

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON JUNE 21, 2018

On the 21ST day of June 2018, 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, Robert Bicego, Joan Smith Freeman, Duane Kegg, and Norman Shaskey
Absent - None.

Mayor Freeman announced that there was no reportable action taken in the Special Meeting Closed Session at 6 p.m., and that the Closed Session has been pulled from this agenda.

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 May 31 through June 21, 2018.
- b. Approval of Minutes of the regular meeting held May 17, 2018 and the special meeting held May 31, 2018.
- c. Adopt Resolution extending the suspension of Section 13.76.010 of the Yreka Municipal Code, allowing installation of Banners on Fairlane Road.
- d. Adopt Resolution approving the destruction of certain City records – Yreka Police Department.
- e. Waive Full Text Reading of All Ordinances on the Agenda. Ordinances shall be introduced and adopted by title only.

Councilmembers Baird, Bicego, and Kegg requested item 1a be pulled for discussion.

Councilmembers Bicego and Kegg requested item 1 b be pulled for discussion.

Councilmember Kegg requested item 1d be pulled for discussion.

Following Council discussion, Councilmember Shaskey moved to approve items 1 c & 1e on the consent calendar as submitted.

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

Mayor Freeman thereupon declared the motion carried.

Approval/ratification of payments issued from May 31 through June 21, 2018.

Following Council discussion Councilmember Bicego moved to approve the payments issued excepting those related to the Yreka Volunteer Fire Department.

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

Mayor Freeman thereupon declared the motion carried

Approval/ratification of payments relating the Yreka Volunteer Fire Department issued from May 31 through June 21, 2018.

Following Council discussion, Councilmember Shaskey moved to approve the payments relating to the Yreka Volunteer Fire Department issued from May 31 through June 21, 2018.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Kegg, and Shaskey. Recused - Bicego due to his membership with the Yreka Volunteer Fire Department.

Mayor Freeman thereupon declared the motion carried

Approval of Minutes of the regular meeting held May 17, 2018 and the special meeting held May 31, 2018.

Councilmember Kegg stated that since he was not at the meeting held May 31, he would need to recuse from voting on the minutes of that meeting. Councilmember Bicego stated that he would need to recuse from the May 31 minutes for the same reason.

Following Council discussion, Councilmember Shaskey moved to approve the minutes of the regular meeting held May 17, and the special meeting held May 31, 2018 as submitted.

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

Mayor Freeman thereupon declared the motion carried

Adopt Resolution approving the destruction of certain City records – Yreka Police Department.

Chief of Police Dave Gamache addressed the Council to answer any questions regarding the Resolution.

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

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

Mayor Freeman thereupon declared the motion carried

Adopt Resolution approving requests associated with the Siskiyou County Law Enforcement and Veterans Memorial Association event to be held on July 14, 2018 known as the “Hot Rods for Heroes” Car and Motorcycle Show.

Mark Dean addressed the Council on behalf of the Siskiyou County Law Enforcement & Veterans Memorial Association to answer any questions regarding the event.

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

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

Mayor Freeman thereupon declared the motion carried

Consideration of adoption of Ordinance enacting Chapter 12.50 entitled “Fats, Oils and Grease Control Applicable to Food Service Establishments” and adoption of a Resolution establishing Fats, Oils, and Grease fees for Food Service Establishments:

City Manager Steve Baker reported that the proposed ordinance to control Fats, Oils, and Grease (FOG) in the City’s Sewer Collection System was drafted by the City Attorney and was presented for first reading on July 20, 2017 at the regular City Council meeting. The Uniform Plumbing Code requires Food Service Establishments (FSEs) that have the potential to produce FOG to have Grease Control Devices (GCDs).

Controlling FOG is a requirement of the City’s operating permits for the Sanitary Sewer System. The costs of cleanup, additional maintenance, and fines from the State Water Boards have historically fallen upon the City. This ordinance will prohibit the discharge of FOG into the Sewer Collection System, which will reduce the possibility of Sanitary Sewer Overflows (SSOs) from FSEs.

The ordinance outlines and defines the practice of discharging wastewater from FSEs, provides clear definitions and responsibilities for controlling FOG, holds owners of FSEs accountable, and provides the framework necessary to ensure the health of the public while meeting compliance with current plumbing code requirements. The ordinance also allows the City to collect the costs of an SSO in the Sewer Collection System if that spill is proven to be caused by an FSE, with fees to be set by Resolution No. 2018-26. This resolution also sets fees for discharge permits, inspections and grease disposal mitigation.

The fiscal impact to the City is minimal from the Sewer Collection budget, and primarily covers public outreach and administration costs. Costs may be incurred by the owners of some restaurants to install appropriate equipment where it does not currently exist. Discharge Permits would be issued for a period not to exceed four years, with permitting costs and other fees set by resolution.

PUBLIC HEARING: This being the time and date scheduled for the public hearing, Mayor Freeman opened the 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.

Adopt Ordinance Amending Title 12, by adding to Title 12 by enacting Chapter 12.50 entitled “Fats, Oils and Grease Control Applicable to Food Service Establishments” and finding that the Ordinance is exempt from CEQA.

Adopt Resolution #2018-26 establishing Fats, Oils, and Grease fees for Food Service Establishments and finding the Resolution exempt from CEQA.

Councilmember Baird requested that all Food Service Establishments in the City receive a notice rules and regulations.

Following the reading of the title of the Ordinance and Council discussion, Councilmember Shaskey moved to adopt the Ordinance and Resolution as submitted.

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

Mayor Freeman thereupon declared the motion carried

PUBLIC HEARING – to receive public comments regarding proposed changes to City of Yreka Water and Wastewater Rates for Fiscal Years 2018/2019 – 2022/2023.

This being the time and date scheduled for the public hearing, Mayor Freeman opened the 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. Mayor Freeman stated that all written protests and public comments that have been received are hereby ordered filed as a part of the public record. A copy of the protests received were distributed to the Council.

Finance Director Rhetta reported that all information related to the proposed Utility Rate Increase, as well as the protests received, will be kept at City Hall for public review in a binder entitled “City of Yreka Utility Rate Increase 2018 Public Information Binder”

Mayor Freeman asked the City Clerk whether the City has received a majority of the protests opposing the water and wastewater adjustments in the manner required by the City Council Resolution 2018-15. City Clerk Elizabeth Casson reported that a majority opposing the proposed rate increase was not received. The record will reflect that 10 validated protests were received by the Water Department.

Adopt Resolution # 2018-27 Determining that there was no majority Protest of the Proposed Water and Wastewater Rate Increase and adopting updated Water and Wastewater Service Rates and superseding the existing rates established by Resolution No. 2712.

Following Council discussion, Councilmember Shaskey moved to adopt the Resolution as submitted and finding that said Resolution is exempt from CEQA.

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

Mayor Freeman thereupon declared the motion carried

Municipal Code Amendments: Proposed amendments include revisions to Yreka Municipal Code Title 16 Zoning to include Cottage Food Operations; recent State Law requirements regarding Accessory Dwelling Units (ADU); and Temporary Use Permits:

Introduce Ordinance amending Title 16 Zoning, by adding to Chapter 16.12 Definitions Section 16.12.045 “Accessory Dwelling Unit” Section 16.12.185 “Cottage Food Operation, Cottage Food Operator, Cottage Food Products” Section 16.12.778 “Temporary Structure” Chapter 16.45 “Temporary Use Permits”; Section 16.46.170 Accessory Dwelling Units”; and Amending the following sections: Section 16.12.400 “Day-Care Center, Family Daycare Home” Chapter 16.18 “Single Family Residential R-1”, Chapter 16.20 “Medium Density Residential R-2” Chapter 16.22 “High Density Residential R-3”, Chapter 16.24 “Residential Agriculture R-A”; Chapter 16.36 “Commercial Highway CH” Chapter 16.38 “Commercial Tourist CT”; Chapter 16.46 “Special Provisions”; and Chapter 16.54 “Off-Street Parking and Off-Street Loading Facilities” and finding that the Ordinance is exempt from CEQA.

City Manager Steve Baker reported that in June 2017, City staff initiated the work to make revisions to the City of Yreka Municipal Code (YMC) Title 16 Zoning regarding cottage food operations, large family daycare, temporary use permits, and to update the Code to include recent changes to State Law regarding accessory dwelling units. Staff prepared the proposed revisions and as required by the Government Code, and submitted the proposed changes to the Planning Commission for their review and recommendation. The Planning Commission held a public hearing on April 18, 2018 to consider the proposed revisions to the Municipal Code, and adopted Resolution No. PC 2018-4 recommending that the City Council adopt the Ordinance as submitted, and determining that the proposed Municipal Code Amendment is exempt from CEQA.

City Manager Baker submitted the following summary of the proposed Ordinance to the City Council:

Cottage Food Operations:

Assembly Bill (AB) 1616, Chapter 415, Statutes of 2012, was signed into law by Governor Brown on September 21, 2012; effective January 1, 2013. The bill allows individuals to prepare and/or package certain non-potentially hazardous foods in private-home kitchens referred to as “cottage food operations” (CFOs).

All CFOs have to meet specified requirements pursuant to the California Health and Safety Code related to:

- Preparing foods that are on the approved food list
- Completing a food processor training course within three months of registering
- Implementing sanitary operations
- Establishing state and federal compliant labels
- Operating within established gross annual sales limits

The bill was codified as California Health and Safety Code Chapter 11.5 Cottage Food Operations [114365 - 114365.6].

Currently, the City's Municipal Code does not directly address CFOs. Staff is proposing a revision to the zoning ordinance to include the definition for CFOs in compliance with State law. Staff also requested a revision to YMC §16.46.020 - Home Occupations to add direct sales for CFOs as an allowed use. The following is the suggested definition for CFOs to be added to Chapter 16.12 – Definitions:

16.12.185 - Cottage Food Operation, Cottage Food Operator, Cottage food products

"Cottage food operation" means an enterprise that is operated by a cottage food operator within the permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers pursuant Health and Safety Code Section 113758. A self-certification checklist as described in Health and Safety Code §114365 shall be required and verified by the City, of all cottage food operations in the City. Per State law, Health and Safety Code Section 113758, commencing in 2015, and each subsequent year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year.

A cottage food operation is subject to the rules and regulations of a "Home Occupation" pursuant to Yreka Municipal Code §16.46.020. A cottage food operation includes both of the following:

- A. A "Class A" cottage food operation, which is a cottage food operation that may engage only in direct sales of cottage food products to the consumer. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.
- B. A "Class B" cottage food operation, which is a cottage food operation that may engage in both direct sales and indirect sales of cottage food products to the consumer. Whereas direct sales are described in subdivision (A) above, indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

"Cottage food operator" means an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

"Cottage food products" means non-potentially hazardous foods, as identified in Health and Safety Code § 114365.5(b) that are prepared for sale in the kitchen of a cottage food operation.

Additionally, the suggested revision to §16.46.020(A)(3) - Home Occupations is as follows:

3. No commodity shall be sold upon the premises, with the exception of direct sales for cottage food operations, as allowed by state law;

Large Family Daycare:

Staff requested a revision to the City's Title 16 Zoning to allow for large family daycare as a permitted use in the R-1, R-2, R-3, and RA zoning districts. Currently, large family daycare requires a conditional use permit in these districts. Large family daycare is defined by Chapter 16.12 - Definitions as:

"Large family day-care home" means a daycare center in the home of the person operating the facility, and providing care for not more than fourteen (14) children, including children who are members of the provider's family"; (Health & Safety Code § 1597.46)

Staff suggested revisions include the addition of large family daycare as a permitted use in the R-1, R-2, R-3, and RA zoning districts and deletion of large family daycare under the Conditional Use category in these districts.

Temporary Use Permits:

Currently, temporary uses in the city have to acquire from the City a conditional use permit, which can be time consuming, costly and not considered necessary for a temporary use. City staff requested a modification of this issue and suggested the addition of temporary use permits (TUP) to be approved by the Planning Director or his/her designee to the zoning ordinance. Currently, temporary uses permits are not discussed in the City's Municipal Code and as such a new chapter of Title 16 Zoning, Chapter 16.45, is proposed.

These types of permits are generally used for, as the title suggest, the temporary permitting of short term uses such as carnivals, farmers markets, flea markets, parking lot sales, seasonal sales lots (e.g. pumpkin and Christmas tree lots), construction storage containers, and the like. TUPs are used by cities to remove the need for a conditional use permit, which has to be approved by the Planning Commission and/or City Council for proposed temporary uses. Usually TUPs are approved by the Planning Director or his/her designee. These types of permits shorten the processing time, as the permits do not require hearings by the Planning Commission and/or City Council.

As stated previously, the City does not have a TUP in its Municipal Code. As such, staff suggests the TUP be added as Chapter 16.45 of Title 16 – Zoning. Staff suggest the following temporary uses would require a TUP:

§16.45.010

- A. Model homes or apartments and related real estate sales activities, located within a subdivision or residential development;
- B. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project;
- C. Circus, carnival, rodeo, fair or similar transient amusement or recreational activities;
- D. Christmas tree sales lots not directly associated with an established and permitted retail services land use and subject to the business license regulations of Chapter 5.04 of the Yreka Municipal Code;
- E. Residential occupancy of a mobile home or travel trailer by supervisory or security personnel on the site of an active construction project;
- F. Outdoor special sales, outdoor art and craft shows or exhibits, swap meets, farmers markets, flea markets, parking lot sales, or similar sales activities, limited to sites in C-1, C-H, or C-T zoning districts and in operation for not more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year: permitted and subject to the business licenses regulations of Chapter 5.04 of the Yreka Municipal Code
- G. The temporary use of a mobile home or similar portable structure for residential use when located in a residential zoning district, while a permanent dwelling (including mobile homes) is under construction:
 - 1. A temporary use permit authorizing a temporary residence may be granted or denied only after a sewage disposal permit has been issued and a building permit has been issued for the permanent structure.

2. The temporary dwelling must be removed from the site after one year from the date of the approval of the temporary dwelling, if the building permit for construction of the permanent dwelling is not renewed. In addition, the temporary use permit shall be effective for the same length of time as the building permit for the permanent dwelling;
- H. Seasonal retail sale of agricultural or horticultural products raised off the premises and limited to sites in C-1, C-H, or C-T zoning districts: permitted and subject to the business licenses regulations of Chapter 5.04 of the Yreka Municipal Code.
- I. Storage containers for construction equipment storage. Storage containers may be allowed as a temporary use on construction sites in any zone within the city subject to first obtaining a temporary use permit. The Planning Director or his/her designee shall determine appropriate siting, time limits, and other conditions as may be necessary to assure minimal impact to adjacent properties. Such temporary use shall be allowed only in conjunction with a valid building permit, and the use shall be terminated prior to issuance of a final occupancy permit.
- J. Temporary structures, travel trailers, recreational vehicles or mobile homes may be used for the provision of emergency services for the duration of the emergency;
- K. Any other temporary land use determined by the planning director to be similar to the foregoing.

The TUP zoning amendment also includes language regarding time limits, screening, operating hours, fees, and revocation of the TUP. In addition, deletion of §16.46.010 is proposed removing existing text about temporary structures, which are now included as part of Chapter 16.45 and §16.46.140(b) deleting the conditional use permit requirements for construction site storage containers which are now discussed in Chapter 16.45 requiring a TUP for these uses.

Accessory Dwelling Units:

The Zoning Ordinance is being revised to comply with new California statutes regarding Accessory Dwelling Units (ADUs) based on the requirements of SB 1069 and AB 2299.

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. These changes include reduced parking requirements, fees, utility connections, fire protection requirements, and the approval process.

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements,

The suggested revision to the Zoning Ordinance includes revisions that will bring the Zoning Ordinance into compliance with State law. A new section (§16.46.170 – Accessory Dwelling Unit) has been added to Chapter 16.46 - Special Provisions to address ADUs in the Zoning Ordinance. In order to remove inconsistencies in the Zoning Ordinance, “Second Units in Residential Zones” has been deleted from Chapter 16.18 - Single-Family Residential, Chapter 16.20 - Medium Density Residential, Chapter 16.22 - High Density Residential, Chapter 16.24 - Residential Agriculture. Additionally, Chapter 16.12 – Definitions has been revised to include ADUs. Finally, §16.54.050 - Conversion of Residential Garages has been revised to only apply to non-ADUs conversions, such as the conversion of the garage to a game room, additional bedroom or additional bathroom, etc.

Staff recommends that the City Council determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) known as the “General Rule” as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Yreka Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

Mark McKeirnan addressed the Council requesting that the current and proposed Municipal Code Section relating to accessory dwelling units be amended to eliminate the Owner Occupancy Requirement, stating that “this aspect of the ordinance has a negative impact on the community by requiring that a title listed owner live in one of their residences on a single lot. This code requirement inhibits the flexibility for sale and economic activity in the community decreases property values in Yreka. Outsiders investing in Yreka are inhibited in purchase of such properties because they cannot be used for full rental income.”

Following Council discussion, Councilmember Shaskey moved to eliminate Section 16.46.170 E: “Either the main dwelling or the ADU shall be occupied by the owner of the property. This covenant shall be recorded on the property deed for future sale purposes.” from the ordinance, and to bring the amended Ordinance back to Council for introduction at a future meeting.

Councilmember Kegg seconded the motion, and upon roll call, the following voted YEA: Kegg, and Shaskey. Nays: Bicego and Freeman. Abstain – Baird.

Following Council discussion, it was the consensus of the Council to table this Ordinance and to direct the City Attorney to provide the Council with information regarding the League of California Cities position on the clause to require owner occupancy.

Request to appropriate funding in the amount of \$40,000 to purchase, install and operate thirteen (13) cameras in Miner Street and Plaza Parks.

Police Chief Dave Gamache reported that in early spring of 2018, Yreka Police Department and ACME computer worked on a pilot project to install and test thirteen high definition video cameras in Miner St. and Plaza Parks.

Retired Chief of Police Brian Bowles coordinated this pilot project with ACME Computer. The cameras were installed to provide maximum display to the select park areas. The cameras stream and record live video feed to YPD dispatch.

The cameras provide very high quality images as can be seen in the video stills. This is the same technology used by Yreka High School, which live stream video to YPD.

Chief Gamache stated that these cameras have been installed for almost a month and have already captured criminal activity in Miner St. Park. The cameras, once revealed to the public, may act as a crime deterrent. Discouraging criminals from even being in the parks, the cameras will aid in the detection and apprehension of suspects committing crimes in our public parks. The community and surrounding residents benefit by having a great sense of security near and in the parks.

Project cost to pay for equipment and installation is \$39,821 plus appropriate taxes, where ACME has waived the installation cost. Some of the cost benefits may result in possible financial restitution of damages from individual(s) to City parks. Staff is requesting a supplemental appropriation in the amount of \$40,000 to purchase and install thirteen HD video cameras to be used in Miner St. and Plaza parks.

Following Council discussion, Councilmember Bicego moved to approve the request to appropriate funding in the amount of \$40,000 to purchase, install and operate thirteen (13) cameras in Miner Street and Plaza Parks.

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

Mayor Freeman thereupon declared the motion carried

Acceptance of Treasurer's Report and Budget to Actual for the month of May 2018.

Following Council discussion, Councilmember Kegg moved to accept the Treasurer's Reports and Budget to Actual as submitted.

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

Mayor Freeman thereupon declared the motion carried

Adopt Resolution authorizing the expenditure of funds prior to the adoption of the Fiscal Years ending June 30, 2019 and 2020 Biannual Budget.

Finance Director Rhetta Hogan reported that the City's biannual budget process is expected to continue into the new fiscal year which begins July 1, 2018.

City staff is working with the City Council and department heads to address some of the operating and capital improvements deficit issues and will be working on recommendations for the City's appropriations with the Council.

Adoption of the City's annual budget will be scheduled for an action item by August of 2018. This resolution is for that interim period, as the City will have expenses related to on-going services, programs and projects. The proposed resolution will authorize such on-going expenses.

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

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

Mayor Freeman thereupon declared the motion carried

Cancellation of July 5, 2018 regularly scheduled City Council meeting.

Following Council discussion, Councilmember Bicego moved to cancel the July 5, 2018 regular City Council Meeting.

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

Mayor Freeman thereupon declared the motion carried.

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

Attest:

Joan Smith Freeman, Mayor
Minutes approved by Council
Motion July 19, 2018

Elizabeth E. Casson, City Clerk