



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

<b>Monday</b>	<b>October 18, 2010</b>	<b>5:00 p.m.</b>
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Call to Order Mayor Schellong called the meeting to order in open session at 6:02 p.m.

Roll Call Council Members present: Slert, Westfall, 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 Barns, Associate City Planner Eric Taylor, Tri-Agency Executive Director Bill Renfroe, Police Sergeant Erik Apperson and Police Chief Doug Plack

Pledge of Allegiance Mayor Pro Tem Burns

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Mayor Schellong called the closed session to order at 5:01 p.m. with all four Council Members present, Council Member Westfall was absent. There were no public comments on closed session items.

On a motion by Mayor Pro Tem Burns, seconded by Council Member Slert, and passed 4-0, with Council Member Westfall being absent, the City Council of the City of Crescent City approved to add the new case of Westfall vs. the City of Crescent City and each of the four Council Members that was served on the Council and City on this day, October 18, 2010, to the closed session agenda for discussion.

*Council Member Westfall arrived in the Board Chambers at 5:09 p.m. – and entered the closed session at 5:20.*

**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: 118-260-12 (Gov't Code § 54956.8)
- Public Employment (Gov't Code § 54957 (b)) City Manager

The closed session adjourned at 6:01 p.m. and City Attorney Black stated that no final actions were taken on closed session items.

## **ACKNOWLEDGEMENTS-**

2. Approve and read A PROCLAMATION DECLARING OCTOBER 21, 2010 AS INTERNATIONAL CREDIT UNION DAY.

Mayor Pro Tem Burns read and presented the above proclamation to Manager Kris Griffin of Coast Central Credit Union. Ms. Griffin invited the Council and those in attendance to the next Chamber Mixer on October 21<sup>st</sup> at 5:30 p.m.

3. Approve and read A PROCLAMATION DECLARING OCTOBER 24, 2010 AS MAKE A DIFFERENCE DAY.

Mayor Schellong read and presented the above proclamation to Richard Miles. City Manager Rod Butler announced that as a part of Make A Difference Day, this Saturday the downtown Business Improvement District and the City will be doing some tree planting on the south side of 3<sup>rd</sup> Street, by the clock tower, at 10:00 a.m. This was made possible by funds that were donated by Pacific Power.

## **CONSENT CALENDAR**

4. Approval of the regular minutes of the October 4, 2010 Crescent City Council meeting.
5. Approval of warrant claims list for the period October 5, through October 18, 2010.
6. Approval of biweekly payroll reports for the period ending September 26, paid October 9, 2010.

On a motion by Council Member Slert, seconded by Council Member Murray and carried 5-0, polled vote, the City Council of the City of Crescent City approved and adopted the consent calendar, consisting of items 4-6, with corrections to the minutes as noted, and to remove item 7 from Consent Calendar to open it up for discussion.

7. Receive and file an update on the costs related to Councilmember Westfall's information requests and legal actions.

Council Member Slert stated he had requested of City Manager Rod Butler to provide this report for the Council and public. He stated that the conservative amount of just short of \$94,000 represents stakeholders' monies and in the spirit of keeping the citizens informed, it is important that this is noted. Councilman Slert went into detail over the many issues Ms. Westfall has created for the City to deal with and emphasized how much money it has cost. He reiterated that the Grand Jury had found no fault with the City from the claims that were presented to them by Ms. Westfall. He further stated that the \$94,000 represented could've paid for a Police Lieutenant position, two Police Sergeant positions, a City Hall and Civic Center master plan, a year's funding for the Visitor's Bureau, and the elimination of a deficit that the City entered the 2011 budget with. In the meantime, Ms. Westfall served all four Council Members with another lawsuit today; therefore there will be additional costs.

Council Member Westfall asked if the City ever got the \$165,000 from Colburn Electric penalties – City Manager Butler stated that no money has been received of the City from Colburn Electric's labor violations. She then outlined a list of expenditures the Council has approved and stated that she has cost the City \$100,000 less than that. She stated that she is one person speaking for the underrepresented and outlined the issues regarding discounted

signatures. She asked City Manager Butler to put in writing how the staff time is tracked and if staff tracks time for all Council Members by issue, etc.

The following citizen gave comment:

Richard Miles: commented on item number 7 and stated that the misuse of City funds is upsetting and that the money could've been used to beautify downtown and recreation for our youth.

On a motion by Council Member Slert, seconded by Mayor Pro Tem Burns and carried 4-1 with Council Member Westfall voting no, the City Council of the City of Crescent City approved and adopted item number 7 on the consent calendar.

City Attorney Black stated that he wanted to add a correction to the minutes - Page 5 – should state the Smith River Rancheria to join Airport Authority, not Elk Valley.

### **ADJOURN TO CRESCENT CITY HOUSING AUTHORITY**

8. See attached minutes. (Susie Mendez)

### **ADJOURN TO CRESCENT CITY REDEVELOPMENT AGENCY**

9. See attached minutes. (Rod Butler)

### **10. PUBLIC HEARING(S) - None**

### **11. REPORTS**

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

- Receive quarterly report from the Chamber of Commerce. (Gina Zottola)

Executive Director Gina Zottola from the Chamber approached the podium and gave the Quarterly report that included percentages of the visitors who came to the Visitor's Center.

### **COMMUNICATIONS**

➤ **PUBLIC COMMENT PERIOD** – the following citizens made comments: *Council Member Westfall left the dais at 7:31 p.m.*

Donna Westfall – spoke on the fluoridation in the water as well as those against Measure A. She went into detail about the chemicals used for fluoridation.

*Council Member Murray left the dais at 7:33 and returned at 7:35 p.m.*

*Council Member Westfall returned to the dais at 7:35*

Richard Miles – spoke in regards to mailings done by Council Member Westfall and that the proponents of Measure A should meet the same requirements as those in opposition to the Measure. He then thanked Associate City Planner/Code Enforcement Officer Eric Taylor for finding funding to resurface the tennis courts.

Eileen Cooper – spoke on fluoridation and read from research she did on the matter.

Tanya Percy – spoke regarding the research she did on fluoridation as well as what she had read on the internet of how unsafe it is.

## CONTINUING BUSINESS

12. Consider and approve the recommendations of the Business Improvement District (BID) ad hoc committee regarding the funding and structure of the Crescent City BID. (Rod Butler)

Mayor Schellong briefly went over the agenda item and Council Member Slert reported that there were several meetings of the ad hoc committee. They met with FBID (Fortuna BID) as well as the Eureka BID. *Councilmember Westfall left the dais at 7:49.* He stated that it was the committee recognizes that the 2010/11 BID assessments have already been collected and commitments have been made. *Councilmember Westfall returned to the dais at 7:51.* Council Member Slert further stated that City Manager Butler wants to hold a BID workshop. Discussion on the proposed formal survey continued in detail. In conclusion, City Manager Rod Butler reported to the Council the recommendations of the recently created BID ad hoc committee by offering several solutions to the current structure of BID.

The following citizens made comments:

Craig Dauber – stated that he is the only business that is on G Street that is asked to pay the assessments and wants his area to be removed from the BID.

Richard Miles – stated that he heard that the agent that will purchase another agent's business is in favor of the BID.

James Barrett – spoke on the fact that it is his opinion that the Council as well as other Councils have not listened to the people.

Jeff Corning – felt fee should not be mandatory as people look at it as another tax; stated that if it were voluntary there would be more participation.

Leroy Davies – stated that the assessments have not been enforced for five years. Asked for the Redevelopment Agency monies to not be used for BID but for his social environment – put the money into the police department.

John Knox, MD – does not know about BID goals as no one has approached him to tell him. He likes the idea of the informal survey and would like to know how the assessment money will be used.

Cheryl Corpstein, BID VP – stated that there has been confusion over the information that was obtained via the survey. She spoke in regards to how the survey question was asked – 'do you want to continue to pay your assessment'. BID assessments have always been mandatory, never voluntary – it is just recently been enforced.

Council Member Slert stated that the dialogue heard tonight reinforces what he stated earlier – uninformed and not participating. Mayor Schellong asked if the BID Board could educate the businesses; BID Advisory Board President Billie Kaye Gavin-Tygart explained that there have been a lot of educational opportunities, the meetings are open and information is available to anyone. Council Member Westfall stated that during open public comment the BID Board members were given more than 3 minutes to speak. Mayor Schellong explained that it was because they were speaking as Board Members, not members of the public. Mayor Pro Tem Burns stated that BID is important to the City and he would like to see BID successful, but the Council cannot do that for them, only the BID members can. Mayor Schellong agreed - it's not up to the Council to force business to work together.

The following citizens gave additional comment:

Sam Rutledge – offered another assessment proposal.

James Barrett – offered more solutions to district.

Richard Miles – stated the Council should take Mr. Barrett's suggestion.

Mayor Schellong stated her appreciation for those who spoke tonight and for those who came to the meeting. City Manager Butler reiterated that any decisions that were already in place for this fiscal year will stay in place.

On a motion by Council Member Murray, seconded by Council Member Slert, and passed unanimously, the City Council of the City of Crescent City approved to accept the recommendations A, B, C, D, E, and to conduct formal survey for the Business Improvement District.

### **NEW BUSINESS**

**13.** Consider a request from the Del Norte Child Care Council to waive the Cultural Center facility rental fees for the annual “Chills for Children” event to be held on October 23, 2010 and take action as necessary and appropriate. (Rod Butler)

City Manager Butler went over the request in detail and reminded the Council of an ad hoc committee that had been created to figure the fees that were necessary to run the Cultural Center. Mr. Butler asked the Council if they would like these items to come to the City Manager instead of before the Council each time. Child Care Council Executive Director Christin McCollum came to the podium and gave service statistics. She also went into detail regarding the how the money raised by the fundraiser would be used. Council Member Slert believes in the Child Care Council’s cause, however, the City only collects \$11,000 annually in fees for the rental of the Cultural Center, and it loses \$25,000 annually after expenses. Due to the current economic state we are in, the City budget cannot continue to absorb these requests. Mayor Pro Tem Burns stated that no doubt that the Child Care Council gives a great service to our community, but wants everyone to know that the ad hoc committee worked very hard to come to an agreement on what fees would allow the Cultural Center to run effectively. He is in agreement with the 25% for non-profit organizations to rent the facility.

The following citizens gave comments:

Tanya Percy- in the spirit of fairness, the last request was denied; therefore this one should be as well.

Richard Miles – agreed with the last fee decision, but not this one.

On a motion by Council Member Murray, seconded by Mayor Schellong, to allow the Del Norte Child Care Council to pay the \$180 cleaning fee and waive the rental fees. Motion failed 3-2 with Mayor Pro Tem Burns, Council Member Slert, and Council Member Westfall voting no.

On a motion by Mayor Pro Tem Burns, seconded by Council Member Slert, and carried 4-1 with Council Member Murray voting no, the City Council of the City of Crescent City approved to charge the Del Norte Child Care Council the fee based on the non-profit discount rate of 25% of the Cultural Center rental fees for the annual “Chills for Children” event to be held on October 23, 2010.

**14.** Consider and approve a Coastal Development permit for approximately 1000 feet on a pedestrian sidewalk along Pebble Beach Drive. (Eric Taylor)

*Council Member Slert recused himself from this discussion at 9:04 p.m. as he lives within the project area. Council Member Dennis Burns left the dais at 9:04 p.m. and returned at 9:06. Associate City Planner Eric Taylor explained the project and that the reason this was*

coming before the Council was due to three of the five Planning Commissioners lived within 500 feet of the proposed area.

Rich Enea – walks this route twice everyday with his wife, and feels it is only natural to have this sidewalk completed.

Richard Miles – spoke in favor of the sidewalk project.

Charles Slert – stated that the sidewalk proposed is 6’ wide, his neighbor’s is 8’ wide, his driveway is 10’ wide; there seems to be a consistency problem. The majority of the public walk on the ocean side in the bike lane.

James Barrett – understands what Mr. Slert says, but feels like he can address the issue for his own property; agrees with the sidewalk plan.

On a motion by Council Member Westfall, seconded by Council Member Burns and carried 4-0, the City Council of the City of Crescent City approved a Coastal Development permit for approximately 1000 feet on a pedestrian sidewalk along Pebble Beach Drive.

*Council member Westfall left the dais at 9:25 and Council Member Slert returned to the dais at the same time.*

**15. Consider and approve the partial retention release for Wahlund Construction contract – Wastewater Treatment Plant. (Jim Barnts)**

Mayor Schellong and City Manager Rod Butler explained the partial retention release. Public Works Director Jim Barnts explained in detail the partial retention release to the Council and those in attendance. *Council Member Westfall returned to the dais at 9:26.* Mayor Schellong stated that she had invited the Rotary Club to the Wastewater Treatment Plant; they were amazed at how beautiful it was and were impressed with its integrity. The Grand Opening for the plant will be on October 26<sup>th</sup> from 4 – 7 p.m.

The following citizen made a comment:

Richard Miles – spoke in favor of paying the sub-contractors.

On a motion by Council Member Slert, seconded by Council Member Burns and carried 4-1, with Council Member Westfall voting no, the City Council of the City of Crescent City approved the partial retention release of \$530,000 for Wahlund Construction contract for the Wastewater Treatment Plant.

**16. Consider and approve acceptance of Grant Monies for the 2010-2011 “Click It or Ticket” campaign. (Doug Plack)**

Police Chief Doug Plack approached the podium and explained the “Click It or Ticket” campaign grant from the Office of Traffic Safety in detail.

The following citizen made a comment:

Richard Miles – has a concern that there is only one Traffic Enforcement Officer.

On a motion by Council Member Slert, seconded by Council Member Westfall and carried 5-0, the City Council of the City of Crescent City approved the acceptance of Grant Monies for the 2010-2011 “Click It or Ticket” campaign.

17. Receive a report from Mayor Schellong on the 2010 League of California Cities Annual Conference including the 2010 annual conference resolutions final report. (Mayor Schellong)

Mayor Schellong reported on her recent trip down south to the 2010 League of California Cities Annual Conference.

### **CITY COUNCIL ITEMS**

- **Legislative Matters** – Rod – have a state budget, City came out unscathed. \$63,000 from RDA will be expected next year.

- **Reports, Concerns, Referrals, Council travel and training reports** –

Mayor Pro Tem Burns – attended the Local Transportation Commission and Del Norte Solid Waste Management Authority meetings.

Council Member Murray – attended the Local Transportation Commission meeting, the candidate forum, the Saturday Farmers Market, and reminded everyone that this Thursday is the “Great American Shake Out” earthquake awareness event.

Council Member Slert – attended the following meetings: BID ad hoc committee, BID Advisory Board, Inter Governmental Relations Committee, Visitor’s Bureau Board, Planning Commission, and the Local Transportation Commission. He stated that there was a lot of hostility regarding Coasta Norte condominium project at the Planning Commission meeting. He reported that he has volunteered more time to City Engineer/Public Works Director Jim Barnts. He also stated that Solid Waste is issuing citations for trash at Beachfront Park (illegal dumping)

City Attorney Black – stated that the summary for the Industrial Discharge Ordinance wasn’t published as should’ve been, therefore will come before the Council for adoption at the next meeting.

Council Member Westfall – attended the 25<sup>th</sup> Anniversary celebration of the North Coast Small Business Development Center and met with the Del Norte Clean Water Coalition.

Mayor Schellong – stated this year’s Sea Cruise went well, she attended the Del Norte Solid Waste Management Authority meeting, the Airport Authority meeting, and the 25<sup>th</sup> Anniversary celebration of the North Coast Small Business Development Center. She announced that there will be a reception on October 26th to welcome the new pediatrician as well as the Grand Opening of the Wastewater Treatment Plant. She also attended the Tri-Agency meeting and learned that the Surfside Grill situation is in poor shape, it has been foreclosed on. They are currently dealing with the property owners and attorneys to get it cleaned up and back on the market. She also announced the upcoming blood drive at Bicoastal Media on October 29<sup>th</sup>.

- **City Manager Directives - none**

### **ADJOURNMENT**

Adjourn the meeting to the Housing Workshop on Tuesday, October 19, 2010 at 5:00 p.m. at the I Street Fire Hall.

There being no further business to come before the Council, Mayor Schellong adjourned the meeting at 10:03 p.m. to the Housing Workshop on Tuesday, October 19, 2010 at 5:00 p.m. at the I Street Fire Hall.

**ATTEST:**

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