

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON JANUARY 7, 2016

On the 7th day of January 2016, 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, Bryan Foster, Joan Smith Freeman, John Mercier and David Simmen Absent - None.

Mayor Mercier announced that the closed session portion of the agenda has been pulled from the agenda.

Consent Calendar: Mayor Mercier 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 of Minutes of the meeting held December 17, 2015.
- b. Approval/ratification of payments issued from December 18, 2015 through January 7, 2016.
- c. Acceptance of Treasurer's Report and Budget to Actual for the month of November 2015.

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

Councilmember Foster seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Freeman, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Mayor Mercier announced that he has received a request to move the order of the items of the agenda, moving items # 5, 6 & 7 to 2, 3 & 4.

Approval of Yreka Volunteer Fire Department Elected Officers for the 2016-2017 term.

City Manager Steve Baker reported to the Council that the Yreka Volunteer Fire Department has elected officers for the two-year period beginning January 2016 – December 2017, subject to the approval by the City Council. The Department is requesting approval of Jerry Lemos as Chief, Jason Suter as First Assistant Chief and Michael Mallory as Secretary-Treasurer.

Following Council discussion, Councilmember Simmen moved to approve the appointment of Jerry Lemos as Chief, Jason Suter as First Assistant Chief and Michael Mallory as Secretary-Treasurer.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Freeman, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Approval of the appointment of Scott Caldwell to the Yreka Volunteer Fire Department.

Following Council discussion, Councilmember Freeman moved to approve the appointment of Scott Caldwell to the Yreka Volunteer Fire Department.

Councilmember Simmen seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Freeman, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Acceptance of the Audited Financial Report Fiscal Year 2014-15.

Steve Drageset of Aiello, Goodrich and Teuscher addressed the Council to present the City's 2014-2015 audited financial statement. Stating that highlights from the report state no significant audit findings, and the City did not have any findings pursuant to compliance with the federal single audit act report, commonly referred to as OMB Circular 133A for Federal grant awards.

Following Council discussion, Councilmember Foster moved to accept the Audited Financial Report as submitted.

Councilmember Freeman seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Freeman, Mercier and Simmen.

Mayor Mercier thereupon declared the motion carried.

Adopt Resolution adopting restrictions on the use of outdoor irrigation – One Day per week watering schedule.

City Manager Baker reported that on December 23, 2015, the City received a Conservation Order from the State Water Resources Control Board because the City has not met the 32% conservation target imposed by the State. Cumulatively, the City's conservation rate as calculated by the state through the end of October was 14.3% compared with 2013. Originally, the City was achieving conservation rates of 29% in May, 19% in July and 24% in August, however those rates did not hold for September (5%) and October (17% increase from 2013). Noting that the October increases were a result of warmer weather (and people using their outdoor irrigation) in October 2015 compared to 2013.

The order requires a number of actions by the City. One requirement is that the City impose a one-day a week watering schedule. Because of the weather, we believe that users have turned off their outdoor irrigation already, but the one day per week restriction might be applicable if there is a long gap between storms and freezing weather. Staff is recommending that the one-day a week requirement commence immediately and end when irrigation season starts. Staff will be assessing whether a two or three day irrigation cycle works best for the irrigation season.

Other requirements are to do a rate study in compliance with proposition 218, increase our outreach efforts, coordinate a rebate program with the state program and Pacific Power's programs, and perform water audits for large commercial/industrial water users. In addition, the City will need to accelerate its leak detection and pipe replacement program. We have a long-term pipe replacement program in our infrastructure plans because we know that older pipes are reaching the end of their lifetime, and dedicate more hours toward enforcement of water use violations.

Following Council discussion, Councilmember Freeman moved to adopt the Resolution adopting restrictions on the use of outdoor irrigation to one-day per week through March 2016.

Councilmember Baird seconded the motion, and upon roll call, the following voted YEA: Baird, Freeman, Mercier and Simmen. Abstain – Foster.

Mayor Mercier thereupon declared the motion carried.

Discussion – Marijuana Status.

City Manager Baker reported that the State currently has a March 1, 2016 deadline for an ordinance to be in effect to locally regulate the cultivation of medical marijuana.

Staff was directed to bring back to the City Council two draft ordinances – one that banned all cultivation and another that banned outdoor cultivation, but allowed a small indoor grow of marijuana. Staff had originally indicated that the ordinances would come back directly to the City Council, but after reviewing the methods for adoption of such an ordinance on a short time line and consulting with the League of California Cities, the appropriate process appears to be to send it to the Planning Commission first, then the Council for an introduction of the ordinance, followed by adoption of the ordinance at the following meeting on an urgency basis. This would allow the ordinance to go into effect prior to the March 1 2016 date.

The proposed schedule then is to have the Planning Commission hear and make a recommendation on an ordinance at their January 20, 2016 meeting. Introduction at a City Council meeting would occur on February 4th with adoption on February 18th. The urgency will require a 4/5ths vote.

Staff will be recommending that the City engage in a longer, more thoughtful discussion of all of the aspects of local regulation, including dispensaries, distribution, taxation and cultivation in the near future to craft an overall regulatory structure that preserves local control.

We have heard that the legislature and governor may agree to new legislation that would eliminate the March 1 2016 implementation date. In spite of that possibility, staff believes that the City should move forward now to preserve local control rather than relying on the state to make its change.

Discussion - Councilmember Simmen request for consideration of Marijuana regulation.

Councilmember Simmen asked the Council to consider an Ordinance that would ban cultivation indoors and permit privately controlled outdoor grows of 100 square feet or less, subject to state law requirements.

Following Council discussion, it was the consensus of the Council to direct the City Manager and City Attorney to draft an Ordinance that would ban indoor cultivation and permit outdoor cultivation of 100 square feet or less.

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

Attest:

John Mercier, Mayor
Minutes approved by Council
Motion January 21, 2016

Elizabeth E. Casson, City Clerk