

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON NOVEMBER 5, 2020

On the 5TH day of November 2020, the City Council of the City of Yreka met 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.

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 October 9, through October 29, 2020.
- b. Approval of Minutes of the meeting held October 15, 2020.
- c. Acceptance of Treasurer's Report and Budget to Actual for the month of July 2020.
- d. Waive Full Text Reading of All Ordinances on the Agenda. Ordinances shall be introduced and adopted by title only.

Following Council discussion, Councilmember McCoy moved to approve the items on the consent calendar 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.

Adopt Resolution # 2020-36 approving the Department of Forestry and Fire Protection Agreement No. 7FG20145 for Volunteer Fire Assistance (Wildland Gear).

Jerry Lemos, Chief of the Yreka Volunteer Fire Department provided the Council with a memorandum reporting that in May of 2020, the Yreka Fire Department submitted an application for a CalFIRE Volunteer Fire Assistance (VFA) Grant. The grant is a 50/50 local match grant primarily for wildland firefighting safety gear. The total requested amount for the grant is \$11,670.00. The funds used for the purchase of the safety gear will come from the fire department's benefit fund. No money will be used out of the fire department's general budget for this purchase.

On August 10, 2020, the Yreka Fire Department received approval for the VFA grant in the amount of \$ 5,835.00. The items to be purchased are as follows:

- 10 Wildland Safety Helmets
- 10 sets of Wildland ESS Goggles
- 10 helmet shrouds
- 12 Fire Shelters
- 10 Wildland Safety Coats/Jackets
- 3 Timberline Hose Clamps
- 2 Smoke chaser pro backpacks
- 10 Wildland Safety pants
- 4 Practice Shelters

The purpose of the safety gear is to carry a mandated fire shelter and to replace outdated and non-compliant safety gear needed while operating during a wildland fire.

The Yreka Fire Department is requesting a resolution from the Yreka City Council to accept the grant to complete the approval process prior to the due date of Dec.1, 2020. There will be no general fund impact. The local match will come from the Fire Department's Benefit Fund.

Following Council discussion, Councilmember McCoy moved to adopt the Resolution 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.

Approval of appointment of Juan Ruiz, III to the Yreka Volunteer Fire Department.

Following Council discussion, Councilmember McCoy moved to approve the appointment of Juan Ruize, III to the Yreka Volunteer Fire Department.

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.

Adopt Resolution # 2020-37 approving Yreka Art Hops 2021 Schedule.

Director of Public Works Matt Bray and Municipal Projects Manager Arthur Boyd provided the Council with a memorandum and background information from Applicant Kris Taylor reporting that Ms. Taylor has submitted a request to hold six events in 2021 to be held on the fourth Friday of each month from May through October.

There will be labor costs incurred by the Public Works Department due to the coordination of street closures, as well as extra trash removal and downtown restroom maintenance due to the increased number users during the events and possible street sweeping afterward.

Staff is requesting that That Council give staff direction regarding requests associated with the special events to be known as the 2021 Yreka Art Hops.

When the Art Hops events came before the Council in 2019, some of the issues were as follows:

Body Painting event - Staff recommends that the body painting event be held indoors (see Paragraph G of Resolution No. 2020-37).

Subsidy of events: Staff recommends that the event sponsor shall reimburse the Public Works Department cost for extra labor (see Paragraph C of Resolution No. 2020-37).

Each event costs approximately a thousand dollars (\$1,000) per event, this amount does not include additional costs that may be incurred by the Yreka Police Department.

The actual costs incurred by the Public Works Department would be charged to the event sponsor. These costs include vehicle and equipment operation, additional street sweeping, restroom cleaning, or trash removal beyond typical operations of Public Works, including the timing of each event, the need for payment of overtime, for a four-person setup crew, and a three-person teardown crew.

Street Closures: Staff recommends the use of the engineered Traffic Control Plan as outlined by PACE Engineering, dated 6/14/16.

Parade: The Art Hops event in May titled "Cultural Fusion" as planned includes an "Artisan Parade."

Staff will allow a temporary street closure following as per Pre-Engineered route as detailed in the Holiday Parade Route Traffic Control Plan as outlined by PACE engineering, dated 7/29/16.

This pre-approved parade route will be provided to the event sponsor at no cost. However, the event sponsor retains the option of hiring an engineer to design an event-specific route according to proper traffic engineering specifications.

Siskiyou County Public Health Guidelines: At this time, City staff does not know what the health and safety guidelines will be at the time of the proposed events as scheduled.

In light of the Covid-19 pandemic, Staff recommends that if an event cannot be held in accordance with County and State guidelines, then the event will be cancelled.

Kris Taylor addressed the Council to answer any questions regarding the proposed events.

Following Council discussion, Councilmember McCoy moved to table the Resolution to the November 19 meeting.

Councilmember Baird 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 # 2020-38 Pursuant to Government Code Section 21156 Determining the Industrial Disability of Employee Kevin Friedman.

Renee Hoisington, HR Coordinator and David Gamache, Chief of Police provided the Council with a memorandum reporting that the City, along with Officer Kevin Friedman has filed an industrial disability retirement application for an industrial injury he sustained related to his employment. The doctor's report of Dr. Eastman states that Officer Kevin Friedman cannot perform the essential functions of a Police Officer.

Under the Public Employees' Retirement Law, the governing body of a Safety member who applies for "disability" retirement is required to make a determination of the member's disability. Under the law, disability means the incapacity of a member for the performance of duty in public service for permanent or extended and uncertain duration, as determined on the basis of competent medical opinion. The courts have concluded that the test in any case, is as to whether the employee can substantially perform duties of the position he/she occupies. Based on the report of Dr. Eastman, we believe that Officer Kevin Friedman is disabled as a result of his industrial injury and eligible for industrial disability retirement effective November 6, 2020.

Based upon the information available to us and the medical reports, we believe that the findings and determinations as set forth in the Resolution are appropriate. The requested action will be to approve the industrial disability application of Officer Kevin Friedman effective November 6, 2020 and adopt the Resolution as your findings and determinations pertaining to his industrial disability retirement application.

Pending CalPERS approval of the Industrial Disability Retirement Application, monthly Advanced Disability Pension Payments in the amount of \$2,1255 for November and \$2,694 for all subsequent months, will be made to Officer Friedman. There is no fiscal impact to the City, as the City will be reimbursed by CalPERS.

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

Councilmember Baird 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 # 2020-39 approving the Sale of Surplus Property through Bid-Cal Auction.

Tim Shaw, Fleet Manager and Ben Miller, Maintenance Manager provided the Council with a memorandum recommending the sale of various vehicles and equipment due to the age of equipment, and replacement parts not being available.

Following Council discussion, Councilmember Shaskey moved 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.

Adopt Ordinance # 858 amending Section 1.24.010 ("Regular Meetings") of the Yreka Municipal Code to change and fix the day of City Council Meetings, and finding the adoption of this Ordinance to be exempt from CEQA.

Following the reading of the title of the Ordinance and Council discussion, Councilmember McCoy moved to adopt Ordinance # 858 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.

Fall Creek Pipeline Replacement under Irongate Lake/Klamath River.

Director of Public Works Matt Bray provided the Council with a memorandum reporting that City staff and PACE Engineering recently reviewed a new conceptual plan for the relocation of the 24" water main downstream of the proposed dam removal project. This new concept replaces the existing pipe on the bottom of Irongate Lake and relocates it under the proposed river channel.

Prior engineering efforts by the project engineers deemed underground boring methods infeasible due to soil conditions in the area. The new option is open cut installation into the river channel by way of coffer dam installations and deep excavation.

To protect the pipeline from river meander or scour, staff has asked the project engineers to design the installation of the pipeline in bedrock, and if practicable below the 500-year flood plain elevation. Staff is certain this new option is superior to the aerial pipe bridge accepted as the preferred alternative at the November 7, 2019 meeting of the City Council.

Following Council discussion, Councilmember Shaskey moved to accept the underground concept as superior to previous aerial options, and direct staff to continue working with the project engineers to ensure the final design provided the utmost protections for the City of Yreka Fall Creek Pipeline.

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 initiation of Biological Resource Assessment and Aquatic Resources Delineation on City owned property on Phillippe Lane and Authorize a Supplemental Appropriation in an amount not to exceed \$20,100.

City Manager Baker provided the Council with a memorandum reporting that the Council has discussed the annexation of the City-owned property on Phillippe Lane south of the city limits. The first step for any of the alternatives was a wetlands delineation study and biological resources assessment on the site to determine the feasibility of future development.

ECORP has prepared a proposal for a Biological Resource Assessment and Aquatics Resources Delineation proposal which is attached. The proposal shows a total cost of \$20,100. There is some slight savings on field work because the acreage of the City site to be assessed is closer to 115 acres, so the new total would be \$19,600, which will be reflected on the task order.

Once the work is completed and the report issued, staff will bring back the information as well as any recommendations on next steps. It is anticipated that approximately \$19,600 will need to be allocated from reserves.

Following Council discussion, Councilmember McCoy moved to authorize the initiation of Biological Resource Assessment and Aquatic Resources Delineation reports and to authorize a supplemental appropriation in an amount not to exceed \$20,100 from reserves.

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.

Approval of Agreement with Bluefin Payment Systems for Merchant Credit Card Services for Point of Sale/Transaction Credit Card Services, and authorize the City Manager and Finance Director to execute the necessary agreements for Card Merchant Services, and that the convenience fee for card services be passed onto the customer.

At the City Council meeting held October 15, 2020, the Finance Director provided the Council with a memorandum reporting that the City needs to expand remote and at the counter transaction payment services, especially in the midst of the current coronavirus pandemic.

Reporting that in April of 2020, the City migrated its financial and transactional software to a Cloud environment. That migration opened up the opportunity of the City to have iPad Pay stations which could allow staff to process all other kinds of credit card payments at the counter, and or at their desk over the phone for all other transactions besides utility payments though the City's cash receipts module. These transactions include dog licenses, businesses licenses, building fees, encroachment permits, and all cash receipt transaction.

The City's existing contract with Bluefin payments system is exclusive for the utility billing online portal. That agreement has special merchant rates for those transactions. At present, the City absorbs the merchant fees which are fixed at \$0.75 VISA and \$0.65 Mastercard per transaction. To incorporate additional payment services, the City will need to execute a second agreement, to accommodate all other transactions. The merchant fees for these services are still very favorable, but are on a sliding scale of a \$0.30 fixed charge, ad 0.45% variable charge, and \$1.00 processing fee if the card is not swiped through the iPad device, e.g. card information received over the phone or in the mail on renewal forms.

The Finance Committee met on September 30, 2020 to discuss the agreement and evaluate whether or not these fees should be absorbed by the City, or passed on to the customer by way of a convenience fee charge. For example, a \$30 dog license renewal by phone would cost an additional \$1.43 more. An in-town business license renewal \$34 swiped at the counter through the card reader at the counter would cost approximately \$0.46 more.

The Finance Committee recommended that the merchant card fees be passed onto the customer as a convenience charge and not absorbed by the City.

It was the consensus of the Council to request staff to obtain more information regarding the fees, so that the fees paid by the customer can be communicated and clearly understood by the customer. At the request of the City Council, Finance Director Rhetta Hogan obtained more detailed information regarding the fees to be charged.

Finance Director Hogan reported that staff is recommending a fixed rate convenience fee of \$2.00 per transaction limited up to and including \$100. Thereafter a \$1.00 surcharge per \$200 increment. For example, a \$1,010.00 building fee, would have a \$12 convenience fee. Most of the City nonutility related payments are less than \$100.00. The fee can be communicated at the counter and on the phone by staff, and oral consent given to pay the fee before processing.

Following Council discussion, Councilmember Kegg moved to approve the Agreement with Bluefin Payment Systems for Merchant Credit Card Services for Point of Sale/Transaction Credit Card Services, and authorize the City Manager and Finance Director to execute the necessary agreements for Card Merchant Services, and that the convenience fee for card services be passed onto the customer.

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

Continuation of Urgency Ordinance 855.

Following Council discussion, Councilmember McCoy moved to continue Urgency Ordinance # 855 as adopted.

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

Mayor Freeman announced that the closed session has been pulled from the agenda.

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

Attest:

Joan Smith Freeman, Mayor
Minutes approved by Council
Motion November 19, 2020

Elizabeth E. Casson, City Clerk