative Matters** – City Manager Butler announced to the Council that a public hearing with the Coastal Commission is scheduled for Thursday, September 16<sup>th</sup> in Eureka, 1 Marina Way, at 9:00 a.m. and agenda materials can be found at [www.coastal.ca.gov](http://www.coastal.ca.gov). The Coastal Commission staff has offered to come to Crescent City and meet with the City Council between September 16 and October 16 – more than likely the week of September 20. Mr. Butler asked the Council if they would like to have a Workshop for September 27<sup>th</sup> at the I Street Fire Hall; it was the consensus of the Council to have it at 5pm on September 27, 2010.
- **Reports, Concerns, Referrals, Council travel and training reports** –
  - Council Member Westfall reported that she attended two luncheons for Economic Development. She has a concern that a tourist industry boom will affect the quality of life in Crescent City. She further reported that she obtained some information for a temporary homeless shelter and forwarded the information to City Manager Butler.
  - Council Member Slett reported that he attended the following meetings: Local Agency Formation Commission (LAFCo), Sphere of Influence, Tri-Agency meeting, Community Development Block Grant (CDBG) Workshop, he assisted Public Works Director with the interior designs for the WWTP and had donated his time and services, salutes the new Chevron gas station, acknowledged our new cell tower, and salutes the new paint job on the Griffin's furniture building. He also stated that he appreciated the letter written by Supervisor McClure regarding the Fluoride measure.
  - Council Member Murray reported that she attended and appreciated the CDBG Workshop, the Physician's luncheon at the Hampton Inn, the Art Gallery exhibition, the Labor Day breakfast attended by Assemblyman Wes Chesbro, and the Economic Development luncheon. She applauded Richard Miles' work beautifying the community through gardening and that the City staff that bought him a new bike as a "thank you". She also attended a luncheon at the Senior Center with Rep. Mike Thompson in attendance.
  - Mayor Schellong reported that she attended the Tri-Agency luncheon, the Physician luncheon, and the luncheon with Rep. Mike Thompson. She asked for an update on code enforcement issues to be on next agenda (request by Daniel Honeywell) and asked if our Fire Chief has the authority to issue a citation to blighted properties that pose a fire threat – City Manager Butler stated that the City has been writing letters to John Diehl, the property owner of the vacant lot on Northcoast Drive. She attended a meeting with the California Endowment and it was discussed to partner with the City for projects. She further reported coordinating a meeting with Parks, City Manager, and the Police Chief regarding matters of security of our parks – it was reported that there has been a lot of break-ins at the campgrounds at Enderts Beach and although this is not in the City limits, it's a concern to discuss further. She also desires a quarterly report from the Planning Commission now that the Commission is fully staffed. She stated that she will be attending the Harbor meeting regarding the fishing industry and that she will be attending the California League of Cities Conference in San Diego this week.
- **City Manager Directives** - none

### **ADJOURNMENT**

Adjourn the meeting to the next regular scheduled meeting of September 20, 2010 at 5:00 p.m.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 8:57 p.m. to the next regular scheduled meeting of September 20, 2010 at 5:00 p.m.

**ATTEST:**

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Robin Patch, Deputy City Clerk for  
Rod Butler, City Clerk