

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON SEPTEMBER 5, 2019

On the 5TH day of September 2019, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Deborah Baird, Joan Smith Freeman, Duane Kegg, Paul McCoy, and Norman Shaskey. Absent - None.

Mayor Freeman announced that no action was taken in the Special Meeting Closed Session held at 6 p.m.

Mayor Freeman announced that the City Attorney has submitted a request to add an item to the agenda, which came to staff's attention after the preparation and posting of the agenda. Said item being:

Authorize a request for Incidental Take Permit and Habitat Conversation Plan consultation for Southern Oregon Northern California Coast (SONCC) Coho related to their proposed future propagation at Iron Gate (Fall Creek) Hatchery, together with all necessary applications and other documents.

City Attorney Dohn Henion stated that the necessary documents were not available at the time the agenda was posted, and action needs to be taken as early as possible to secure the City's water rights.

Following Council discussion, Councilmember McCoy moved to add this item to the agenda, making a finding that there is a need for immediate action, and that the need for action came to the attention of the Council subsequent to the agenda being posted.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey.

Mayor Freeman thereupon declared the motion carried, stating that this item will be added to the agenda as item number 8.

Consent Calendar: Mayor Freeman announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval/ratification of payments issued from August 16 – September 5, 2019
- b. Approval of Minutes of the meeting held August 15, 2019.

Following Council discussion, Councilmember Kegg moved to approve the items on the consent calendar as submitted.

Councilmember Shaskey seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried.

Approve Miner Street Grant application in the amount of \$3,400 210 W. Miner Street – Applicant - Ping Mao.

City Manager Steve Baker reported that the Façade Grant Program has been designated to provide financial assistance to local businesses located on Miner Street by providing grants to aid visual improvement projects. This grant was made possible by private funds donated by the Stewart Trust. All projects must be consistent with the City's Historic District rules and regulations and approved for funding by the Yreka City Council. Eligible buildings must be used for commercial, retail, office, and or mixed-use purposes, and are located on Miner Street between the former Police Station and Main Street.

Grants may equal 50% of eligible costs with a maximum grant of \$10,000. Eligible costs include material costs for approved improvements, costs from appropriately licensed third-party vendors and/or contractors, architectural and engineering services, and City of Yreka permits and fees directly related to the project.

The total project cost for this application submitted is estimated at \$3,400, therefore, at 50% reimbursement of eligible costs the applicant would qualify for a reimbursement of up to \$1,700.

Following Council discussion, Councilmember McCoy moved to approve the grant application submitted and authorize a reimbursement of up to \$1,700 for the work completed.

Councilmember Shaskey seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried.

Approve Miner Street Grant application in the amount of \$6,500 -321 W. Miner Street – Applicants Beau and JoEtta McAdam.

City Manager Baker reported that the total project cost for this application is estimated at \$3,400, therefore, at 50% reimbursement of eligible costs the applicant would qualify for a reimbursement of up to \$3,250.00. City Manager Baker noted the applicant started the work prior to applying for the grant, which is not permitted under the grant guidelines. However, City staff is recommending a one-time policy waiver of the grant guidelines to allow grant funding for a project that started work prior to grant approval.

Following Council discussion, Councilmember McCoy moved to allow a one-time deviation from the grant guidelines, allowing grant funds for a project that was started prior to application approval, and to approve the grant application submitted authorizing a reimbursement of up to \$3,250 for the work completed.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA:

Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried.

General Plan Amendment incorporating the Siskiyou County Multi-Jurisdiction Hazard Mitigation Plan into the introduction of the Public Health and Safety Element of the City of Yreka General Plan:

- c. Public Hearing
- d. Staff Report
- e. Adopt Resolution No. 2019-32 approving a General Plan Amendment by incorporating the Siskiyou County Multi-Jurisdiction Hazard Mitigation Plan into the introduction of the Public Health and Safety Element of the City of Yreka General Plan.

This being the time and place scheduled for the Public Hearing, Mayor Freeman opened the public hearing to the audience. There being no statements or comments from the audience, Mayor Freeman closed the public hearing and opened discussion to the Council.

City Manager Steve Baker provided the Council with the following report:

On August 21, 2019, the Planning Commission held its regular meeting. The Planning Commission Voted 6-0 to pass the Resolution 2019-09 recommending adoption of a General Plan Amendment to include the Siskiyou County Multi-Jurisdiction Hazard Mitigation Plan as part of the General Plan.

City Staff has been working with Jasen Vela, Deputy Director of the Siskiyou County Office of Emergency Services to update and adopt the Siskiyou County Multi-Jurisdiction Hazard Mitigation Plan (MJHMP), including a new requirement that the Federal Emergency Management Agency (FEMA) requires MJHMPs to be adopted as part of a General Plan. Planning staff is recommending that the MJHMP be adopted into the Public Health and Safety Element of the City of Yreka General Plan, which would require a General Plan Amendment. During the August 21st Planning Commission hearing, the Planning Commission adopted Resolution 2019-09 recommending to the City Council approval of a General Plan Amendment incorporating the MJHMP into the Public Health and Safety Element of the City of Yreka General Plan on page 6-1 under Section 6.2 Emergency Preparedness.

The following proposed General Plan amendment will be considered for the inclusion of the following language into the *Public Health and Safety Element* of the 2002-2022 City of Yreka General Plan, beginning on page 6-1:

“The Multi-Jurisdiction Hazard Mitigation Plan (MJHMP) for the County of Siskiyou planning area was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA’s 2011 Multi-Jurisdiction Hazard Mitigation Plan guidance. The MJHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short and long-term strategies, involve planning, policy changes, programs, projects, and other activities. The MJHMP can be

*found on the City of Yreka Website under Residents, Emergency Information:
<http://ci.yreka.ca.us/community/emergency-information>”*

The Siskiyou County Multi-Jurisdiction Hazard Mitigation Plan (MJHMP) has been undertaken by Siskiyou County and several cities within Siskiyou County, including Yreka, Weed, Mt. Shasta, Tulelake, Dorris, Etna and town of Fort Jones, Lake Shastina Community Services District, and McCloud Community Services District, in an effort to mitigate the effects of natural hazards and plan for resiliency in the future that respects the character and needs of the people who live and work in Siskiyou County. The Siskiyou County MJHMP is the official statement of Siskiyou County's and the City of Yreka's commitment to ensuring a resilient community and serves as a tool to assist decision makers in directing mitigation activities and resources. The MJHMP was also developed to ensure the County and the previously mentioned cities undertaking the MJHMP are eligible for federal disaster assistance, including Federal Emergency Management Agency's (FEMA) Pre-Disaster Mitigation (PDM), Hazard Mitigation Grant Programs (HMGP), and Flood Mitigation Assistance Program (FMA).

The MJHMP was prepared pursuant to the requirements of the Disaster Mitigation Act of 2000 (DMA 2000). The DMA 2000 amended Federal Stafford Act to require local governments to prepare multi-hazard mitigation plans as a condition for receiving FEMA mitigation project grants. The regulations established the requirements that local hazard mitigation plans must meet in order for a local jurisdiction to be eligible for certain federal disaster assistance and hazard mitigation funding under the Robert T. Stafford Disaster Relief and Emergency Act.

Hazard mitigation planning is the process through which hazards are identified, likely impacts determined, mitigation goals set, and appropriate mitigation strategies determined, prioritized, and implemented. Information in this plan will be used to help guide and coordinate mitigation activities and decisions for the City of Yreka, the County, and all of the participating cities' land use policies.

The proposed General Plan Amendment and MJHMP have been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3), the *common-sense exemption* that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Following Council discussion, Councilmember Shaskey moved to adopt Resolution No. 2019-32 as submitted.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried

Approve Schedule of Workshop Dates.

City Manager Baker reported that at the August 1, 2019 Council meeting, we discussed setting up a series of workshops, separate from the regular council meetings, so that we could go into

depth on various subjects. The proposed workshops dates are scheduled the second Thursday of the month. Some of these workshops will be subject to cancellation if we do not have topics for discussion.

We would like to schedule the workshops as early in the evening as possible, so that we have sufficient time to review the subject and then go home. Occasionally non-exempt employees may be involved in presentations and this will also cut down on overtime.

The dates are as follows:

- September 12, 2019
- October 10, 2019
- November 14, 2019
- Not December 12 – because the beginning of December is usually very busy, this meeting would only be scheduled if needed for a deadline.
- Not January 9, 2020 – The first Thursday of January is on the 2nd following the 1/1/2020 holiday – Council usually often cancelled this meeting and occasionally rescheduled it to the 2nd Thursday. This can be discussed during the annual review of meetings that is considered in December.
- February 13, 2020
- March 12, 2020
- April 9, 2020
- May 14, 2020
- Not June 11 – the first Thursday in June (6/4/20) conflicts with Jackson Street School graduation and the League policy committee meetings. In the past we have sometimes rescheduled the first meeting in June under similar circumstances to the second Thursday, particularly if needed for budget review. This will be discussed at the December annual review of meetings.

Following Council discussion, Councilmember Shaskey moved to approve the workshop dates with the start time of 4 p.m.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey.

Mayor Freeman thereupon declared the motion carried

Approve appointment of Corey Middleton to fill the unexpired term of Diane Knitter on the Yreka Planning Commission.

City Manager Baker reported that Diane Knitter submitted her resignation from the Planning Commission on June 19, 2019. A Notice of Vacancy was posted in accordance with Government Code Section 54974. Yreka Municipal Code (YMC) Section 2.20.020 states that members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council. YMC 2.20.020 also states that “If a vacancy shall occur otherwise than by expiration of the term of the commissioner, it shall be filled by appointment for the unexpired portion of the term.” The current term for Diane Knitter expires March 31, 2020.

Following Council discussion, Councilmember McCoy moved to approve the appointment of Corey Middleton to fill the unexpired term on the Planning Commission through March 31, 2020.

Councilmember Shaskey seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried

Adopt Resolution # 2019-33 Authorizing the Establishment of Grades of Portions of Highway Lying Within City Boundaries.

City Manager Steve Baker, City Attorney Dohn Henion, and Director of Public Works Matt Bray addressed the Council regarding the Caltrans proposed Yreka Rehabilitation Project on Main Street.

Reporting that staff believes that if the City is responsible to pay the costs to relocate all the utilities it could cost the city millions of dollars for which it has no funding. This Resolution is intended bring forward legal issues that shift the costs of relocation to some degree back to the state. Federal law provides that utility relocation is very expensive and that, whether or not the state or federal government is responsible to reimburse a utility for the cost of relocation, compelling relocation should be avoided to the maximum extent possible. Presently, we are not seeing any indication by Caltrans to consider mitigation of relocation expenses. It is our hope that when the State confronts the possibility that some of the costs will be its responsibility, that the project will be restructured to avoid any utility relocation whatsoever.

While current City ordinances give the Director of Public Works the authority to determine the street and highway grading and to ensure that construction projects within the City limits meet all government codes, the ordinances do not directly address the issue of costs associated with relocation of the City-owned utilities under the street pavement.

Most street projects that have the potential to disturb underground City utility lines are Public Works projects where the need for utility relocation or replacement have been anticipated and funded by the City, either directly or by City-administered grant funds. The purpose of this resolution is to reinforce the City's right to establish proper street grade within its City limits; to protect the City water, sewer and storm drain infrastructure from damage during construction; and to impose costs of reconstruction or relocation of City utilities on the appropriate party.

Following Council discussion, Councilmember Baird moved to adopt the Resolution as submitted.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried.

Authorize a request for Incidental Take Permit and Habitat Conversation Plan Consultation for SONCC Coho related to their proposed future propagation at Iron Gate (Fall Creek) Hatchery, together with all necessary applications and other documents.

Following Council discussion, Councilmember Shaskey moved to authorize the Mayor to execute a letter and permit applications to various State and Federal Agencies to engage in consultation for a Habitat Conservation Plan, and to execute any and all necessary documents necessary to protect the City's Water Rights.

Councilmember McCoy seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, McCoy and Shaskey. Mayor Freeman thereupon declared the motion carried.

CLOSED SESSION:

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)
Agency negotiators: City Manager, Finance Director, and Human Resources Coordinator.
Employee Organizations: Yreka Management Team Association, Confidential Unit, Yreka Employees Association, Yreka Police Administration Association, and the Yreka Peace Officers Association.
2. Conference with Legal Counsel - Anticipated Litigation
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed two (2). The names of the parties are not disclosed, as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

RETURN TO OPEN SESSION: Upon return to open session, City Manager Baker reported out as to item #2: On motion of Norm Shaskey and seconded by Duane Kegg, the Council voted unanimously to receive, return without action as untimely and if timely deny the amended claim from Northwest Paving dated August 26, 2018. No further action was taken in closed session:

ADJOURNMENT There being no further business before the Council the meeting was adjourned.

Attest:

Joan Smith Freeman, Mayor
Minutes approved by Council
Motion September 18, 2019

Elizabeth E. Casson, City Clerk