

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON JUNE 2, 2016

On the 2nd. day of June 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 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 May 19, 2016.
- b. Approval/ratification of payments issued from May 19 through June 2, 2016.
- c. Adopt Resolution extending the suspension of Section 13.76.010 of the Yreka Municipal Code, allowing installation of Banners on Fairlane Road.
- d. Acceptance of Treasurer's Report and Budget to Actual for the month of April 2016

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.

Adopt Ordinance #842 of the City Council of the City of Yreka enacting Chapter 9.26 entitled "Medical Marijuana Cultivation, Distribution and Delivery Prohibited" prohibiting the cultivation, distribution, and delivery of medical marijuana within all zones in the City of Yreka, and finding the adoption of this Ordinance to be exempt from CEQA.

City Manager Baker reported that this is the second reading of the Ordinance and provided the following summary of the proposed Ordinance:

The Medical Marijuana Regulation and Safety Act ("MMRSA") took effect January 1, 2016. As a result, various commercial medical marijuana uses have become subject to local approval and State licensing. This Ordinance enacts Chapter 9.26 pursuant to Yreka's local police, planning and zoning authority and provisions of the MMRSA, in order to promote and preserve the health, safety and welfare of the residents of the City of Yreka. The ordinance creates specified criminal and administrative enforcement processes prohibiting, in all zones in the City, all Marijuana Cultivation Facilities, commercial and non-commercial Marijuana Cultivation, Marijuana Processing, marijuana delivery, and the establishment or operation of Medical Marijuana Dispensaries. Definitions of these terms are set forth in the ordinance.

All of these activities are deemed to be public nuisances and enforceable against both the individual engaging in the activity as well those having ownership or control over the property where the activity is conducted. It provides for the imposition of administrative fines, as well as the costs the city incurs in enforcing the ordinance. If the enforcement costs are not timely paid, they become a lien against the real property where the nuisance occurred and that lien may be satisfied through a lien sale of the property. The Ordinance establishes criminal penalties for violations, but provides an exception where criminal prosecution is prohibited by State law.

Following the reading of the title of the Ordinance and Council discussion, Councilmember Freeman moved to waive the reading of the body of the Ordinance and to adopt the Ordinance as submitted.

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

Mayor Mercier thereupon declared the motion carried.

Discussion/ Direction to Staff: Prohibit resale of City Water for agricultural purposes and regulate use of bulk fill water station; and provide direction on presented options for elimination or significant reduction of sales of bulk water to out of area residents for agricultural purposes.

At the request of Councilmember Freeman, Finance Director Rhetta Hogan provided the Council with various options prepared by City staff that would address the agricultural use in hauling water outside the service area.

Finance Director Hogan reported that at present, water tokens are available for purchase from the car wash operator during hours of operation of the automated car wash when the attendant is present. There is no token dispenser. For \$6, an individual may purchase three (3) tokens, each token providing 250 gallons of water, with no limit on the number of tokens an individual can purchase at one time. A key and padlock system are in use for the high fill dispenser. Haulers complete an application prior to receiving key access to the high fill dispenser. Haulers log at the station their fill up loads for billing every 15-days. It is an honor system for the hauler to record the log information for the fill.

Following Council discussion, Councilmember Freeman moved to direct staff to implement the following policy for the bulk sale of water currently being operated by Magic Rain Car Wash:

1. Require permits to be issued from City Hall for the 3" high fill station, only permitted operators would be given access to key lock and log system.
2. Move the sale of tokens to City Hall limiting the sale of tokens to five (5) per address per week. Tokens shall only be sold to verified addresses within the 96097 zip code.

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.

Adopt Resolution #2016-32 authorizing the City to apply to the State of California for Active Transportation Program Funds, enter into a funding agreement, and designate representatives to sign related documents for the City of Yreka Greenhorn Road Bicycle and Pedestrian Path Gap Closure Project.

Cynthia Lynch, Project and Grant Analyst for the Public Works Department, addressed the Council requesting authorization to apply to the State of California for Active Transportation Program (ATP) funds.

Ms. Lynch reported that in 2006, the City adopted a Bicycle Transportation Plan, which identifies a variety of bicycle facilities and polices, the Siskiyou County Local Transportation Commission approved this plan in February 2007 and Caltrans approved the plan in October of 2007.

In 2007, the City received State Transportation Improvement Program funds to reconstruct Greenhorn Road. The plans for Greenhorn Road included a pedestrian pathway, pavement reconstruction, curb, gutter, sidewalk, and bicycle lane striping. However, due to the delay between programming in the 2000 program and the actual funding allocation in 2007, the available funds were sufficient only to complete the pavement reconstruction, and the remaining improvements were deferred. With minor modifications to the plans and specifications, these deferred improvements qualify for Caltrans' Active Transportation Program funds.

This project meets safety goals by completing the road and improving access to the Park. It implements a portion of the City's Bicycle Transportation Plan on Greenhorn Road between Oregon Street and Upper Greenhorn Park. It also completes important storm drain infrastructure to assist the City in complying with its Stormwater (MS4) responsibilities.

This project will receive statewide preference points because it is anticipated that the California Conservation Corps may be able to provide a portion of the work. The project cost is estimated to be \$995,000. There is no immediate fiscal impact because the normal local match requirement of 11.47% is eligible to be funded by the State using toll credits.

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 #2016-33 authorizing the Transfer of Accounts and Fiduciary assets for the Siskiyou Unified Major Investigations Team (SUMIT) from the County of Siskiyou to the City of Yreka for Fiscal, Custodial, and Limited Administrative Services.

City Manager Steve Baker reported that the Siskiyou Unified Major Investigations Team, also known as the "Task Force" has asked the City to take over the role, previously held by the

County, to provide fiscal, custodial and limited amount of administrative services. Task forces across the state are now finding it to be best practice of using cities instead of counties as fiduciary for Department of Justice lead task force and investigation teams. One of reasons being cities are less structured in the administrative process, enabling the teams to respond quickly and operate more efficiently.

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.

Adopt Resolution # 2016-34 authorizing the Expenditure of funds prior to the Adoption of the Fiscal Years Ending June 30, 2017 and 2018 Biannual Budget.

Finance Director Rhetta Hogan reported that City staff is working with an ad hoc budget committee and department heads to address some of the operating structural deficit issues and will be working on recommendations for the City's ongoing fiscal solvency. Adoption of the City's annual budget is tentatively scheduled for July or August, however we need spending authority for the interim period, as the City will have expenses related to on-going services, programs and projects.

Following Council discussion, Councilmember Simmen 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.

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

Attest:

Bryan Foster, Mayor pro tempore
Minutes approved by Council
Motion June 16, 2016

Elizabeth E. Casson, City Clerk