

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON SEPTEMBER 7, 2017

On the 7th day of September 2017, 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 the Closed Session has been pulled from the 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 August 18, through September 7, 2017.
- b. Approval of Minutes of the meeting held August 17, 2017.
- c. Waive Full Text Reading of All Ordinances on the Agenda. Ordinances shall be introduced and adopted by title only.

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

PUBLIC HEARING:

City Manager Baker reported that a meeting was held on August 3, 2017 to solicit public comments regarding the proposed Ordinance. Following the public comments and Council discussion, the Council voted 4-1 to approve the introduction of the Ordinance. This is the second-reading of Ordinance 850.

A Notice of Public Hearing was published in the Siskiyou Daily News on August 29, 2017 inviting persons to attend the meeting or deliver written comments regarding the proposed Ordinance, as of August 31, no written comments have been received. A Summary of the proposed Ordinance was published in the Siskiyou Daily News on August 30, 2017 and the complete text of the Ordinance is available for review at the Yreka Public Library, at the City Clerk's Office at City Hall and online on the City's website.

This being the date and time scheduled for a public hearing inviting the public to make comments regarding the adoption of the proposed Ordinance, Mayor Freeman opened the public hearing to the audience.

Diane Collier addressed the Council in support of the proposed Ordinance.

There being no further statements or comments received from the public, Mayor Freeman closed the public hearing and opened discussion to the Council.

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.

Following the reading of the title of the Ordinance and Council discussion, Councilmember Bicego moved to adopt Ordinance No. 850 as submitted.

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

Mayor Freeman thereupon declared the motion carried.

Request to appropriate funding in the amount of \$75,871 to replace Yreka Police Department's field communications equipment.

Chief of Police Brian Bowles reported to the Council that technology changes - and with that is the need to replace our radios that are at obsolescence in use and repair. Yreka Police Department uses a publicly monitored radio frequency where everybody (including the bad guys) know where we are and how we are responding to a call for service.

As officers, we have no element of surprise when responding to calls: be it domestic violence, man with a gun, burglary or robbery response. The public knows where we are, how many officers are on duty and what we are responding to 24 hours a day.

You have heard me say before, that the Police Department has had significant public safety and officer safety issues with people calling in false calls for service to lure officers away from an area so the criminal activity can occur.

Many agencies have gone to computers in the cars but this is expensive and requires continuous replacement of equipment. We evaluated both the computer and the radio option and we are commending the radio option.

The radio option includes a complete Motorola handheld radio and patrol car unit radio upgrade that will give us the ability to have a scrambled channel. The new equipment is mission critical and is built to last (estimated durability is approximately 25 years). In conjunction with the vendor, we ran a one-day demo testing of the equipment on our radio frequency, repeater tower, and scramble the channel. The test results from the pilot were successful and I am recommending we proceed.

By upgrading our radios with new ones that are capable of having a scrambled frequency, we will give back the element of surprise to the officer.

Project cost to replace all handheld and patrol unit radios will be \$75,871, for which the Yreka Police Department spent approximately \$7,000 on equipment programming and testing from their 2016-2017 budget.

Following Council discussion, Councilmember Bicego moved to approve the budget request of \$75,871.

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.

PUBLIC HEARING: to give citizens a chance to make comments regarding the proposed loan financing for Yreka Police Station remodel - 1400 Fairlane Road.

Jeannette Hook, Public Works Administrative Assistant, reported to the Council that one of the requirements for the construction loan with USDA Rural Development is to hold a public hearing to ensure that the community has had adequate opportunity to provide input for the Council's consideration.

This project has been in development since approximately 2005, when the Grand Jury investigated the services that the Police Department was able to offer the public in their current facility. At that time the Grand Jury pointed out that the Police Department had outgrown the 100-year old Carnegie Library facility, that the building was not designed for its current use and that it does not provide adequate public access or sufficient employee security.

Between 2005 and 2011, the Police Department conducted investigations of multiple locations for a Police Station. Detailed site assessments were prepared for the three most promising sites. In 2012, an architect was hired to conduct a needs assessment. This report evaluated current and projected space needs for the Department and provided preliminary building cost estimates for the City.

The two alternatives that were believed to have the best potential were 1) build a new station on city-owned property near Campus Drive, or remodeling an existing building on Fairlane Road. Among the multiple factors that were considered are access to primary thoroughfares, safety and security of the public and YPD employees, parking, facility accessibility for people with disabilities, impacts to surrounding businesses, existing traffic circulation patterns, proximity to and locations of service calls historically, environmental impacts, and the availability and access to utility infrastructure.

In 2013, the site at 1400 Fairlane Road was selected as the best available option. The City conducted a due-diligence evaluation of the site, identified no potential contamination or negative environmental impacts, and purchased the facility in 2014. The remodel was initially

bid in 2016 and the price proposals greatly exceeded the available budget. Bid were rejected by the City Council to allow the City to regroup and make appropriate revisions. Since 2012, the Council has discussed this project publically during several Debt, Audit, and Investment Committee meetings, 15 regularly scheduled City Council meetings, as well as several special meeting workshops. In June 2017, the Council directed staff to pursue a \$3M federal construction loan from the USDA, with the City contributing approximately \$1.4M for costs related to the building and moving the department. The total project budget is approximately \$4.5M.

At this time, staff anticipates bidding the revised project this fall, making a bid award possibly in November and starting construction by January 2018. The construction period is scheduled for ten months, which will allow the Police Department to be moved in by the end of 2018.

This being the time and date scheduled for the public hearing, Mayor Freeman opened the public hearing to the audience. Steve Young asked if the City had a working set of plans, Chief Bowles replied yes, and that the Building Permit has been issued.

There being no further comments from the audience, Mayor Freeman closed the public hearing and opened discussion to the Council.

Adopt Resolution # 2017-32 declaring the City of Yreka's intent to reimburse certain general fund expenditures from the proceeds of USDA Tax-Exempt Certificates of Participation and directing certain actions with respect thereto, as required by United States Department of Treasury Regulations Section 1.150-2, for the Yreka Police Department Building project.

Jeannette Hook, Public Works Administrative Assistant, reported that the City is in the process of rehabilitating the City's new Police Department facilities at 1400 Fairlane Road. It is likely that financing for the project will include the issuance of USDA Certificates of Participation. The City plans to begin spending money on the project and is projecting that it will spend additional moneys on the project prior to the issuance of the Certificates of Participation.

By adopting the proposed Resolution, and upon issuance of the Certificates of Participation, the City will be legally permitted to reimburse itself for all qualified preliminary expenditures related to the project, as of the date of adoption of the Resolution. Treasury and Internal Revenue Service Code Regulations require the adoption of the proposed Resolution as an "Official Action" which then qualifies the City to issue tax exempt debt, for purposes of reimbursing expenditures prior to the issuance of the Certificate of Participation structured financing.

Passage of the proposed Resolution does not irrevocably bind the City to issue Certificates of Participation Obligation, rather, it merely describes the City's intent to do so at some future date and preserves the City's right to reimburse itself for qualified expenditures.

Following Council discussion, Councilmember Shaskey moved to adopt Resolution No. 2017-32 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 # 2017-33 approving a Consultant Agreement with the Weist Law Firm Bond Counsel Services for the Yreka Police Station Remodel USDA loan Financing.

Jeannette Hook, Public Works Administrative Assistant reported that one of the elements of the USDA structured financing is the issuance of Certificates of Participation, which requires the assistance of specialized legal (bond) counsel. The proposed agreement has been negotiated with the Weist Law Firm, which is experienced in working with USDA financing agreements. The agreement is for an amount not to exceed \$32,250, including professional fees and expenses. The professional consultant services are an eligible Rural Development expenditure and can be reimbursed by the USDA loan.

Following Council discussion, Councilmember Bicego moved to adopt Resolution No. 2017-33 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.

Authorize Execution of Intergovernmental Service Agreement between the City and the Karuk Tribe and Karuk Tribe Housing Authority (CEQA Exempt).

City Manager Baker reported that this agreement is to provide water, wastewater and Stormwater utility services for 12 houses that the Karuk Tribal Housing Authority is constructing on tribal trust land that were above the number previously approved. These housing units have already been completed and are located upon land held in trust for the Karuk Tribe. Since January 2016, there have been four other new residential units constructed within the City.

In 1991, the city contracted with the authority to provide water and wastewater services to 63 residential housing units located on trust lands. The previous agreement did not provide for development impact fees, mainly because many of our development fees were not in place at that time.

The Tribe will be paying \$77,909 in development fees for these twelve units, which is the same as any other developer under our present schedule of fees, which is currently a 50% reduction. A previous Council decided not to implement the full cost of development impact fees to recover the City's full cost of the impact upon our services, it determined at that time, those fees were too expensive and would discourage development. The Tribe is receiving the benefit of this reduction.

This agreement was reached after an extensive negotiation phase and additional protections were included for the City as compared with the original agreement, such as clarifying that the Tribe will comply with water and sewer rules just like other city customers.

Agreements between the City and Tribal entities are challenging because of the Tribe's sovereign status. A conditional waiver of sovereign immunity is required for the City to have any right to enforce the terms of the agreement. These waivers are strictly construed and will be interpreted only to the extent that the waiver's content is clear and explicit. The waiver of tribal sovereign immunity included in this agreement is limited to specific performance and/or breach of the provisions of the agreement. However, these remedies are arrived at as a compromise and do not include all possible remedies that may normally be pursued by the City. But as the agreement does permit the termination of services to the extent applicable to other customers, it is considered by staff to be adequate. The Tribe has stated that they are not expecting to construct any new housing within the tribal trust lands. If the City determines to provide utilities to new projects in the future, a new agreement would be required.

The City will receive a one-time payment of development impact fees in the amount of \$77,909. The units on Tribal Trust Lands are not subject to local property taxes. The usual users fees will be payable for the water and wastewater services. There is no financial contribution for receiving Stormwater from the project.

Following Council discussion, Councilmember Bicego moved to approve and authorize the execution of the Intergovernmental Service Agreement with the Karuk Tribe and Karuk Tribe Housing Authority.

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.

Discussion of Options for the Animal Control Facility; Direction to Staff – Mayor Pro-tempore Baird.

Mayor Pro-tempore Baird provided the Council with a history of her research to resolve the problem with the deteriorating animal control facility. She reported that with the support from City Manager Steve Baker and Chief of Police Brian Bowles, she attended one board meeting with the Rescue Ranch. They were open to discussion; however, they had some of the same concerns Chief Bowles had such as euthanasia, trained personnel, availability to facility at all hours.

She toured the Mt. Shasta Humane Society Building with Chief Bowles and City Manager Baker. In addition, she also toured the Marion County Dog/Cat facility in Salem Oregon.

Other considerations were discussed such as a partnership with Siskiyou County, which had been previously declined by the County. Utilizing a local veterinary facility as a boarding kennel, which was declined due to expense and other issues.

Currently she is doing research on the possibility of remodeling the “old Channel 4 building” which is located at the City Service Yard – 856 N. Main Street, into an animal control office and building a kennel adjacent to the Channel 4 building. City Manager Baker is discussing a needs assessment document with Guy Fryer, of Siskiyou Design Group.

Mayor Pro-tempore Baird also provided the Council with a copy of an evaluation of the current animal control facility, submitted by Chief Bowles:

The evaluation listed following issues which need to be addressed:

- Complete electricity upgrade, larger service with a new pole. Rough estimate \$90,000.
- New roof on the facility, possibly 2x6 construction, engineered to have 4 garage doors est. \$40,000.
- Retractable cover or garage doors that can keep an even temperature est. \$15,000.
- Ceiling fans for circulation est \$1,000.
- Asphalt removal and concrete pour est. \$12,000.
- Durable floor covering possibly rubber, like Rescue Ranch est. \$10,000.
- Heater upgrade or heat pump for heat and air-conditioning – Heat only \$5,000, heat pump \$10,000.

Following discussion, it was the consensus of the Council to allow Mayor Pro-tempore Baird to continue with the review of options for the Animal Control Facility.

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

Attest:

Deborah Baird, Mayor Pro-Tempore
Minutes approved by Council
Motion September 21, 2017

Elizabeth E. Casson, City Clerk