



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

City of Crescent City

Monday October 5, 2009 6:00 p.m.

Call to Order Mayor Schellong convened the open session at 6:06 p.m.
Roll Call **Council Members present:** Mayor Kelly Schellong, Kathryn Murray, Donna Westfall, and Charles Slert
Council Members absent: Mayor Pro Tem Dennis Burns
Others present: City Manager Rod B. Butler, City Attorney Robert Black, Deputy City Clerk Robin Patch, Deputy City Clerk Karen Phillips, Director of Public Works Jim Barnts, , Police Chief Doug Plack, and Finance Director Ken McDonald,
Pledge of Allegiance Council Member Kathryn Murray.

PUBLIC COMMENT ON CLOSED SESSION ITEMS - None

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
- Public employee performance evaluation – City Manager (Gov't Code § 54957)
- Conference with Labor Negotiator Re: Crescent City Police Officers Association (CCPOA) (Gov't Code § 54957 et seq)
- Conference with legal counsel, significant exposure to litigation (Gov't Code § 54956.9(b)) – one case
- Real Property Negotiations; Negotiator Rod Butler; parcels to be identified. (Gov't Code § 54956.8)

There were no public comments regarding the closed session agenda. The closed session was held from 4:15 p.m. to 6:00 p.m. and reconvened in open session at 6:06 p.m. City Attorney Black announced that no actions were taken during the closed session.

ACKNOWLEDGEMENTS

2. Approve, read and present to family members A PROCLAMATION IN HONOR OF WILLIAM “BILL” PEEPE, FORMER MAYOR OF THE CITY OF CRESCENT CITY.

Mayor Schellong read and presented the proclamation to the Peepe family. Council Members expressed their condolences and thanks to the family.

On a motion by Council Member Murray, seconded by Council Member Slert, and unanimously carried, the City Council of the City of Crescent City approved and adopted A PROCLAMATION IN HONOR OF WILLIAM “BILL” PEEPE, FORMER MAYOR OF THE CITY OF CRESCENT CITY.

3. Approve, read and present A PROCLAMATION FOR INTERNATIONAL CREDIT UNION DAY ON OCTOBER 15, 2009.

Mayor Schellong indicated that the proclamation was to honor Chetco Federal Credit Union, in addition to the others mentioned. Council Member Slert read the Proclamation.

On a motion by Council Member Westfall, seconded by Council Member Slert, and unanimously carried, the City Council of the City of Crescent City approved and adopted A PROCLAMATION FOR INTERNATIONAL CREDIT UNION DAY ON OCTOBER 15, 2009.

CONSENT CALENDAR

4. Approval of the regular minutes of September 21, 2009 Crescent City Council meeting.
5. Approval of warrant claims list for the period September 22, through October 5, 2009.
6. Approval of biweekly payroll reports for the period ending September 25, 2009, paid October 2, 2009.

On a motion by Council Member Slert, seconded by Council Member Murray, and unanimously carried, the City Council of the City of Crescent City approved and adopted the consent agenda, consisting of items 7-9.

Richard Miles, city resident, spoke regarding the minutes of the Housing Authority and Redevelopment Agency.

PUBLIC HEARINGS - None

NOTE: If you challenge the decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. (Gov't Code § 65009)

REPORTS

- Reports relative to the City of Crescent City programs and projects, from staff or outside agencies.
- Report from Dianne Nickerson, member of the Pelican Bay Citizen's Advisory Committee.

Dianne Nickerson presented a brief update regarding the Pelican Bay Citizen's Advisory

Committee, where discussions have been held regarding State cutbacks and methods of keeping all staff on board and protecting the safety of the community. The permanent warden has not been chosen at this time. Action will need to be taken in December to either reappoint the current representatives or new representatives. Deaun Reilly-Lewis would like to remain on the committee and Dianne Nickerson indicated that she is available to continue filling her own committee seat, but stated that anyone could be considered.

COMMUNICATIONS

➤ PUBLIC COMMENT PERIOD

The following citizens made comments during this period: Richard Miles spoke on various topics, and Victoria Dickey, County Resident, spoke regarding wastewater rates being returned to her and Del Norte Solid Waste Management Authority.

CONTINUING BUSINESS

7. Consider and receive an update from staff regarding the costs associated with renting City facilities and consideration of the Del Norte Child Care Council's request for waiver of fees as discussed at the September 21, 2009 meeting. Take action as necessary and appropriate. (Rod Butler)

City Manager Butler presented an update on facility rentals as presented in the staff report. The goal was to determine a typical nonprofit rate for use of the Cultural Center facility and the average cost to run the facility during an event. Staff indicated that \$400 is the average cost per day to rent the facility. A minimum rental is \$120 and there is a setup and clean up cost added to the rental rate. Ken McDonald indicated that nonprofits get a fifty percent discount for rental of the facility already. Council Member Westfall asked if the Cultural Center was meant to be a profit center or to be subsidized by the City. Staff was unsure, but indicated that it is not common to have the rental fees pay for a building. Council Member Westfall asked about the City subsidizing the Chamber of Commerce with rent and utilities. Council Members expressed their concerns regarding the revenues, charges, and reviewing the fees charged. Staff will come back with a business plan or plan for the Cultural Center. Richard Miles spoke in favor of the fee waiver and deposits.

On a motion by Council Member Murray, seconded by Council Member Slert, and carried on a three-fifths vote with Council Member Burns absent and Mayor Schellong abstaining, the City Council of the City of Crescent City approved waiving the fee for the Del Norte Child Care Council's "Chills for Children" event set for October 24, 2009 and discussed at the September 21, 2009 Council meeting.

8. Receive a report from city attorney regarding title and summary of anti-fluoride initiative. No action is necessary. (Robert Black)

City Attorney Bob Black reported that he has prepared the title and summary for the anti-fluoride initiative as required. Corrections of the extra "the" and another misspelled word will be done before he presents the information to the City Clerk. He explains that the gatherers of signatures prepare their form of petition and will begin collecting signatures

of voters registered in the City limits. Discussion was held regarding the process for the ballot initiative and petition. One of the signers of the notice of intent was not a city resident (Connie Morrison); however, the other signer was most likely a city resident, which makes the petition sufficient at this time. 10% of the registered voters in the City need to sign the petition in order to get the initiative on the November 2010 ballot. Proponents have the right to ask for a special election, which would require the signature of 15% of the registered voters within the City. There will be a cost to the City to add this initiative to the ballot in either a special or regular election. Richard Miles spoke regarding the proposed ballot initiative and required fluoridation based on population. Victoria Dickey spoke regarding the provision of water in her neighborhood and taking the fluoride out of the water.

NEW BUSINESS

9. Consider and approve Payment #28 for Wahlund Construction and Payment #29 for Stover Engineering regarding the Wastewater Treatment Plant. (Jim Barnts)

Rod Butler presented Payment #28 and #29 to contractors Wahlund Construction and Stover Engineering for approval. Victoria Dickey spoke regarding meeting with the electrical contractor and potential fines.

On a motion made by Council Member Slert, seconded by Council Member Murray, carried on a three fifths vote, with Council Member Westfall voting “no” and Council Member Burns absent, the City Council of the City of Crescent City approved payment of Payments #28 and #29 as submitted.

10. Receive an oral report regarding the new airport terminal coastal development permit. Authorize a staff to send a response for the Mayor’s signature to the Del Norte planning Commission in support of the project. (Rod Butler)

Rod Butler, City Manager, reported on the new airport terminal coastal development permit and the hearing before the County Planning Commission. Staff recommended a letter of support from the City. Eileen Cooper commented on behalf of the Friends of Del Norte about the permit and working to improve the permit through the process. Council Members expressed support for improving the airport. Mayor Schellong indicated that the Border Coast Regional Airport Authority has worked closely with the Friends of Del Norte over the past two years.

On a motion by Council Member Slert, seconded by Council Member Murray, and unanimously carried, the City Council of the City of Crescent City approved and authorized the Mayor to sign a letter in support of the airport terminal coastal development permit, which will be addressed to the Del Norte County Planning Commission.

11. Discuss and give direction to staff to enter into negotiations with the Elections Officer for Del Norte County regarding the process and cost of a special election for the recalls of Council Members Murray and Slert and/or an initiative pertaining to fluoridation of City water. (Robert Black)

City Attorney Black reported on the cost and process for a regular and special election for the recalls and anti-fluoridation initiative. The initiative process may begin the signature gathering before the end of this week. If the initiative and recalls go forward, and if signatures are gathered, there will need to be a special election, between 88 and 113 days after the number of signatures is qualified. 25% of the registered voters need to sign the petition for anti-fluoridation, which is approximately 400-450 signatures. The next step would be to call a special election around March or April of 2010 for the recall. A full range of election services will be required for such an election, including polling places, ballots, precinct workers, printing, etc. It is important to begin the process of talking with the County to handle the process since they are familiar with the process; more so than the City Clerk. Attorney Black suggested entering into a memorandum of understanding (MOU) with the County for these services. Council Members discussed the cost to the City of a special election. Staff is currently tracking the number of hours that they expend on behalf of the recall and fluoride initiative. Victoria Dickey commented on the fact that the costs are being discussed; not that people care. Council Member Murray addressed Ms. Dickey's comments.

By consensus, staff was directed to meet with the County regarding a potential memorandum of understanding (MOU) for the special election as outlined.

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 comments and direction was given: Rod Butler indicated that staff is working with the League of Cities to set up a meeting in October to get the needed action that did not occur at the conference last month, which was to pass important legislation. He also commented that the budget workshop is set for Monday, October 26, 2009 at 4:30 p.m. at the "T" Street Fire Hall. Mayor Schellong commented on the Coastal Commission's meeting later this month wherein they will discuss the local coastal plan. Council Member Westfall commented on the lack of investigative reporting at the local paper and legal action. Council Member Slert commented on his appreciation to the entire community during the tsunami watch last week and a requested that the meetings be broadcast live, such as the Board of Supervisors' meetings. Information Technology staff indicated that they are shown on Channel 4 on Friday afternoons; however, not live; the only live meetings are shown on the internet. Meetings could be played more frequently on Channel 4 to allow others to view it. Richard Enea commented on the live broadcast of meetings.

Council Member Westfall left the meeting at 7:45 p.m.

Council Member Slert asked to send a “get well” card to Jim Gibson, who follows the meetings and is having heart surgery tomorrow. He also responded to his recall petition.

Council Member Westfall returned to the meeting at 7:47 p.m.

Discussion continued. Council Member Murray announces the 5th Annual Meth Summit will be held on November 18th at fairgrounds. The summit will be expanded to include other drugs. She also reported on the MLPA process. Mayor Schellong reported on the Tri-Agency meeting, Border Coast Airport meeting, the Republican Women’s meeting and her meeting with The California Endowment last week. The Noll Longboard Classic was held last weekend. Mayor Schellong reminded the Council of the “Cookies for Cops” event on October 21, 2009. She also sent out well wishes and prayers to Mr. Gibson and thanked staff for their work on the tsunami event. She would like acknowledgement of Roger Buckskin on his retirement at the next meeting. It was also mentioned that Sea Cruise will be this weekend.

ADJOURNMENT

Adjourn the meeting to the next regularly scheduled meeting of October 19, 2009 at 6:00 p.m.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 7:56 p.m., until the next regularly scheduled meeting on October 19, 2009.

Posted: October 1, 2009

By: Robin Patch, Deputy City Clerk
for Rod B. Butler City Clerk