

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON AUGUST 6, 2015

On the 6th day of August 2015, 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.

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 July 16, 2015.
- b. Approval/ratification of payments issued from July 17, 2015 through August 6, 2015.
- 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 requests associated with Special Event Known as the Yreka High School District 2015 Yreka Elks Cross Country Invitational.

Councilmember Foster requested items c & d be removed for discussion.

Following Council discussion, Councilmember Simmen moved to approve items a & b on the consent calendar 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 # 2015-27 extending the suspension of Section 13.76.010 of the Yreka Municipal Code allowing installation of Banners on Fairlane Road.

Following Council discussion, Councilmember Foster moved to adopt the Resolution 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 # 2015-28 approving requests associated with Special Event Known as the Yreka High School District 2015 Yreka Elks Cross Country Invitational.

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

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.

PUBLIC HEARING to consider an Ordinance entitled an Ordinance of the City Council of the City of Yreka repealing Chapter 12.12 entitled Enacting “Water Limitations” and Sections 12.04.280 and 12.04.290 of the Yreka Municipal Code and supplanting them with Chapter 12.12 entitled “Water Efficiency” and finding the adoption of this ordinance to be exempt from CEQA.

Mayor Mercier noted for the record that the Council received an e-mail from Alexander MacIlraith, of the California Pool and Spa Association in opposition to the proposed Ordinance relating to the Pool Permit Moratorium.

City Manager Baker reported that the proposed ordinance implements various water regulations dealing mostly with water conservation. An earlier version of this ordinance was presented during the adoption of the Urban Water Management Plan required by the State, but not adopted.

On May 18, 2015, the State Water Resources Control Board ("SWRCB") enacted Drought Emergency Regulations, which revised to the California Code of Regulations, Title 23, Sections 863, 864, 865 and 868, and found the existence of a drought emergency in California and imposed water conservation measures on individuals and water suppliers. The regulation requires the City to reduce water production by 32% when compared to the same month in 2013. In 2014, the City achieved a 13% reduction in water usage when compared to 2013. The May 2015 reduction was 29% and June 2015 was 19%. Therefore, an additional reduction is required for the City to achieve compliance with the SWRCB's regulation. The SWRCB has warned water suppliers that failure to comply with its regulations may result in a fine of \$10,000 per day.

This proposed ordinance contains 5 water conservation stages ranging from Stage One, which is standard water conservation rules that are in place year round to stage five (water emergency). These stages mirror the stages in the Urban Water Management Plan and are increasingly restrictive as they increase. The City is currently in a Stage two (water alert) status, which restricts watering of landscaping to three days a week as well as other water conservations measures. The ordinance also contains fines and remedies for people using excessive water.

This being the time and date scheduled for the public hearing, Mayor Mercier opened the Public Hearing to the audience.

Don Hall and Robert Bicego addressed the Council with concerns regarding the proposed Ordinance, there being no further public comments, Mayor Mercier closed the public hearing.

Introduce Ordinance of the City Council of the City of Yreka repealing Chapter 12.12 entitled Enacting “Water Limitations” and Sections 12.04.280 and 12.04.290 of the Yreka Municipal Code, and supplanting them with Chapter 12.12 entitled “Water Efficiency” and finding the adoption of this ordinance to be exempt from CEQA, and waive the reading of the body of the Ordinance.

Following the reading of the title of the Ordinance and Council discussion, Councilmember Foster moved to waive the reading of the body of the Ordinance, introduce the Ordinance, and authorize the City Attorney to prepare a summary of the Ordinance for publication.

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.

PUBLIC HEARING to consider an Ordinance entitled “An Ordinance of the City Council of the City of Yreka, California establishing the Private Lateral Inspection and Repair Ordinance.”

Mayor Mercier noted for the record that the Council received a written comment from Brian Smith regarding the proposed Ordinance.

City Manager Baker reported that The Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et seq. (also known as the Clean Water Act "CWA") is a federal statute regulating and prohibiting pollution of the nation's lakes, rivers and oceans.

The city sewer system sometimes overflows when heavy rainfall exceeds the storage capacity of sewer pipes and/or wastewater treatment plants, and, as a result, discharge could allow untreated sewage and storm water into local creeks and rivers. These overflows are called sanitary sewer overflows ("SSOs") The CWA regulates the discharge of SSOs. The federal government has delegated the regulation of SSO to the California's Regional Water Quality Control Board. Heavy rainfall, insufficient capacity, roots, debris, grease, and infrastructure weaknesses are the primary causes of SSOs. Additionally, the presence of roots and defective connections between houses and the City's sewer mains can allow the exfiltration of sewage into the ground and allow the infiltration of groundwater into our treatment plant that can lead to SSOs and treatment inefficiencies.

SSOs can sometimes result in the exposure of the public to raw sewage, which contains disease-causing pathogens. Parts of the City's sewer system are located near waterways and sewage from defective pipes could contribute to the pollution of those watercourses.

The City has expended significant resources over the past five years to ensure its sewer operations and facilities are in compliance with state law and the CWA, and to reduce SSOs. The City is required by law to notify the Regional Water Quality Control Board whenever an SSO occurs.

The Regional Water Quality Control Board is required by Federal Law to fine the City for each SSO. When it fails to do so, the Clean Water Act permits third parties to file litigation in District Court to enforce those penalties on the Board's behalf. These third parties are allowed, under the Clean Water Act, to be reimbursed for the costs of their litigation, together with attorneys' fees, if they are able to prove that a single SSO that occurred for which we have not been fined. Obviously, the attorney's fees alone can be a burden on this city's limited revenue stream from

our wastewater enterprise fund. It is not difficult for these third parties to prove that an SSO occurred since the City itself reports that they occurred.

The City was subjected to just such a lawsuit in 2012. We entered a settlement agreement in which the City agreed, among other things, to present to the City Council an ordinance that the City Council consider, prior to March 2015, amendments to the City's Municipal Code to require inspection, repair and/or replacement of sewer laterals by property owners under specified conditions. Staff presented a draft of that ordinance at the February 19, 2015 Council meeting

This being the time and date scheduled for the public hearing, Mayor Mercier opened the Public Hearing to the audience.

Don Hall and Robert Bicego addressed the Council with concerns regarding the proposed Ordinance, there being no further public comments, Mayor Mercier closed the public hearing.

Introduce Ordinance of the City Council of the City of Yreka California establishing the Private Lateral Inspection and Repair Ordinance, and waive the reading of the body of the Ordinance.

Following Council discussion, it was the consensus of the Council to direct staff to do more research to see if there could be an ordinance targeted towards the most serious and/or frequent problems.

Adopt Resolution No. 2015-20 approving request for additional funding for the Yreka Police Department New Station Retrofit Project and Authorizing the project advertisement for public bid.

Chief of Police Brian Bowles reported that on September 11, 2013, the Yreka City Council allocated \$1,800,000 for the new Yreka Police Department project. \$1,300,000 was from the Crandall Fund restricted reserves, 04 and \$500,000 from the general fund, 09. The city has utilized approximately \$900,000 for the purchase of the building and architectural services. This leaves additional funds necessary to complete the project.

Staff has worked on creating a modern police facility that will serve the citizens of Yreka well into the future. Many factors go into creating a modern and functional police facility such as meeting requirements to function during or after a critical incident or disaster. In addition, modernization of our furnishings and equipment is essential to operate efficiently. Dennis Dong (Architect) estimates bids for the project to come in at approximately \$150 a square foot. This will make the retrofit cost approximately \$1,350,000. Chief Bowles presented three options for consideration: **Option A** is an additional appropriation of \$900,000 (total project cost \$2,700,000), **option B** is an additional appropriation of \$691,000 (total project cost \$2,491,000) and **option C** is an additional appropriation of \$629,000 (total project cost \$2,429,000) to the budget for this project.

Following Council discussion, Councilmember Baird moved to adopt the Resolution selecting Option A with deductions.

Councilmember Foster seconded the motion, and upon roll call, the following voted YEA: Baird, Foster, Mercier & Simmen. Nays – Freeman, stating that she prefers Option B with additions.

Mayor Mercier thereupon declared the motion carried.

Approve supplemental appropriation for the new Yreka Police Department Building and Building Contents.

Following Council discussion, Councilmember Foster moved approve the supplemental appropriation depleting the Crandall Funds (cash), and taking the balance from the general fund capital reserves.

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

Mayor Mercier thereupon declared the motion carried.

CLOSED SESSION:

1. 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 – 1 - 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 that no reportable action was taken in closed session.

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

Attest:

John Mercier, Mayor
Minutes approved by Council
Motion August 20, 2015

Elizabeth E. Casson, City Clerk