



MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, September 8, 2009

City of Crescent City

CALL TO ORDER 5:00 P.M. The Council meeting was convened in open session at 5:03 p.m.

ROLL CALL: Mayor Schellong, Council Members Westfall, Burns, Murray and Slert
City Staff Present: City Manager Butler, City Attorney Black, Chief of Police Plack, Planner/Economic Development Specialist Rambo, Director of Public Works Barnts and Associate Engineer Wier.

PLEDGE OF ALLEGIANCE - Ann Garlick, Emblem Club Member

PUBLIC COMMENT ON CLOSED SESSION ITEMS

The following persons addressed the council regarding the closed session items: None.

CLOSED SESSION

- **Existing Litigation (Gov't Code § 54956.9 subdivision (a)) (Four cases: Sanches versus City of Crescent City, USDC CV08-1395; Barber versus City of Crescent City, USDC Northern District of California, Case #08-CV-04883-WDB; Misti Cardenas versus City of Crescent City, et. al., USDC CV08-4053; Brian Strom versus City of Crescent City, USDC Case #CV08-4708**
- **Conference with Real Property Negotiator (Gov't Code § 54956.8) Negotiating parties: Rod Butler, City Manager, Property address: to be determined.**
- **Conference with Labor Negotiator Re: Crescent City Police Officers Association (CCPOA), (Gov't Code § 54956.8)**
- **Public employee performance evaluation – City Manager (Gov't Code § 54957))**

Mayor Schellong recessed the regular meeting to closed session at 5:03 p.m. The closed session was adjourned at 5:56 p.m. and the open session was reconvened at 6:00 p.m., whereby the City Attorney announced that no final actions were taken during closed session.

ACKNOWLEDGEMENTS

- 1. Approve, read and present a proclamation to by Crescent City Emblem Club in honor of United States Constitution Week, September 17-23, 2009.**

Mayor Schellong read and presented Ann Garlick, representing the Emblem Club, the proclamation.

CONSENT CALENDAR

- 2. Approval of the regular minutes of August 17, 2009.**
- 3. Approval of warrant claims list for the period August 18 through September 8, 2009.**
- 4. Approval of biweekly payroll reports for the period ending August 15, 2009, paid August 21, 2009 and for the period ending August 29, 2009, paid September 4, 2009.**

Council Member Westfall indicated that the minutes of the August 17, 2009 meeting needed to be revised on the first page regarding the information that was given to her stating that she was dissatisfied with the information. She would like to make other changes to the minutes and make information available to the public. City Attorney Black indicated that the purpose of the minutes is to record what transpired during a meeting. The City Attorney outlined the manner in which the minutes could be corrected.

The following correction were made: Page 10 second paragraph – “It has come to the attention...” Correct to say – “...that there was a paper work problem.”; Page 14, second paragraph from the bottom “NOAA” and “Pierce” are misspelled; Page 17, #15, Howe Overlook and Beachfront Storage shed – Council Member Slert offered suggestions that he will provide to the clerk for incorporation.

On a motion by Council Member Burns, seconded by Council Member Slert, and unanimously carried, the City of Crescent City Council approved and adopted the consent calendar, consisting of items 2-4, with corrections to the minutes.

PUBLIC HEARINGS – None.

REPORTS

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

No reports were given.

COMMUNICATIONS

- PUBLIC COMMENT PERIOD** - Any member of the audience is invited to address the City Council on any matter that is within the jurisdiction of the City of Crescent City. Comments of public interest or on matters appearing on the agenda are accepted. Note

however, that the Council is not able to undertake extended discussion or act on non-agenized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. **After receiving recognition from the Mayor, please state your name and city or county residency for the record. Public comment is limited to three (3) minutes.**

Council Member Schellong outlined the purpose of the public comment segment of the agenda and indicated that “it is not a public question and answer period”. Each speaker has 3 minutes and will be asked to hold comment on agendized items until that item is called unless they have to leave the meeting before the time it is called.

The following persons addressed the council: Richard Miles, city resident, commented on getting Robert’s Rules of Order and the Brown Act for Council Member Westfall, and referred to the the minutes of the meetings and audio files. In addition he stated that the Sierra Club left out Crescent City and northern environs on their free maps; Bill Lonsdale, Crescent City resident, praised the work of the City maintenance crews on the restoration of water service to the Hampton Inn; Victoria Dickey would like to have sewer rates lower and touched upon the 80 units were added to the water hookups, electrical contractor fines, funds available for underground storage tanks, talk about censure and having trouble getting information out of staff; Mary Crabb, city resident, wants a cost analysis of where all the money is going. Ms. Crabbt was directed to the city manager; Lisa Serrano, city resident, commented on never having trouble getting information, either through public offices, or on the internet and looking for solutions. She is proud to be working with the city and county officials; Donna Westfall, as a city resident, commented on paperwork problems and her opinion that Ward Stover is not doing his job with labor standards and falsifying payroll records. She would like the records to reflect that this is not just a paperwork problem. She feels that correcting the problem is for the entire city. She requested to be removed from all committees and placed in charge of a sewer oversight committee. She went to the City Manager earlier in the year and the mayor chose not to report the information to the rest of the council. She wanted to know who is watching the budget; Tim Hoone, city resident, commented on meeting held regarding the Petersen Park Community Garden, the work done by Richard Miles at the garden and the award that was given to him by the Community Assistance Network today; Connie Morrison, county resident, commented on the wastewater treatment plant being paid for by the golf course, modifications to the wastewater treatment plant lab, grant money, water testing reports, oversight on the legal aspects; Jodi Mangum, city resident, commented on transparency in government and censure of persons who are asking questions, and other questions that have been asked and not answered; and Jim Barrett commented that he would not like to see public comment to the end of the meeting.

CONTINUING BUSINESS

- 5. Consider the nine proposed modifications to the Coasta Norte Development as suggested by the California Coastal Commission. Approve or take other action as necessary and appropriate. (Michele Rambo)**

Michele Rambo, City Planner/Economic Development Specialist addressed the Council with regard to the Coasta Norte Development modifications as proposed by the California

Coastal Commission and the City's amendments thereto. Donna Westfall recused herself as she has a conflict of interest with this matter. Nine modifications were first proposed August 17, 2009, at which time staff felt that the modifications would only affect the Coasta Norte and not the entire city development. Subsequent conversations indicated that the proposed modifications would apply to all development in the coastal zone parcels in the city. Now the Coastal Commission has again changed its position and indicated that the modification will apply the Coasta Norte and one other parcel. CZRP designated lands will be eliminated in the LCP amendment that is being proposed to go to the Coastal Commission next year. Staff feel comfortable requesting that the Council approve the resolution presented in the agenda. The same modifications will be presented in the LCP amendment. Council Member Slert expressed concern regarding the purpose of the Coastal Commission was to provide access to the beach and their making changes to zoning laws. Randy Baugh handed out a flowchart regarding the approval process from the Coastal Commission with regard to the LCP and coastal zoning for CZRP zoned parcels. Richard Miles recommended that the project be approved and mentioned that Council Member Westfall did not state the reason for her conflict. Bill Lonsdale indicated that this project has pushed the envelope from the beginning and now the city has put itself in the position to do spot zoning for this project. He would like to see that this modification is only to Mr. Baugh's project. City Attorney Black asked that the resolution be amended to reflect that the modifications will apply to two parcels – outlined as "Front and Battery" and "A and Second" Streets in Crescent City. A paragraph should be added to reflect that the e-mail be added to the resolution text.

On a motion by Council Member Burns, seconded by Council Member Slert, and carried on a four-fifths polled vote, with Council Member Westfall recused, the City of Crescent City Council approved and adopted Resolution No. 2009-35, entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY ACCPETING THE NINE PROPOSED MODICIATIONS TO THE COASTA NORTE CONDOMINIUM /TIMESHARE PROJECT (APN: 118-020-034) AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION, with the above suggested amendments from counsel.

6. Consider and approve Invoice #27 for Wahlund Construction (\$515,117.08) and Stover Engineering \$90,648.46) as presented or take other action as necessary and appropriate. (Jim Barnts)

Director of Public Works, Jim Barnts, addressed the council regarding Invoice #27 for Wahlund construction and Stover Engineering. Council Member Slert asked about the math used to figure the amounts and the fact that \$90,000+ is available. Staff and Council Members concurred and recommended that the amount be approved for the \$74,906.52, which is the correct amount.

On a motion by Council Member Slert, seconded by Council Member Burns, and carried on a four-fifths polled vote, with Council Member Westfall voting "no" City of Crescent City Council approved Invoice #27 for Wahlund Construction and Stover Engineering (\$74,906.52).

NEW BUSINESS

7. Discuss the potential placement of a stop sign at the intersection of Pacific/Margie/El Dorado Streets. Take action or give direction to staff as necessary and appropriate. (Art Reeve/Jim Barnts)

Jim Barnts, Director of Public Works asked Art Reeve to present the report with regard to the proposed stop sign at the intersection of Pacific/Margie and El Dorado Streets. Mr. Reeve indicated that the proposed stop sign would make the area safer for school children so that they can walk to and from school. Lighted walkways are being considered and a grant may be applied for by the County. The speed limit was reviewed; however, it will not be changed at this time. Traffic will be slowed down by the placement of the stop sign and signage will be posted in the neighborhood. Supervisor Martha McClure commented on the traffic issues in this area, which are similar to the Pacific and Inyo stop sign issues that were addressed some time ago. She would like to see the school signs on the east side of the roadway be replaced. She would also like to see the lighted crosswalks in this area. Richard Miles commented the annexation of the streets by the City and speeders on Pacific Avenue

On a motion by Council Member Murray, seconded by Council Member Burns, and unanimously carried on a polled vote, the City of Crescent City Council approved the placement of a stop sign at the intersection of Pacific and Margie Streets, with the replacement of the school signs.

8. Consider and approve the City's written response to the 2008-2009 Del Norte County Grand Jury Report, or take other action as necessary and appropriate. (Rod Butler)

City Manager Butler reported on the written response to the 2008-2009 Del Norte County Grand Jury Report. The report dealt mainly with the Wastewater Treatment Plant and to a lesser degree with the City Police Department. Staff recommended that the report be approved and staff directed to present it to the judge as required. Mayor Schellong asked about printing the report in the Triplicate and putting it on the City's website. Written copies will be available at city hall for those who wish to receive one. Council Member Westfall asked if corrections and modifications would be made to the response. Council Member Murray thanked the Grand Jury for taking their time on the matters presented. Council Member Westfall indicated that Prop 218 vote came about before 2006 according to her source (Scavuzzo) and that the City did not audit the sewer protests and the report is misleading (page 3, paragraph 6). The list did not contain 3421 entries, many votes were not counted that should have been. On page 4 (second paragraph) in her opinion the City is not closely monitoring the work. She asked if Ward Stover is being paid for labor compliance. City Manager Butler indicated that the report referred to Mr. Wahlund, the contractor. Audio tapes indicated that the date needed to be 2007 and not 2009 as listed. Page 8 , second bullet point – , staff procedures do not appear to be sufficient to prevent errors - , page 14 – issues of public works staff conflict of interest lacked evidence of a conflict, she feels that it is not a moot point and she feels that there are folks who would like to contact the Attorney General's office regarding this point. Ms. Westfall indicated that she had heard there is a question about other trades doing the same as the contractor who has a complaint currently filed against them. Council

Member Burns feels that the questions have been answered, even if they have not met with approval from all, they are still the answers. He thanked the Grand Jury for their time and staff for putting together the rebuttals. Ms. Westfall showed what she referred to as “falsified records” that she feels Mr. Stover is responsible for. Amendment #10 June 18, 2007, lists labor compliance as the third task. Jim Barnts indicated that Mr. Stover gets the certified payrolls and keeps records and he does not run the payrolls. Wahlund and the sub-contractors do their own payrolls. Council Member Murray commented on the recruitment of ad hoc committees and about the regular reports to the council (page 6), which will be made available as they come up. Ms. Westfall commented on connection fees and the ad hoc committee not addressing the connection fees. Council Member Slert indicated that he appreciated the efforts of the Grand Jury and the history put together with Mike Young. He thinks the Fair Political Practices Commission and others have spoken and that is good enough for him. He indicated that his colleague (Donna Westfall) seems to be firing off questions and asked what her solutions are. He feels that she is not the only one that cares about the cost of the treatment plant and that it is time to put this to bed. Mayor Schellong indicated that it is time to move the City forward, the plant came with a large price tag, there has been value engineering and much consideration, and she does not mind the questions as they come with a 42 million dollar project but the questions have asked over and over again.

Richard Miles would like to have the City’s response printed, as an insert, in the Daily Triplicate and comments made by Ms. Westfall. Sara Crabb commented on the Grand Jury response and she feels that we are wasting time with 7th grade nonsense. Jodi Mangum commented (page 1) on the cease and desist order, page 4 regarding the report, which was not given to the ad hoc committee, watering the golf course lawn, page 3 para 6 – votes given to apartments, she does not feel that the apartment renters were given a vote on the sewer protest, Elk Valley Rancheria paying for the sewer outfall, why Wahlund accepted the electrical bid, page 7 paragraph 3 bioreactor we did not need. Jim Barrett wanted the council to know he felt vindicated when he read the Grand Jury Report, he does not think that the council has respect for the citizens of the city and he feels that they should be empathetic. City Attorney Black indicated that when Mr. Barrett reads the response he will find that it is very humble and that the city has admitted that they will try to do better in the future. Tim Hoone indicated that his impression was that the city was trying to respond in the positive and take a reasonable response and take it to heart. Not everyone is aware that the agenda materials are available on the City’s website 72 hours prior to the meeting. Greg Crabb indicated that we are stuck with the costs and the project and the fact that most folks in this area are not able to afford the sewer costs. He thanked the council for answering questions and for Ms. Westfall's questions. City Attorney indicated that the Grand Jury did a lot of work with regard to the wastewater treatment plant; they took the work seriously and interviewed many people and documents at length. Staff spent a great deal of time gathering documents to arrive at their best conclusion, more than any other citizens group, it is a mixed bag, but it exonerated the City with regard to some of the accusations. They did not get the full credit that they deserve for their work on this report.

On a motion by Council Member Burns, seconded by Council Member Slert, and carried on a four-fifths vote, with Council Member Westfall abstaining, the City of Crescent City

Council approved the response, with corrections to the dates as proposed, and directed the City Manager to present the response to the Superior Court Judge as required by law.

9. Consider and approve a project plan and schedule for the City's Proposition 1B Local Street Maintenance Funds or take action as necessary and appropriate (Jim Barnts)

Jim Barnts reported on the Prop 1B funds and the group of projects that will provide basic slurries on City roads. He feels that we would get a wear surface that will last for quite a while and protect streets. One block will cost \$3,000 approximately, which is 10% the cost of overlays for the same streets. There are more streets on the list than staff feels that they have money for (approximately 120 blocks). Staff picked the streets that were structurally sound. Discussion was held regarding RSTP and STIP funding for streets and roadways. Council Members expressed their approval of getting the streets slurry sealed. Mr. Barnts will send the project out to bid and then bring back recommendations for the Council's approval. Richard Miles commented on the streets in the Harbor and their maintenance.

Mayor Schellong left the meeting at 8:20 p.m.

Mr. Barnts indicated that the roadway that Richard Miles was referring to belongs to Hambro's. Council Member Westfall thanked Mr., Barnts for his work and she stated that he does a wonderful job. Mr. Barnts indicated that the crew does a lot of work as a team.

Mayor Schellong returned to the meeting at 8:22

On a motion by Council Member Slert, seconded by Council Member Burns, and unanimously carried, the City of Crescent City Council approved sending the project out to bid as presented by staff.

10. Consider and approve the removal of the underground diesel storage tanks located at the Amador Tank and Ranney Collector and purchase three aboveground Con Vault Fuel tanks for a total project amount of \$105,000.00, or take other action as necessary and appropriate. (Eric Wier)

Eric Wier reported on the recommendation for the removal of the underground diesel storage tanks and their replacement with Con Vault tanks. The water fund is the source of the project funding. The replacement tanks will be placed in the same area as the tanks that are being removed. There is a possibility that leakage could be found at the tank sites, even though the Health Officer does not feel there will be. Soils testing will be done. Richard Miles asked if the Ranney Collector tank would require CEQA and notification to the Fish and Game. Staff indicated that the Ranney Collector is located on the south side of the roadway and not near the river.

On a motion by Council Member Slert, seconded by Council Member Burns, and unanimously carried on a polled vote, the City of Crescent City Council approved the

recommendations of staff to go ahead with the purchase of the tanks and removal of the fuel tanks as recommended.

11. Consider and take action on Resolution No. 2009-36, entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY TO CENSURE COUNCIL MEMBER DONNA WESTFALL, and take additional actions. (Charles Slert/Kathryn Murray)

Council Member Slert indicated that the comments made at the last council meeting by Ms. Westfall were reckless and slanderous. He feels that the council has a higher standard that needs to be upheld and her comments needed to be dealt with formally by the council, in his opinion. Council Member Murray indicated that running for council was a big decision and she spent time learning the conduct of office at various meetings, she feels that this is a huge step to take that she feels needs to be made to move the city forward, she would have preferred not to have taken such a step, it is time to move forward; it is important to move forward tonight and not berate the past. Council Member Burns indicated that when making comments as the council you are representing the city and the council, he was deeply offended at the last meeting by Ms. Westfall's actions and comments. Mayor Schellong indicated the discourteous and lack of respect, calling employees after hours, discrediting the city, she finds her slanderous and inappropriate and accusatory without evidence. Richard Miles commented that he is disappointed that it has come to this kind of a resolution. Mary Crabb, city resident, commented that some of the questions asked were from her. She feels that there is something going on with the water treatment plant folks and does not like this process. Jim Barrett commented that this is very hard and he had hoped that the council would have solved this problem and he hopes that Donna Westfall continues to ask questions. He does believe that an apology is in order for Mr. Burns from Ms. Westfall. Jodi Mangum stated that she voted for Donna and she appreciates the work that she has done, we were founded on the right to speech. Judy Galan, county resident, indicated that it appears that a question is for answers and accusations are another issue. She supports the council doing what is appropriate. Ralph Dickey, county resident, believes that the sewer treatment plant is riddled with problems; he does not feel that asking if you take bribes is out of line. Victoria Dickey indicated that she was on a board where was division of agreement occurred and there was a relaxation of rules after two of the disagreeing parties left the board, she feels that Ms. Westfall is asking the tough questions and she is saddened and disappointed by the resolution of censure, stating that this is not the way to work together. Council Member Slert stated that he is happy for the public participation in the meetings and what is occurring in the community; however, they are hearing statements taken out of context and half truths, so we need to ask ourselves what is in the best interest of the city. Questions need to be back up and there needs to be accountability. Ms. Westfall has caused the city great expense by her activities. Ms. Murray indicated that she is the one who called for the censure at the last meeting due to the comments about kickbacks being the final straw. She hopes that Ms. Westfall takes this to heart and learns from this. We all have a right to our opinion, but once the question has been raised and answered them it is time to move on. Council Member Westfall commented that she has had people ask if folks are lining their pockets and to ask specifically if kickbacks were being given. She did not know how the council thought she was accusing others of kickbacks; she apologized for making others think she

was accusing them. She wanted to know if Ms. Murray had a date and place of comments that were made that embarrassed her at the IGRC meetings. She wanted to know if she was making those statements as a council member. Ms. Murray stated that she would not be cross-examined and would not answer Ms. Westfall's questions. Ms. Westfall asked if Ms. Murray remembered the terms of their agreement whereby she would rescind her recall efforts. She made comments as the public. Council Member Burns indicated that because of the elected nature, all comments are made as a council person not a member of the public. The "who" and "how" of asking questions is important, questions needs to be asked with fact and not hearsay. Hard questions need to be asked, the City Manager is the one to go to; not staff. He asked if there should be a time limit on the resolution or if there was any consideration of it when it was crafted. Council Members concurred that the resolution should only be in effect for one year. Ms. Westfall indicated that she refuted that comment that she had wasted thousands and thousands of dollars, did he have any proof and she indicated that she may be responsible for bringing in thousands to the city.

On a motion by Council Member Slert, seconded by Council Member Murray, and carried on a four-fifths polled vote, with Council Member Westfall voting "no", the City of Crescent City Council approved and adopted Resolution No. 2009-36, entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY TO CENSURE COUNCIL MEMBER DONNA WESTFALL, AND TAKE ADDITIONAL ACTIONS, with an ending date of November 2010.

12. Receive an update and give direction to staff regarding the Harbor Fish Processing Wastewater services. (Rod Butler)

Mayor Schellong indicated that the Harbor 2x2 has been meeting to move the Harbor issues forward and they have also been working with Alber Seafood to continue working in the Harbor and providing jobs. Rod Butler, City Manager, provided and update. There is a skeleton deal worked out. Alber would have a direct permit to discharge, and be a direct permittee and customer of the City. The largest issues are equipment upgrade costs; however, a basic service rate has been reached, and the date at which the discharge permit/process will be up and running (November 1, 2009, new permit goes into effect at the Harbor). The plant upgrades will take time as they are not just items that can be purchased locally. The new controls to that the affluent is received at the City in the evening need to be replaced and designed. Staff indicated that this would cost approximately \$15,000 and would need to be started tonight. The submersible pumps and actual connection into the plant costs need to be considered and ironed out. The legal issue of financing a project outside the City needs to be answered, as well as if there will be a hook-up charge. City Attorney indicated that he has asked the City Manager to reach out to the RDA attorney due to the confusion and the fact that it could be an RDA issue. According to staff, if the issues are not resolved by November 1, 2009 Alber will be facing challenges to process products this season. Council Member Slert stated that this is exciting, it is dynamic, and it is a good faith effort to make sure we have jobs in the harbor. Many of the past issues have been resolved with testing and knowing what is needed prior to receiving the affluent at the treatment plant. Council Member Murray would like to have the legal question answered by the next meeting and how the other partners will be addressed. Council Member Burns indicated that the affluent was

lowered with the partnership of the Rumiano plant, which assisted the City. He would like to see the city not be the only partners. Council Member Westfall asked if the MBR could handle the affluent. The answer has already been received and will be handled if no shrimp processing is not done here. Richard Miles stated that he is not against the proposal. He feels that the processing plant is really a tomato processing plant and not meant for fish waste.

13. Consider and receive the Annual Assessment Report for Fiscal Year 2009-2010 submitted by the Crescent City Downtown Parking and Business Improvement District Advisory Board or take other action as necessary and appropriate. (Rod Butler/Martha Rice)

Martha Rice, Deputy City Attorney, reported on the assessment report. The first step is the annual assessment report to the City Council. There are two zones (A and B), the proposal is to assess the businesses by category and not location. Business assessments must be paid to get a business license on an annual basis. A nonprofit category is being proposed. The BID is continuing the flower planting, tile mural and traditional events. The BID would like to change the assessments and have come up with a middle of the road assessment as presented in the report. \$12,129 is the estimated amount of revenues for the year. Council Member Slert questioned the tile mural and opted for streetscaping, which he felt would be more important. Council Member Murray indicated that signage funding might be available through the Local Transportation Commission. The business owners need to be surveyed before the public hearing, which will be held at the next meeting. Billie Gavin-Tygart, BID representative, commented that the BID announced what they were doing and the salon owners were the only ones who attended to comment on the new rates. The BID would like to have the City store their holiday decorations, if possible to keep them from getting damaged. By consensus the report was accepted.

14. Consider and adopt Resolution No. 2009-37, entitled, A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2009-2010, or take other action as necessary and appropriate. (Rod Butler/Martha Rice)

Martha Rice indicated that this resolution would be published in the newspaper and would set the public hearing. Council Members suggested that a memorandum be sent out to all of the BID members/business owners informing them of the resolution and public hearing.

On a motion by Council Member Burns, seconded by Council Member Slert, and unanimously carried on a polled vote, the City of Crescent City Council approved and adopted Resolution No. 2009-37, entitled, A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2009-2010.

15. Waive the first reading, read in title only and introduce Ordinance No. 746, entitled, AN ORDINANCE AMENDING CRESCENT CITY MUNICIPAL CODE CHAPTER 5.100 TO CHANGE THE METHOD AND BASIS OF ASSESSMENT AND ELIMINATE THE TWO-ZONE STRUCTURE FOR THE CRESCENT CITY DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT. (Rod Butler/Martha Rice)

Martha Rice gave a brief report on the ordinance.

On a motion by Council Member Burns, seconded by Council Member Murray, and unanimously carried on a polled vote, the City of Crescent City Council waived the first reading, read in title only and introduced Ordinance No. 746, entitled, AN ORDINANCE AMENDING CRESCENT CITY MUNICIPAL CODE CHAPTER 5.100 TO CHANGE THE METHOD AND BASIS OF ASSESSMENT AND ELIMINATE THE TWO-ZONE STRUCTURE FOR THE CRESCENT CITY DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT.

16. Waive the first reading, read by title only, and introduce Ordinance No. 747, entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING SECTION 2.20.020 OF THE CRESCENT CITY MUNICIPAL CODE, PERTAINING TO THE DUTIES OF THE CITY FINANCE DIRECTOR. (Robert Black)

On a motion by Council Member Slert, seconded by Council Member Murray, and unanimously carried on a polled vote, the City of Crescent City Council waived the first reading, read by title only, and introduced Ordinance No. 747, entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESCENT CITY AMENDING SECTION 2.20.020 OF THE CRESCENT CITY MUNICIPAL CODE, PERTAINING TO THE DUTIES OF THE CITY FINANCE DIRECTOR.

17. Consider and discuss the use of speaker cards during the public comment process and possibly moving the public comment period to the end of the agenda. (Mayor Schellong)

Mayor Schellong reported on the fact that some public comment periods are held at the end of meetings as well as requiring the use of speaker cards so that the Mayor can call on the speakers who have signed up to maintain control of the meeting. Discussion was held regarding respecting speakers, employees and the council during meetings. Council Member Slert explained that he did not support moving the public comment period to the end of the meeting. Council Member Murray agreed that the public comment period is more popular at the beginning of the meetings and that perhaps a sign up process could be used. Council Member Burns indicated that the comment period is just that; not a question and answer process. Council Member Westfall reiterated that the public comment period should stay at the beginning of the meeting and the signup sheets should only be used at public hearings or to keep the meeting more orderly when large numbers want to speak or the item is controversial. Bill Lonsdale indicated that the public comments are appropriate at the beginning of the meeting and the speakers should not be arranged by the mayor, they should be first come, first served. He suggested a public

hearing to discuss the matter or changes. Mayor Schellong would like a resolution that outlines protocol. Mary Crabb stated that the public should not be engaged in the comment section of the agenda. Examples were given to staff.

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.
- ☒ Pursuant to Crescent City Municipal Code § 2.08.200, the City Council may instruct the city manager on matters of importance to the administrative services of the city, and provide direction with respect to subordinates of the city manager. (Directives from individual Council Members that are not objected to by any member present shall be considered an order of the City Council.)

The following matters were discussed: Doug LaMalfa, candidate for senatorial seat, commented that he was happy to be visiting again with his campaign manager Willy Preston. He will be around for the next nine months and he hopes to represent this area as our senator; Council Member Slert reported that a member of the public has called him several times, who has problems with the Jacuzzi and spa chemicals at the pool. Staff indicated that the chemicals and temperatures have caused issues. Staff will look into the matter; the Pelican Bay State Prison committee will be reviewed to see if there is a need to appoint someone or still be a member; there is a LAFCO meeting Monday that the alternate will need to attend if possible; Oregon Policy makers are going to be at the airport October 14, 2009, time to be announced. The terminal project is moving forward and the construction firm has been found.

ADJOURNMENT

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 10:26 to the next regularly scheduled meeting on September 21, 2009.

ATTEST:

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