

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON AUGUST 3, 2017

On the 3rd day of August 2017, the City Council of the City of Yreka met in the Yreka Community Theater 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.

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 July 21, through August 3, 2017.
- b. Approval of Minutes of the meeting held July 20, 2017.
- c. Adopt Resolution approving requests associated with the Special Events known as the Yreka Union High School Cross Country meets.
- d. Waive Full Text Reading of All Ordinances on the Agenda. Ordinances shall be introduced and adopted by title only.

Councilmember Bicego requested item 1a be pulled for discussion.

Councilmember Shaskey requested item 1b be pulled for amendment.

Following Council discussion, Councilmember Baird moved to approve items 1 c & d on the consent calendar 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.

Approval/ratification of payments issued from July 21, through August 3, 2017.

Approval of Minutes of the meeting held July 20, 2017.

Councilmember Bicego requested clarification from Finance Director Rhetta Hogan on various payments submitted.

Councilmember Shaskey requested that his motion listed on page 12431 of the minutes be amended to read “ It was the consensus of the Council to direct the City Manager to work with the Yreka Area Fire Safe Council to help get the word out regarding the dangerous fire conditions and to enforce existing Ordinances relating to cutting of weeds and vegetation on vacant parcels.”

Following Council discussion, Councilmember Shaskey moved to approve the payments as submitted and the minutes as amended.

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 an Ordinance of the City Council of the City of Yreka enacting Chapter 9.27 entitled “NON-MEDICAL MARIJUANA CULTIVATION REGULATION AND THE PROHIBITION OF COMMERCIAL CANNABIS ACTIVITY, MANUFACTURE, TESTING, DISPENSING, SALES, DISTRIBUTION AND DELIVERY WITHIN ALL ZONING DISTRICTS IN THE CITY OF YREKA” and finding the Adoption of this Ordinance to be Exempt from CEQA.

City Manager Reported that at the July 20, 2017 City Council Meeting, the Council requested that the staff bring back a revised ordinance that decreased the penalties in certain situations. Section 5.26.500 A has been rewritten to have first time offenders not subject to the imposition of a separate violation for each day, unless and until the notice and order to abate period to correct the condition has expired. In addition, the penalty of one thousand dollars for each violation of this code per day for each subsequent violation shall not be calculated on the basis that each cubic foot of area under cultivation constitutes a separate violation.

With this ordinance in place, the City can take the time to draft a more comprehensive ordinance regulating marijuana and make the necessary changes later.

Mayor Freeman opened discussion to the audience. 25 members of the public addressed the Council, 22 as proponents to the proposed Ordinance, and 3 in opposition to the proposed Ordinance.

Mayor Freeman then opened discussion to the Council.

Councilmember Bicego stated that he likes the Ordinance as amended, and is in support of the Ordinance, however, he is requesting that items be placed on the agenda of the City Council meeting to be held July 19, 2018. The items being:

1. Results of staff School outreach to Mt. Shasta High School and Jr. High School and the Weed High School and Jr. High School to determine if they have noticed any increase in the use of marijuana in their student population during the 2017/2018 academic school year; if they have noticed any disciplinary actions or suspensions from their sports teams due to increase marijuana usage by student athletes; if they have noticed any decrease in standardized test scores that they can reasonably attribute to student use of marijuana.
2. Results of Yreka staff local law enforcement outreach to the Mt. Shasta Police Department, the Weed Police Department and the Siskiyou County Sheriff's Department to determine if they can reasonably attribute an increase in crime, if any, to the increased use of marijuana and if so, what types of crime increased.

Following the reading of the title of the ordinance and Council discussion, Councilmember Bicego moved to introduce the Ordinance as submitted. Councilmember Kegg seconded the motion.

Councilmember Shaskey stated “The task of the City Council is to balance individual rights vs. public safety. Adult use of cannabis is legal. The ballot measure to approve this passed in both the City of Yreka and Siskiyou County. I believe in majority rule and States rights. Forcing our citizens to travel approximately 40 miles North or South to purchase legal cannabis is the wrong policy. This will encourage a black market. The city needs to help reduce the influence of illegal drug dealers by allowing a source of legal cannabis. This will also reduce the number of indoor residential grows which can cause house fires. The city may learn about the indoor grow only after a house fire.”

Councilmember Shaskey distributed copies of a proposed amendment to the Ordinance. Councilmember Shaskey moved to amend the motion on the floor, to introduce the proposed ordinance with the following amendment:

“Add Section 9.27.35 Cannabis Dispensaries both medical and recreational. This section allows these items, which were not allowed in other sections.

The City will allow 2 cannabis dispensaries to operate on Main Street and Oberlin Road subject to the required legal setbacks. The City Planning Commission will determine exactly where potential dispensaries may locate. The same person or entity may not have an interest in more than one dispensary. The City will require a license fee to recover costs of all staff time and expenses. The license fee will be determined by the City Manager. The license fee will be reviewed each year to determine that all staff costs and expenses are included. The dispensaries may put their name, cannabis dispensary and a green cross 2’x2’ on their building. No other advertising, including products is allowed. The license may be immediately suspended by the City Manager for a period up to thirty (30) days upon issuance of written notice to the licensee of a determination that the dispensary has been operated in violation of any part of the municipal code or of state law. The notice shall specify the specific violation committed by or at the dispensary. During a period of suspension, a license may be revoked by the City Manager upon written notice to the licensee of a determination that any of the following have occurred:

- 1. Any criminal violations of state law have occurred on the dispensary premises or in regard to dispensary operations.*
- 2. Repeated violations of City Municipal Code have been committed by the dispensary or its staff.*
- 3. Other good cause, which, in the reasonable opinion of the City Manager endangers the public health or safety.*

Notices given above shall notify the licensee of its right to appeal the suspension/revocation to the City Council, the decision of which shall be final. No cannabis may be smoked, vaped, ingested or otherwise consumed on or about the dispensary premises, parking or other exterior areas.”

Mayor Freeman stated that the motion could only be amended if the maker and the person who seconded the motion pending on the floor accepts the amendment. Both Councilmember Bicego and Councilmember Kegg denied the request to amend the motion.

There being no further discussion, Mayor Freeman called for the vote on the motion to introduce the Ordinance as submitted, and upon roll call, the following voted YEA: Baird, Bicego, Freeman, and Kegg. NAYS: Shaskey.

Mayor Freeman thereupon declared the motion carried and announced that the Ordinance will be brought back for adoption at the regularly scheduled City Council meeting to be held September 7, 2017.

Mayor Freeman thanked everyone for coming and participating in the discussion, and invited everyone to come to the Workshop the Council has scheduled with our consultants to be held September 27, 2017.

Approve Miner Street Façade Grant Program application for reimbursement in the amount of \$531.25 – Linda Martin “Brown Eyed Gal Designs/Vintage Home” – 331 W. Miner Street – Labor and Engineering to re-locate existing sign including bracing and anchorage to the building in accordance with California Building Code.

City Manager Baker reported that the City received an application from Linda Martin for reimbursement of eligible costs for installing a projecting sign with engineered bracing and anchorage to the building. City staff has reviewed the application and is recommending approval.

In accordance with the terms of the Grant, sign applications are limited to reimbursement of \$1,000. Total project cost for this application is estimated at \$1,062.50, therefore, this application qualifies for a reimbursement of up to \$531.25.

Following Council discussion, Councilmember Baird moved to approve the grant application and authorize a reimbursement up to \$531.25.

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.

At the request of Councilmember Bicego, Administrative Assistant Jeannette provided the Council with an update on the status of the Yreka Police Station remodel Project.

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

Attest:

Joan Smith Freeman, Mayor
Minutes approved by Council
Motion August 17, 2017

Elizabeth E. Casson, City Clerk