

Mt. Shasta City Council Regular City Council Meeting Agenda

Mt. Shasta Community Center, 629 Alder Street
Monday, March 28, 2016; 5:30 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Page	Item
	1. Call to Order and Flag Salute
	2. Roll call
	3. Special Presentations & Announcements: None.
	<p>4. Public Comment:</p> <p>Welcome to our City Council meeting. The Council invites the public to address the Council on matters on the Consent Agenda and matters not listed on the agenda that are within the Council’s subject matter jurisdiction. If the Public wishes to comment on matters that are on the agenda, the Council will request comment when the matter is heard. The Council reserves the right to limit public comment on matters that are outside its subject matter jurisdiction.</p> <p>The City Council may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Council may place additional time limits on comments, to ensure members of the public have an opportunity to speak and the Council is able to complete its business. A group may be asked to choose a spokesperson to address the Council on a subject matter, or the Council may limit the number of persons addressing the Council whenever a group of persons wishes to address the council on the same subject matter. Speakers may not cede their time to another.</p> <p>The Mayor manages the City Council meeting with a commitment to effective engagement while maintaining a positive, respectful decorum. The Mayor will typically start the Public Comment period sharing the following reminders relating decorum and Brown Act compliance efforts:</p> <ul style="list-style-type: none"> ✓ This is the time for the public to address the Council on matters on the Consent Agenda or matters NOT on the Council Agenda. This will be a comment period only. If the public wishes a response, they may provide their contact information to the Deputy City Clerk. ✓ The Mayor will recognize each speaker in an orderly fashion. Most often, the Mayor will call the speakers whom have signed in first and shall then call for those who would like to address the Council but whom did not sign in by inviting them to come to the front of the room and wait to be recognized to speak. Once the speaker is recognized, the speaker will address the Council only and shall provide comment

	<p>from the public microphone. Public Comment will typically not be taken from any person shouting from the audience.</p> <ul style="list-style-type: none"> ✓ No heckling or shouting from the audience at a speaker shall be permitted. ✓ The City Council may ask “clarifying” questions only. Due to equity and Brown Act concerns, the Council will avoid engaging in dialogue or debate. ✓ If there is an item of great community significance/interest and is within the Council’s subject matter jurisdiction, the Council may request the item be agendized for further consideration at a subsequent Council meeting.
	5. Meeting Recess (As Necessary)
	6. Council and Staff Comments
Page 4 Page 9 Page 19 Page 28	7. Consent Agenda - The City Manager recommends approval of the following Consent Agenda items. All Resolutions and Ordinances on this agenda, or added hereto, shall be introduced or adopted, as applicable, by title only, and the full reading thereof is hereby waived. <ul style="list-style-type: none"> a. Approval of Minutes: March 14, 2016 City Council Regular Meeting Draft Minutes. b. Approval of Disbursements: Accounts Payable: for 2/29/16, 3/10/16, 3/16/16, 3/17/16; Total Gross Payroll and Taxes: For Period Ending 3/16/16 (Muriel Howarth Terrell, Finance Director) c. Monthly Investment and Financial Report for the Period Ending February 29, 2016 (Muriel Howarth Terrell, Finance Director) d. Resolution CCR-16-10 Streamlining Minor Property Acquisitions (Rod Bryan, Public Works Director)
	8. Overview of the Wastewater Industrial Users Application Process and Related Environmental Review Process for the Proposed Crystal Geyser Project. <u>Background:</u> Mayor Jeffrey Collings will lead an Overview of the Wastewater Industrial Users Application Process and related Environmental Review Process for the Proposed Crystal Geyser Project under the Jurisdiction of the Siskiyou County Board of Supervisors. <u>Report by:</u> Mayor Jeffrey Collings <u>Recommended Council Action:</u> No Action is Required.
Page 35	9. Resolution CCR-16-14 Permitting Residents to Participate in the California Statewide Communities Development Authority <u>Background:</u> The City of Mt. Shasta has in the past been approached by lenders authorized by the California Statewide Communities Development Authority to issue loans under the Property Assessed Clean Energy Program (PACE). This program allows commercial and residential property owners within authorized cities to finance or refinance renewable energy, energy efficiency, water efficiency and seismic strengthening improvements together with electric vehicle charging infrastructure and such other improvements which may be authorized by law from time to time. <u>Report by:</u> Paul Eckert, City Manager <u>Recommended Council Action:</u> Staff respectfully requests the City Council adopt the attached proposed Resolution CCR-16-14 that would permit residents to participate in the California Statewide Communities Development Authority.
	10. Council Reports on Attendance at Appointed/Outside Meetings:

	<ul style="list-style-type: none"> • Future Agenda Items (Appearing on the agenda within 60-90 days): • Expanding Downtown Business District – 4/11/16 • Strategic Plan Status Update – 4/24/16 • Impact Fees Potential Changes – 4/24/16 • Alternatives for Capital Improvements Project – 4/24/2016 • Mt. Shasta Recreation & Parks District Meeting – 4/24/16 • Noise Ordinance – 4/24/16 • Sisson Heritage Day – 5/9/16 • Internship Program – 5/9/16 • Fire Prevention & Environment – 5/9/16 • Land Use Management Plan of City Owned Properties (City Springs & Westside of The Landing) – 5/23/16 • Orchard Property Annexation – 5/23/16 • Streamlining Solar Project – 5/23/16 • Presentation Regarding Potential Forest Service Use of Treated Effluent for Fire Suppression & Dust Control – 6/13/16 • Update on the Landing & Brownfields – 6/13/16
	<p>11. Closed Session Item: None.</p>
	<p>12. Adjourn</p> <p>Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body.</p> <p>The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk or Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.</p>

Mt. Shasta City Council Regular City Council Meeting **Draft** Minutes

Mt. Shasta Community Center, 629 Alder Street
Monday, March 14, 2016; 5:30 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Item
1. Call to Order and Flag Salute: At the hour of 5:34 p.m. Mayor Jeffrey Collings called the meeting to order and led the audience in the Pledge of Allegiance.
2. Roll call: Council Members Present: Kathy Morter, Tim Stearns, Geoff Harkness, Mayor Jeffrey Collings, and Mayor Pro Tem Mike Burns Sr.
3. Special Presentations & Announcements:
4. Public Comment: <u>David Casebeer</u> – Submitted draft ‘Anti-Geoengineering Legislation’ to Deputy City Clerk for distribution to City Council. Comments regarding the draft legalization and Ashland, OR water quality concerns. <u>Baruch Inbar</u> – Submitted a proposal for the ‘Mount Shasta Inner Earth Theme Park’ to the Deputy City Clerk for distribution to City Council. Comments regarding idea for an international water museum instead of Crystal Geyser plant. <u>Jack Philips</u> – Comments regarding user fees for sewer and water and concerns over blame for EDA grant money. <u>Roslyn McCoy</u> – Comment regarding opinion on ‘rhetoric’ around loss of EDA grant money. Comments regarding violations of EDA grant money and residents not being to blame. Would like copies of the two EDA grant applications to be shared publicly. <u>Councilmember Geoff Harkness</u> - Comments providing clarification of jobs, EDA match funding, and money being used for EIR. Provided clarification on timeline. <u>Raven Stevens</u> – Comment regarding corrections made to earlier comments regarding water data interpretation and presentation at a prior City Council meeting. Provided clarification regarding Barbara Brenner and Crystal Geyser representation. <u>Vixie Javier O’Farrell</u> – Submitted letter to the Deputy City Clerk for distribution to City Council regarding concerns about Crystal Geyser. Letter included signatures from residents, business owners, and others.
5. Meeting Recess: None
6. Council & Staff Comments: <u>Paul Eckert, City Manager</u> – Provided update about potholes being fixed. Indicated that the City is partnering with the Audubon Society for a Special Event on April 16 called ‘Let’s Pull Together.’ <u>Councilmember Kathy Morter</u> – Requested update on Street lights. Provided update about attending a Forest Service Open House. <u>Councilmember Geoff Harkness</u> – Comments regarding recognizing the importance of ‘doing

no harm' and asked others to consider this idea. Comment regarding EDA funding being lost and the impact of it increasing costs for residents. Comment regarding the effluent treatment process. Suggested that an after action review is needed.

7. Consent Agenda - The City Manager recommends approval of the following Consent Agenda items. All Resolutions and Ordinances on this agenda, or added hereto, shall be introduced or adopted, as applicable, by title only, and the full reading thereof is hereby waived.

- a. Approval of Minutes: February 18, 2016 City Council Special Meeting (Coffee with Council) Draft Minutes and February 22, 2016 City Council Regular Meeting Draft Minutes.
- b. Approval of Disbursements: Accounts Payable: 2/16/16, 2/18/16, and 2/24/16; Total Gross Payroll and Taxes: For Period Ending 2/17/16 and 2/29/16 (Muriel Howarth Terrell, Finance Director)
- c. Resolution CCR-16-10 Streamlining Minor Property Acquisitions (Rod Bryan, Public Works Director)
- d. Resolution CCR-16-11 Amending the City's Conflict of Interest Code (Larisa Proulx, Deputy City Clerk)
Resolution CCR-16-12 Centennial Trail (Paul Eckert, City Manager)

COUNCIL ACTION: Approve agenda item number 7 a,b,d,e and move item 7c to the March 28, 2016 City Council Regular Meeting for consideration. All Resolutions and Ordinances on this item were introduced or adopted, as applicable, by title only, and the full reading thereof was waived.

MOTION: Councilmember Kathy Morter

SECOND: Councilmember Tim Stearns

AYES: Councilmember Kathy Morter, Councilmember Tim Stearns, Councilmember Geoff Harkness, Mayor Jeffrey Collings

NOES: None

ABSENT: None

ABSTAIN: Mayor Pro Tem Mike Burns Sr.

8. City Council Discussion of Crystal Geyser & the Waste Water Treatment Plant

Public Comment:

Councilmember Geoff Harkness – Comment regarding appreciation of the Mayor's efforts and acknowledges the presentation being put together independent of other City Councilmembers.

Peggy Risch - Comment regarding her longtime residency and involvement in the environmental community. Comment that ½ of the Mayor's presentation had incorrect data. Requested that the public be able to provide presentations regarding Crystal Geyser at an upcoming City Council meeting.

Mayor Pro Tem Mike Burns Sr. - Requested that the audience allow speakers and the Mayor to talk without interruption.

Mayor Jeffrey Collings – Indicated that this period is for questions and that this topic will be a reoccurring item on future agendas.

Councilmember Tim Stearns – Asked for clarification regarding the presentation’s availability for the public.

Mayor Jeffrey Collings – Indicated that the presentation would be put on the City’s website for public access.

Jill Philips – Appreciates question and answer. Questioned why the City lost the EDA grant and how citizens can be supportive in the future.

Councilmember Geoff Harkness – Comment regarding letter from EDA indicating that the funding was eliminated due to the volume of concerned letters.

Dan Axelrod – Comment regarding email about EIR activities. Comment about presentation information being incorrect. Comment indicating concern over political will.

Mayor Jeffrey Collings – Comments describing the City’s efforts to do insure that an EIR is done.

Councilmember Geoff Harkness – Clarification regarding EIR versus CEQA.

Councilmember Tim Stearns – Comments regarding possible outcomes resulting from CEQA. Invited Dan Axelrod to have a coffee meeting with a councilmember to address his concerns regarding City Council representation and political will.

Chandler – Questions regarding City Council’s resident status, treatment from the public, and comment indicating appreciation for City Council’s efforts.

Mayor Pro Tem Mike Burns Sr. - Requested that the audience allow speakers and the Mayor to talk without interruption. Asked that the audience show the speaker respect.

Councilmember Tim Stearns – Comments clarifying City Council’s role and elected status to Chandler.

Jack Phillips – Question regarding the cost of the interceptor line.

Bruce Hillman – Asked that the Mayor clarify the procedure for the question and comment sessions. Comment regarding difference between EIR and CEQA. Questioned why EIR was not done 2 years ago and when the industrial user’s permit assessment will be done. Concerned about how the CEQA process will unfold.

Paul Eckert, City Manager – Comment indicating that Crystal Geyser has been told of incompleteness and asked to provide more information.

Trish Osborne – Comment regarding appreciating this process. Concerned about the health of the volcano and impact of Crystal Geyser.

Francis Mangels – Question regarding bottle plant location and process for cleaning them related to the production area.

Raven Stevens – Requested that the presentation’s information is double checked. Comment indicating that Crystal Geyser should have done a presentation. Requested the name of the person who did the dye test and what well it was done in. Indicated that the first well failed. Offered notes regarding well testing.

Vicki Gold – Comment regarding the Weed, CA plant and number of employees. Indicated that Crystal Geyser wasn’t included in the first grant application. Comment regarding the Mayor’s career with Coca Cola and the appearance of it to the public.

Ted Palfini – Comment indicating that he is not for Crystal Geyser.

Mayor Jeffrey Collings – Indicated that this topic is done and that the next item on the agenda is now being heard.

9. Resolution of Necessity (Hearing)

COUNCIL ACTION: Before the meeting the City Attorney indicated that Resolution CCR-16-13 was not necessary and should be removed from the agenda. Resolution CCR-16-14 was then changed in title to Resolution CCR-16-13 and was recommended for approval by City Council. All Resolutions and Ordinances on this item were introduced or adopted, as applicable, by title only, and the full reading thereof was waived.

MOTION: Councilmember Tim Stearns

SECOND: Mayor Pro Tem Mike Burns Sr.

AYES: All

NOES: None

ABSENT: None

ABSTAIN: None

Staff & City Council Comments:

Councilmember Kathy Morter – Question regarding overall process for this item.

Councilmember Tim Stearns – Provided clarification regarding process.

Paul Eckert, City Manager – Indicated that the City has followed the appropriate approach.

Councilmember Tim Stearns – Clarified that this is for the water line down.

10. Council Reports on Attendance at Appointed/Outside Meetings:

Councilmember Kathy Morter – Attended DEAC meeting with Councilmember Tim Stearns and attended a BC meeting. Attended the Forest Service Open House.

Councilmember Geoff Harkness – Reminded the public about the special event on April 16 called 'Let's Pull Together.'

Mayor Pro Tem Mike Burns Sr. – Attended an LTC meeting.

11. Future Agenda Items (Appearing on the agenda within 60-90 days):

- State Mandated Waste Water Plant Project, Public Hearing – TBD
- First Reading of Community Policing Ordinance Concerning Panhandling – TBD
- Strategic Plan Workshop – TBD
- Code Enforcement Organization Changes – 3/14
- Impact Fees Potential Changes – 3/14/2016
- Fire Prevention & Environment – 3/14/2016
- Alternatives for Capital Improvements Project – 3/14/2016
- Noise Ordinance – 3/14/2016
- Streamlining Solar Project – 3/14/2016
- Agreement for City Engineering Services – 3/14/2016
- Overview of CEQA / EIR Laws – 3/28/2016
- Expanding Downtown Business District – 4/11/2016
- Update on the Landing & Brownfields – 4/11/16
- Land Use Management Plan of City Owned Properties (City Springs & Westside of The Landing) – 4/24/2016
- Presentation Regarding Potential Forest Service Use of Treated Effluent for Fire Suppression & Dust Control – 4/24/2016

The following items were requested to be added:

*Orchard Property Annexation

12. Closed Session Item: None.

13. Adjourn

There being no further business, the meeting was adjourned at 8:38 p.m.

City Council Agenda Item # 7b
Staff Report

Meeting Date: March 28, 2016
To: Mayor and City Council
From: Muriel Howarth Terrell, Finance Director
Subject: Approval of Warrants and Payroll

	Regular
x	Consent
	Closed
	Presentation

Recommendation:

Staff respectfully requests the Mayor and City Council Approve warrants paid including payroll benefits and withholding, and payroll distribution, in the amount of \$412,172.01.

Background & Summary:

Approval of Check Numbers 37604-37704	\$ 325,511.83
Total Payroll Distribution	\$ 47,337.78
Total Payroll Taxes	<u>\$ 39,322.40</u>
	\$ 412,172.01

Financial Impact:

Expenditures are consistent with the Budget that the City Council has adopted.

Compliance with 2014-17 City Council Strategic Plan:

The City Council’s leadership efforts to ensure adherence to the best possible financial practices and overall transparency falls under Strategic Focus IV – Grow Mt. Shasta Pride and Quality and the Municipal Responsibilities of Progressive Leadership and Financial Health and Economic Opportunity.

Attachments:

- 1.) Check Registers – 2/29/16, 3/10/16, 3/16/16, 3/17/16
- 2.) ACH Payroll Distribution – 3/16/16
- 3.) EFTPS Reports – 3/8/16, 3/22/16

Check Register Report

Date: 03/01/2016

Time: 7:19 am

Page: 1

City of Mt. Shasta

BANK: TRI COUNTIES BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
TRI COUNTIES BANK Checks							
37604	02/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/03/16 Rate Plan 925	4,477.42
37605	02/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/03/16 Rate Plan 926	610.36
37606	02/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	Rate Plan 927	3,668.61
37607	02/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	Rate Plan 27429	1,078.83
37608	02/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	Rate Plan 25862	389.63
37609	02/29/2016	Printed		28790	CALPERS 457 PLAN	03/03/16 457 SIP Deductions	1,000.00
37610	02/29/2016	Printed		13071	DELTA HEALTH SYSTEMS	Mar 16 Health Insurance	17,537.00
37611	02/29/2016	Printed		15240	NATIONWIDE RETIREMENT SOLUTION	03/03/16 547 SIP Deductions	1,790.00
37612	02/29/2016	Printed		28815	STERLING HEALTH ADMINISTRATION	03/03/16 HSA Deductions	170.00
37613	03/01/2016	Printed		12640	COLONIAL LIFE & ACCIDENT INSUR	Mar 16 Life/Accident Insurance	546.60
Total Checks: 10							Checks Total (excluding void checks): 31,268.45
Total Payments: 10							Bank Total (excluding void checks): 31,268.45
Total Payments: 10							Grand Total (excluding void checks): 31,268.45

Check Register Report

Date: 03/10/2016

Time: 11:03 am

Page: 1

City of Mt. Shasta

BANK: TRI COUNTIES BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
TRI COUNTIES BANK Checks							
37614	03/10/2016	Printed		10373	ARAMARK	Feb 16 linen services-CH,PD,FD	510.89
37615	03/10/2016	Printed		11140	BASIC LABORATORY INC.	Water lab services	1,000.40
37616	03/10/2016	Printed		11147	BAXTER AUTO PARTS	Feb 16 equipment parts - Fire	87.20
37617	03/10/2016	Printed		11252	BLUE STAR GAS	Propane - Fire	82.15
37618	03/10/2016	Printed		11280	BORGES & MAHONEY	WWTP supplies/solutions	854.39
37619	03/10/2016	Printed		11340	BROOKS COMPLETE AUTO REPAIR	Tires - 2006 F250	1,042.86
37620	03/10/2016	Printed		80010	JOHN BROWN III	PW Clothing/Boot Allowance	118.95
37621	03/10/2016	Printed		80015	RODNEY BRYAN	Mileage reimb - LTC	112.86
37622	03/10/2016	Printed		11470	BURTON'S FIRE APPARATUS	Locking Push Pull 1611	66.00
37623	03/10/2016	Printed		12213	CAL-ORE COMMUNICATIONS	Mar 16 domain spam filter	29.95
37624	03/10/2016	Printed		12200	CALIFORNIA SAFETY COMPANY	Mar 16 WWTP alarm svc	171.50
37625	03/10/2016	Printed		12010	CDW GOVERNMENT, INC.	Juniper 3yr sup Jcare	556.00
37626	03/10/2016	Printed		12446	JOHN CHANDLER	2015-16 Clothing allowance	182.74
37627	03/10/2016	Printed		12820	CROSS PETROLEUM	Feb 16 heat and fuel	2,990.74
37628	03/10/2016	Printed		12840	CROSS PETROLEUM-FIRE DEPT.	Feb 16 fuel	578.24
37629	03/10/2016	Printed		12880	D-BEST JANITORIAL	Feb 16 cleaning services	550.00
37630	03/10/2016	Printed		13199	DIGITAL PATH INC	Mar 16 WWTP internet	99.95
37631	03/10/2016	Printed		14140	DON ERICKSON SHELL JOBBER	Mar 16 heating oil CH	135.70
37632	03/10/2016	Printed		13260	DUNSMUIR ROD & GUN CLUB	2016-17 membership dues	220.00
37633	03/10/2016	Printed		14130	ENPLAN	GIS WWTP implementation	750.00
37634	03/10/2016	Printed		15010	FASTENAL COMPANY	Black magnetic hand	26.93
37635	03/10/2016	Printed		15179	LAURA FISCHER	Refund CEDR-410-04	50.10
37636	03/10/2016	Printed		15221	FRIENDS OF THE MT SHASTA	Reimburse CC	1,059.57
37637	03/10/2016	Printed		16180	GREAT NORTHERN CORPORATION	16 Jan-Feb - 13 CDBG 8934	9,892.76
37638	03/10/2016	Printed		17100	HEATON STEEL & SUPPLY	Water sample tap cages	328.10
37639	03/10/2016	Printed		18000	IDEXX LABORATORIES	WWTP lab supplies	169.63
37640	03/10/2016	Printed		20098	KINGS TOTAL SECURITY	Buzzer lock for PD	304.92
37641	03/10/2016	Printed		20119	BRETT KNIGHT	CDBG loan payment	300.00
37642	03/10/2016	Printed		21155	LITHIA MOTORS	Parts Dunsmuir Chiefs Vehicle	192.00
37643	03/10/2016	Printed		22066	MCLANE MAINTENANCE	Feb 16 Parker Plaza lawn care	150.00
37644	03/10/2016	Printed		22071	MENDES SUPPLY COMPANY	Paper Towel/TP	171.79
37645	03/10/2016	Printed		22002	MENLO MANAGEMENT	Refund MORG-120--03 corrected	233.73
37646	03/10/2016	Printed		28620	MT SHASTA AREA NEWSPAPERS	Feb 16 Employment ads	157.50
37647	03/10/2016	Printed		22302	MT SHASTA IT SERVICES	Feb 16 IT services	2,500.00
37648	03/10/2016	Printed		22292	MT SHASTA MUSEUM ASSOCIATION	2015-16 Council Allocation	2,000.00
37649	03/10/2016	Printed		22240	MT. SHASTA ELECTRIC INC	Svc - Street lights/Library	574.32
37650	03/10/2016	Printed		22343	MT. SHASTA POINT S TIRE & AUTO	Flat repair	20.00
37651	03/10/2016	Printed		22317	MT. SHASTA SHELL	Feb fuel #26	25.84
37652	03/10/2016	Printed		22320	MT. SHASTA SPRING WATER	Feb 16 WWTP water	9.70
37653	03/10/2016	Printed		23052	NORTHLAND CABLE TELEVISION INC	Mar 16 library internet	64.01
37654	03/10/2016	Printed		23052	NORTHLAND CABLE TELEVISION INC	Mar 16 CH-PD-FD internet	86.40
37655	03/10/2016	Printed		24033	OREILLY AUTOMOTIVE INC	Degreaser - Fire	7.53
37656	03/10/2016	Printed		25057	PACIFIC CRANE CERTIFICATION	Bucket truck aerial test	735.00
37657	03/10/2016	Printed		25120	PERSONNEL PREFERENCE INC	PW temp help	1,831.50
37658	03/10/2016	Printed		25115	PLATT	Cat 6 Yellow cable	632.08
37659	03/10/2016	Printed		25160	POSTMASTER	2016-17 bulk permit #1 fee	225.00
37660	03/10/2016	Printed		25160	POSTMASTER	Replenish bulk mail acct	800.00
37661	03/10/2016	Printed		22507	QUANTUM HEALING	13-CDBG-8968 Pmt 3	453.75
37662	03/10/2016	Printed		27000	RAMSHAW'S ACE HARDWARE INC	Feb 16 misc supplies	429.58
37663	03/10/2016	Printed		27020	RAMSHAW'S ACE HARDWARE INC	Feb 16 misc supplies	61.37
37664	03/10/2016	Printed		27040	RAY-MAC MECHANICAL INC	8x12 Register	36.51
37665	03/10/2016	Printed		27060	REDDING FLEET TRUCK SUPPLY	Seats FD 1610	1,132.79

Check Register Report

Date: 03/10/2016

Time: 11:03 am

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City of Mt. Shasta

BANK: TRI COUNTIES BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
TRI COUNTIES BANK Checks							
37666	03/10/2016	Printed		28120	SHASTA AUTO SUPPLY	Feb 16 equipment parts	1,024.98
37667	03/10/2016	Printed		28140	SHASTA AUTO SUPPLY	Feb 16 equipment parts	35.05
37668	03/10/2016	Printed		28173	SHASTA CLEANING & MAINTENANCE	Library cleaning 2/25/16	120.00
37669	03/10/2016	Printed		28254	SIEMENS WATER TECHNOLOGIES	LED Retro fit Project Pmt1	66,120.34
37670	03/10/2016	Printed		28255	SIERRA CHEMICAL COMPANY	container refund	571.49
37671	03/10/2016	Printed		28268	DANIELLE SIGNOR	Feb 16 website maintenance	294.00
37672	03/10/2016	Printed		28372	SISKIYOU COUNTY ECONOMIC	Mar 16 Econ Dev Partners	2,083.33
37673	03/10/2016	Printed		22220	SISKIYOU MASONIC TEMPLE BOARD	Feb 16 building rental	675.00
37674	03/10/2016	Printed		28520	SISKIYOU MEDICAL GROUP	DMV physical Boyer	125.00
37675	03/10/2016	Printed		28560	SISKIYOU OPPORTUNITY CENTER	Feb 16 recycling pickups	825.00
37676	03/10/2016	Printed		11380	SJ DENHAM-MT. SHASTA	PD 8 parts	7.63
37677	03/10/2016	Printed		28594	SMITH BUILDING SERVICES LLC	Building inspector services	2,744.34
37678	03/10/2016	Printed		28595	JOHN SMITH SANITATION INC	Feb/Mar 16 dumpster rental	90.00
37679	03/10/2016	Printed		28595	JOHN SMITH SANITATION INC	Feb 16 extra garbage pickup	194.65
37680	03/10/2016	Printed		28595	JOHN SMITH SANITATION INC	Mar 16 Solid Waste & recycling	29,502.46
37681	03/10/2016	Printed		28600	SNOWCREST INC	Mar 16 Library Internet	58.47
37682	03/10/2016	Printed		32060	SOLANOS INC	Feb 16 misc supplies	981.34
37683	03/10/2016	Printed		29113	THOMSON REUTERS - WEST	Pencal Code 2016	34.48
37684	03/10/2016	Printed		30004	U.S. BANK EQUIPMENT FINANCE	PD copier financing	84.74
37685	03/10/2016	Printed		31042	VERIZON WIRELESS	Feb 16 cell phone svc	1,188.23
37686	03/10/2016	Printed		32131	WFCA THE DAILY DISPATCH	Employment Fire Captain Ad	250.00

Total Checks: 73 **Checks Total (excluding void checks): 141,813.46**

Total Payments: 73 **Bank Total (excluding void checks): 141,813.46**

Total Payments: 73 **Grand Total (excluding void checks): 141,813.46**

Check Register Report

Date: 03/17/2016

Time: 9:54 am

Page: 1

City of Mt. Shasta

BANK: TRI COUNTIES BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
TRI COUNTIES BANK Checks							
37687	03/16/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/17/16 Rate Plan 925	4,127.15
37688	03/16/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/17/16 Rate Plan 926	610.36
37689	03/16/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/17/16 Rate Plan 927	3,531.52
37690	03/16/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/17/16 Rate Plan 27429	1,078.83
37691	03/16/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/17/16 Rate Plan 25861	955.54
37692	03/16/2016	Printed		12185	CALIFORNIA P.E.R.S.	03/17/16 Rate Plan 25862	389.63
37693	03/16/2016	Printed		28790	CALPERS 457 PLAN	03/17/16 457 SIP Deductions	1,000.00
37694	03/16/2016	Printed		12300	CASH	Replenish petty cash	126.55
37695	03/16/2016	Printed		60210	LAURIE HOGUE	Training mileage	306.72
37696	03/16/2016	Printed		15240	NATIONWIDE RETIREMENT SOLUTION	03/17/16 457 SIP Deductions	1,790.00
37697	03/16/2016	Printed		27124	RTA CONSTRUCTION INC	Supply Line Replacement Proj	67,371.72
37698	03/16/2016	Printed		28252	SIEMENS INDUSTRY INC	Street Light Project	3,793.12
37699	03/16/2016	Printed		28815	STERLING HEALTH ADMINISTRATION	03/17/16 HSA Deductions	170.00
37700	03/16/2016	Printed		29011	TEAMSTERS LOCAL 137	Mar 16 PD dues deductions	880.44
37701	03/16/2016	Printed		30080	UNITED WAY	Mar 16 Payroll Deductions	4.00
37702	03/16/2016	Printed		32070	THE WELLNESS CENTER	Mar 16 Gym Dues Deductions	124.00
37703	03/17/2016	Printed		28252	SIEMENS INDUSTRY INC	Street Light Project	66,120.34
37704	03/17/2016	Printed		28360	SISKIYOU COUNTY CLERK	NOE - Ream Ave Rehab Proj	50.00
Total Checks: 18						Checks Total (excluding void checks):	152,429.92
Total Payments: 18						Bank Total (excluding void checks):	152,429.92
Total Payments: 18						Grand Total (excluding void checks):	152,429.92



Approval History

Select the appropriate criteria for the approvals you want to see and click Submit. When approvals display, click a batch ID for more detail.

Type:	Originator:	Approver:
All	All	All
From Initiated Date:	To Initiated Date:	
3/11/2016	3/16/2016	<input type="button" value="Submit"/>

Type	ID	Name	Initiated Date	Effective Date	Approval Expiration Date	Approval Action Date	Originator	Approver	Transfer From	Transfer To	Action	Amount
ACH PPD Credits (PPD, PPD+)	140070		3/16/2016	3/17/2016	3/16/2016	3/16/2016	Polk, Jodi	Howarth Terrell, Muriel	City of Mt Shasta		Approved	\$47,337.78

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FEDERAL PAYROLL TAX PAYMENT (EFTPS-941)

PAYROLL PERIOD ENDING: 02/28/16
 PAYROLL DATE: 03/03/16

ACCOUNT NAME:	ACCT.#	AMOUNT
SOCIAL SECURITY	11-000-2110	\$8,950.92
MEDICARE	11-000-2110	\$2,093.36
FED. WITHHOLDING	11-000-2120	\$6,665.90
TOTAL DEPOSIT:		\$17,710.18

EFTPS CONFIRMATION NO: 94925622

EFTPS BANK DEBIT DATE: 3/8/2016

APPROVED:

STATE PAYROLL TAX PAYMENT (EDD)		
PAYROLL PERIOD ENDING:		02/28/16
PAYROLL DATE:		03/03/16
ACCOUNT NAME:	ACCT.#	AMOUNT
STATE WITHHOLDING	11-000-2130	\$1,940.35
STATE DISABILITY INS	11-000-2140	\$403.26
TOTAL DEPOSIT:		\$2,343.61
EDD CONFIRMATION # (STATE):		22430968056
EDD CONFIRMATION # (SDI):		22430987056
EDD BANK DEBIT DATE:		3/8/2016
APPROVED:		

FEDERAL PAYROLL TAX PAYMENT (EFTPS-941)

PAYROLL PERIOD ENDING: 03/13/16
 PAYROLL DATE: 03/17/16

ACCOUNT NAME:	ACCT.#	AMOUNT
SOCIAL SECURITY	11-000-2110	\$8,629.32
MEDICARE	11-000-2110	\$2,018.16
FED. WITHHOLDING	11-000-2120	\$6,460.06
TOTAL DEPOSIT:		\$17,107.54

EFTPS CONFIRMATION NO: 90727164

EFTPS BANK DEBIT DATE: 3/22/2016

APPROVED:

STATE PAYROLL TAX PAYMENT (EDD)		
PAYROLL PERIOD ENDING:		03/13/16
PAYROLL DATE:		03/17/16
ACCOUNT NAME:	ACCT.#	AMOUNT
STATE WITHHOLDING	11-000-2130	\$1,753.51
STATE DISABILITY INS	11-000-2140	\$407.56
TOTAL DEPOSIT:		\$2,161.07
EDD CONFIRMATION # (STATE):		22547363056
EDD CONFIRMATION # (SDI):		22547375056
EDD BANK DEBIT DATE:		3/22/2016
APPROVED:		

City Council Agenda Item # 7c
Staff Report

Meeting Date: March 28, 2016

To: Mayor and City Council

From: Muriel Howarth Terrell, Director of Finance

Subject: Monthly Investment and Financial Report for the Period Ending February 29, 2016

	Regular
x	Consent
	Closed
	Presentation

Recommendation:

Staff respectfully requests the City Council review the provided information regarding the City's investments.

Background & Summary:

As of February 29, 2016 the combined funds the City of Mt. Shasta had invested in the Local Agency Investment Fund (L.A.I.F.) totaled \$2,107,655.82. The February 2016 LAIF statement is attached along with the performance data for the month of February. Most surplus funds over which the City has control are currently invested in LAIF. The balance of the City's cash funds are held in the pooled checking account with Tri Counties Bank and the CDBG Fund CD's held at Scott Valley Bank and with ProEquities.

Current investment rates are:

L.A.I.F.	February 29, 2016	0.0467%
CD's-1Year	February 29, 2016	0.0200%
Treasury Note – 1Yr.	February 29, 2016	0.195%
Treasury Note – 2 Yr.	February 29, 2016	0.78%
Treasury Note – 5 Yr.	February 29, 2016	1.21%
Treasury Note – 10 Yr.	February 29, 2016	1.74%
Treasury Note – 30 Yr.	February 29, 2016	2.62%

Bloomberg as reported by Chandler Assest Management

Local Rates:

Tri Counties Bank	February 29, 2016	CD 1 year	0.20%
Scott Valley Bank	February 29, 2016	CD 1 year	0.25%

The LAIF average increased slightly last month, other rates across most of the Treasury yield curve declined. We continue to anticipate the LAIF rate staying in a narrow range around .40%

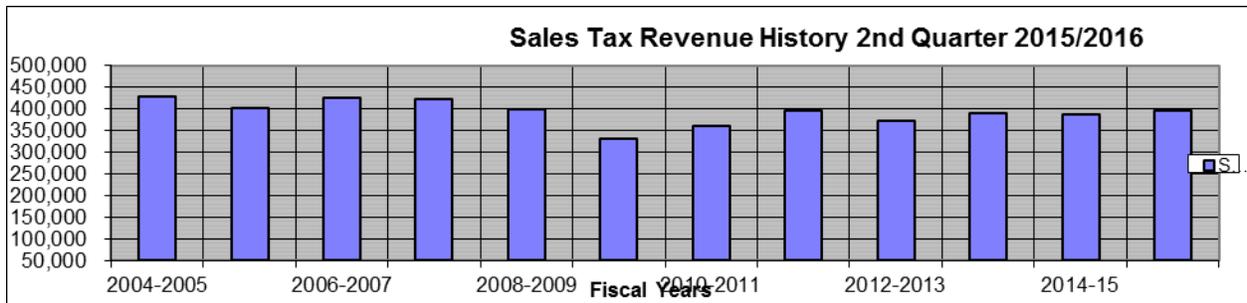
The LAIF yield is lower than the 2 Yr. Note. Short term CD rates are no better than the LAIF rate and longer term notes may offer better yields it does not give us the liquidity we need. The LAIF rate remains the best available rate that meets the City's requirement for liquidity and safety.

Revenues:

Property Tax Revenue: The City received \$282,771 in December 2015 and is what was anticipated.

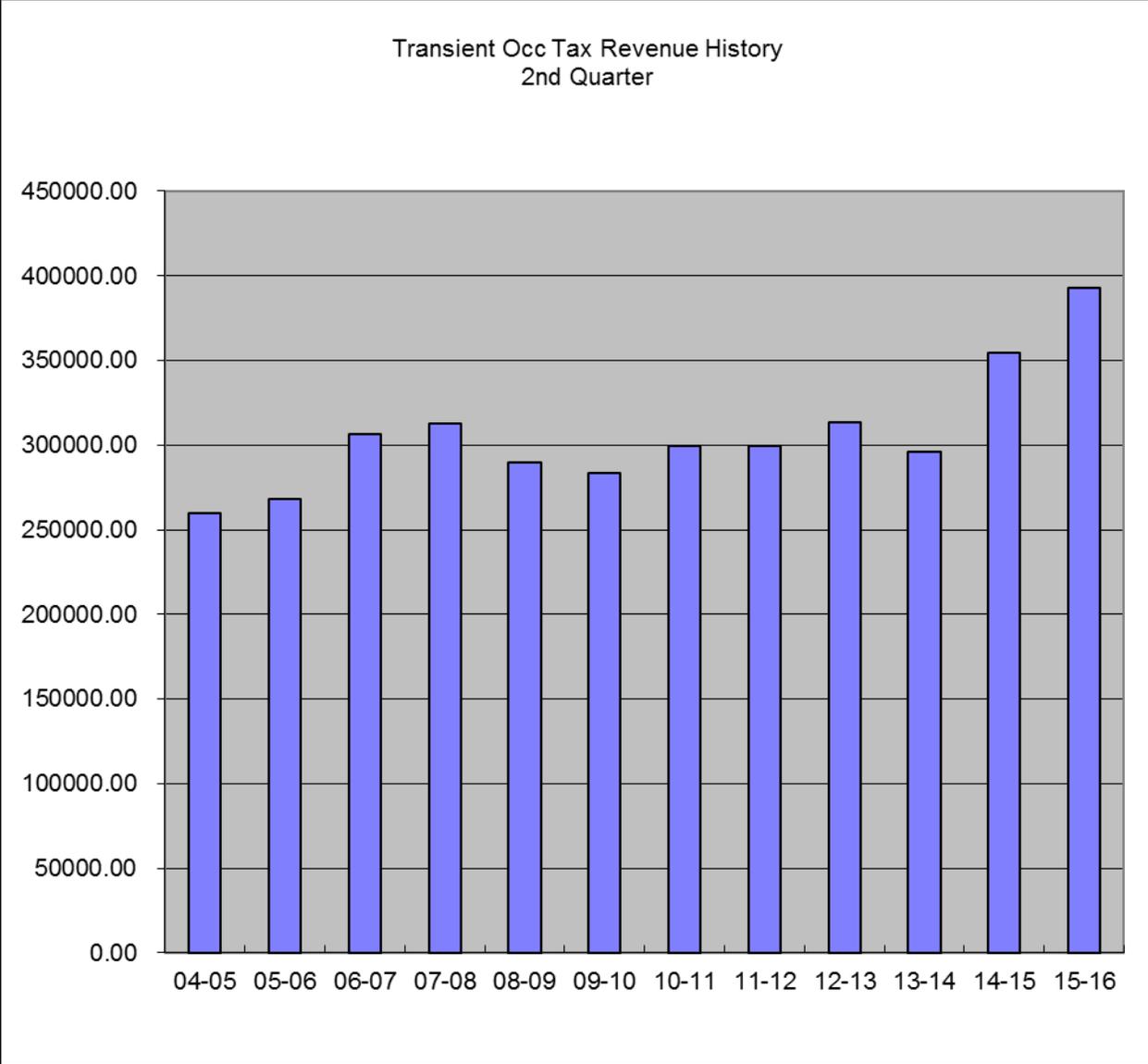
Sales Tax Revenue:

The sales tax revenue through the end of the second quarter of 2015/16 was 396,150 which is \$9,500 more than the total collections through the same quarter last year. The chart below illustrates the trend of sales tax revenue for the 2nd quarter in the last few years.



Transient Occupancy Tax:

The collection of the second quarter TOT came in above what was anticipated. The total TOT collected equaled \$392,964 which is \$39,000 more than the previous fiscal year. The chart on the next page represents the 2nd quarter TOT over the last few years.



Financial Impact:

The investments are in compliance with the City’s investment policy and provide for meeting the City’s cash flow needs for the next month and 6 month periods.

Compliance with 2014-17 City Council Strategic Plan:

The City Council’s leadership efforts to ensure adherence to the best possible financial practices and overall transparency falls under Strategic Focus IV – Grow Mt. Shasta Pride and Quality and the Municipal Responsibilities of Progressive Leadership and Financial Health and Economic Opportunity.

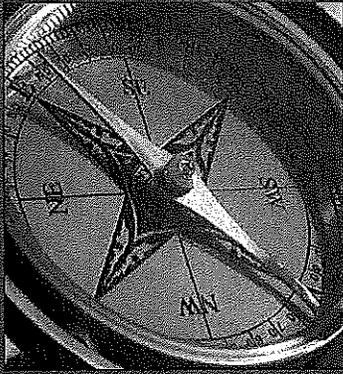
Attachments:

- LAIF Monthly Statement
- LAIF Performance Report

- LAIF Monthly Balances
- Chandler Asset Management January 2016 Newsletter

BOND MARKET REVIEW

A MONTHLY REVIEW OF
FIXED INCOME MARKETS



WHAT'S INSIDE

Market Summary 1
 Yield Curve
 Current Yields

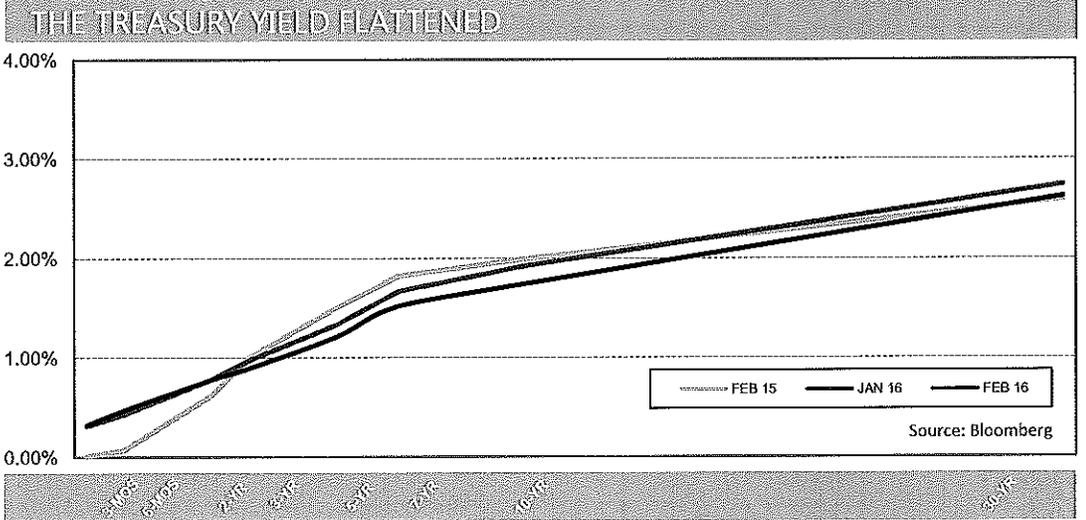
Economic Round-Up 2
 Credit Spreads
 Economic Indicators

Market Summary

We believe the Federal Reserve (Fed) is likely to keep monetary policy on hold this month, but the implied probability (based on fed funds futures) of another fed funds rate hike at mid-year has increased. Currently, the implied probability of a rate hike around mid-year is approximately 45% and the implied probability of a rate hike in September is greater than 50%. However, the implied probability of a rate hike at the upcoming March 15-16 Federal Open Market Committee (FOMC) meeting remains very low, and we do not believe the FOMC is likely to shock the market. In February, Fed Chair Yellen testified before Congress and provided the Fed's semi-annual Monetary Policy Report. Yellen noted the economy made further progress toward maximum employment and inflation is expected to rise toward the Fed's 2% objective over the medium-term. Nevertheless, we expect the Fed to keep policy rates on hold until at least this summer in light of global economic concerns. Chair Yellen conceded the economic outlook is uncertain and foreign economic developments pose risks to the domestic economy.

Economic data is mixed. Labor market conditions continue to improve and consumer confidence is strong. Housing trends remain healthy. However, the manufacturing sector continues to be weak. The ISM manufacturing index has been below 50.0 since October, suggesting the manufacturing sector is contracting. Nevertheless, payrolls have increased by an average of 228,000 per month over the past three months, and the unemployment rate has declined to 4.9%, which should provide a tailwind for economic growth this year. Fourth quarter 2015 GDP grew at an annualized pace of 1.0%, following growth of 2.0% in the third quarter. Market participants are currently forecasting GDP growth of about 2.0% in the first quarter of 2016, and 2.0-2.5% for the full year 2016. Based on recent economic data, we believe 2016 GDP growth is likely to be at the lower end of the 2.0%-2.5% range.

The Treasury yield curve has flattened, which is consistent with historical Fed tightening cycles. The FOMC's "dot plot", which depicts the FOMC's assessment of appropriate monetary policy, suggests that the Federal Reserve could raise the fed funds rate three or four times before year-end. We believe the "dot plot" will likely move closer to market expectations over the medium term. Although fed funds futures prices currently indicate investors expect the Fed to raise rates once this year, we believe two 25 basis point rate hikes before year-end is a distinct possibility. Ongoing uncertainty about monetary policy and how the Fed communicates its economic projections will likely continue to fuel financial market volatility.



In February, the Treasury yield curve flattened, with the yield on 2-year Treasuries unchanged and the yield on 10-year Treasuries down nearly 20 basis points.

TREASURY YIELDS	2/29/2016	1/31/2016	CHANGE
3 Month	0.32	0.31	0.01
2 Year	0.78	0.78	0.00
3 Year	0.89	0.97	(0.08)
5 Year	1.21	1.33	(0.12)
7 Year	1.52	1.67	(0.15)
10 Year	1.74	1.92	(0.18)
30 Year	2.62	2.74	(0.12)

Since 1988, Chandler Asset Management has specialized in the management of fixed income portfolios. Chandler's mission is to provide fully customizable, client-centered portfolio management that preserves principal, manages risk and generates income in our clients' portfolios.

Economic Roundup

Consumer Prices

Although energy and commodity prices remain weak, overall inflation pressures are beginning to creep higher. The Consumer Price Index (CPI) rose 1.4% year-over-year in January, up from 0.7% in December. Year-over-year comparisons have become easier, given the precipitous decline in energy prices at the end of 2014. Core CPI (CPI less food and energy) rose 2.2% in January, up from 2.1% in December. The Personal Consumption Expenditures (PCE) index was up 1.3% year-over-year in January, up from 0.6% in December. Core PCE (excluding food and energy) was up 1.7% in January, versus 1.4% in December. Though PCE remains below the Fed's 2.0% target for now, the trend suggests that inflation is moving slowly toward the Fed's target.

Retail Sales

The precipitous decline in oil prices may finally be providing a tailwind for consumer spending. On a year-over-year basis, retail sales were up 3.4% in January, vs. up 2.4% in December, suggesting that consumers were relatively undeterred by financial market volatility in January. On a month-over-month basis, retail sales, excluding autos and gas, were stronger than expected in January, up 0.4% on a month-over-month basis. Expectations were for a 0.3% gain. Overall retail sales, including autos and gas, were up 0.2% in the month.

Labor Market

Nonfarm payrolls rose by 242,000 in February, exceeding the consensus forecast of 195,000. December and January payrolls were also revised up by a total of 30,000. The unemployment rate was unchanged at a low level of 4.9% in February, while the participation rate continued to inch up to 62.9% from 62.7%. A broader measure of unemployment called the U-6, which includes those whom are marginally attached to the labor force and employed part time for economic reasons, declined to 9.7% from 9.9%. Wages declined 0.1% in February, missing expectations for a 0.2% increase, but this follows a strong 0.5% surge in wages in January. Over the past three months, payrolls have increased by an average of 228,000 per month, compared to the trailing six-month average of 235,000.

Housing Starts

Total housing starts declined 3.8% on a month-over-month basis in January, missing expectations. Single-family housing starts fell 3.9% while multi-family starts fell 3.7%. Housing starts tend to be volatile on a month-to-month basis, but the underlying trend remains modestly positive with total housing starts up 1.8% on a year-over-year basis. Overall, we believe housing market trends remain healthy.

Credit Spreads Widened in February

CREDIT SPREADS	Spread to Treasuries (%)	One Month Ago (%)	Change (%)
3-month top-rated commercial paper	0.18	0.16	0.02
2-year A corporate note	0.69	0.67	0.02
5-year A corporate note	1.05	1.03	0.02
5-year Agency note	0.23	0.21	0.02

Source: Bloomberg

Data as of 2/29/2016

Economic Data Remains Indicative of Slow Growth

ECONOMIC INDICATOR	Current Release	Prior Release	One Year Ago
Trade Balance	(45.7) \$Bln JAN 16	(44.7) \$Bln DEC 15	(43.6) \$Bln JAN 15
GDP	1.0% DEC 15	2.0% SEP 15	2.1% DEC 14
Unemployment Rate	4.9% FEB 16	4.9% JAN 16	5.5% FEB 15
Prime Rate	3.5% FEB 16	3.5% JAN 16	3.25% FEB 15
CRB Index	163.22 FEB 16	166.75 JAN 16	244.08 FEB 15
Oil (West Texas Int.)	\$33.75 FEB 16	\$33.62 JAN	\$49.76 FEB 15
Consumer Price Index (y/o/y)	1.4% JAN 16	0.7% DEC 15	(0.1%) JAN 15
Producer Price Index (y/o/y)	(1.2%) JAN 16	(2.7%) DEC 15	(3.0%) JAN 15
Dollar/EURO	1.09 FEB 16	1.08 JAN 16	1.12 FEB 15

Source: Bloomberg

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**JOHN CHIANG
TREASURER
STATE OF CALIFORNIA**



PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
03/03/16	0.50	0.46	170
03/04/16	0.50	0.46	168
03/05/16	0.50	0.46	168
03/06/16	0.50	0.46	168
03/07/16	0.50	0.46	166
03/08/16	0.50	0.46	167
03/09/16	0.50	0.46	167
03/10/16	0.50	0.46	167
03/11/16	0.50	0.46	167
03/12/16	0.50	0.46	167
03/13/16	0.50	0.46	167
03/14/16	0.50	0.46	162
03/15/16	0.50	0.47	162
03/16/16	0.51	0.47	162

*Daily yield does not reflect capital gains or losses

LAIF Performance Report

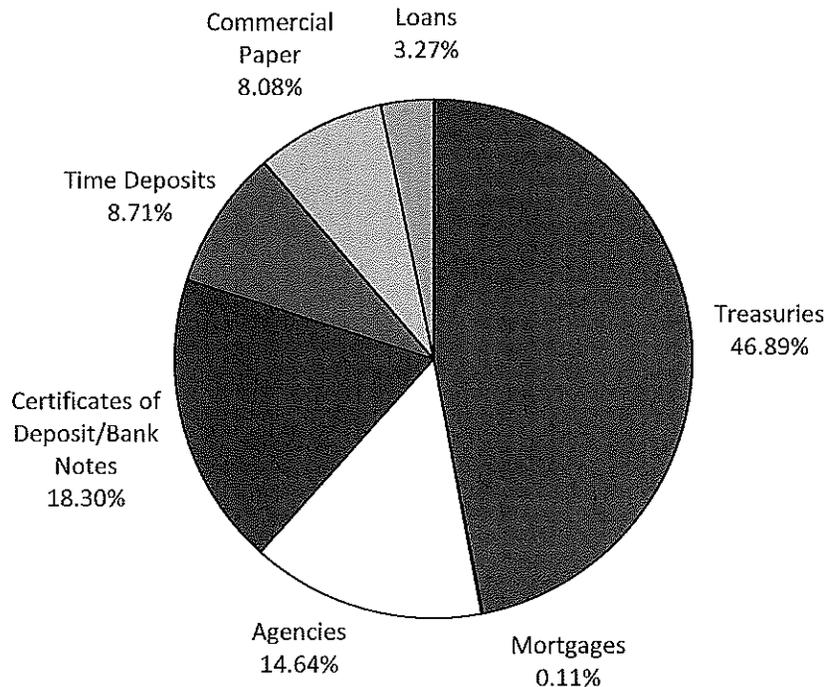
Quarter Ending 12/31/15

Apportionment Rate: 0.37%
 Earnings Ratio: 0.00001006140492611
 Fair Value Factor: 0.999186963
 Daily: 0.43%
 Quarter to Date: 0.38%
 Average Life: 179

PMIA Average Monthly Effective Yields

FEB 2016 0.467%
JAN 2016 0.446%
DEC 2015 0.400%

**Pooled Money Investment Account
Portfolio Composition
2/29/16
\$64.2 billion**



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif/laif.asp
March 17, 2016

CITY OF MT SHASTA

DIRECTOR OF FINANCE
305 NORTH MT SHASTA BLVD
MT SHASTA, CA 96067

PMIA Average Monthly Yields

Account Number:

98-47-572

Tran Type Definitions

February 2016 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	2,107,655.82
Total Withdrawal:	0.00	Ending Balance:	2,107,655.82

City Council Agenda Item # 7d
Staff Report

Meeting Date: March 28, 2016
To: Mayor and City Council
From: Rod Bryan, Public Works Director
Subject: Government Code § 65402

	Regular
X	Consent
	Closed
	Presentation

Recommendation:

Staff respectfully requests the City Council adopt the proposed Resolution providing certain provisions of Government Code section 65402 inapplicable to acquisitions or dispositions of property.

Background & Summary:

Government Code Section 65402, subdivision (a), generally requires submission of proposed acquisitions or dispositions of real property to the planning commission for a report as to conformity with the general plan.

That section permits the legislative body, by resolution or ordinance to provide that those provisions shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

The City Attorney is recommending that City Council adopt the proposed Resolution.

Financial Impact:

None

Compliance with 2014-17 City Council Strategic Plan:

Supports Infrastructure and General Plan goals

Attachments:

1. Proposed Resolution CCR-16-10
2. March 17, 2016 Memorandum from City Attorney's office
3. GC §65402

RESOLUTION NO. CCR-16-10

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MT. SHASTA PROVIDING CERTAIN PROVISIONS OF
GOVERNMENT CODE SECTION 65402 INAPPLICABLE TO ACQUISITIONS
OR DISPOSITIONS OF PROPERTY**

WHEREAS, Government Code Section 65402, subdivision (a), generally requires submission of proposed acquisitions or dispositions of real property to the planning commission for a report as to conformity with the general plan; and

WHEREAS, Government Code Section 65402, subdivision (a), permits the legislative body, by ordinance or resolution, to provide that the provisions of Government Code section 65402, subdivision (a), shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mt. Shasta as follows:

The provisions of Government Code Section 65402, subdivision (a), shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

Passed and adopted this 28 day of March, 2016 by the following vote:

ROLL CALL VOTE

AYES:
NOES:
ABSENT:
ABSTAIN:
DATED:

ATTEST:

CITY OF MT. SHASTA:

Larisa Proulx, Deputy City Clerk

Jeffrey Collings, Mayor

APPROVED AS TO FORM:

John Sullivan Kenny, City Attorney

JOHN SULLIVAN KENNY
KELLY J. SNOWDEN*
JONZ NORINE
LINDA R. SCHAAP
ROB J. TAYLOR

KENNY, SNOWDEN & NORINE
A LAW CORPORATION
www.lawksn.com

REDDING LANDING
2701 PARK MARINA DRIVE
REDDING, CA 96001
530-225-8990
FAX 530-225-8944

*Member - American Board
Of Trial Advocates

MEMORANDUM

TO: Paul Eckert, City Manager
CITY OF MT. SHASTA
Eckert@ci.mt-shasta.ca.us

FROM: Rob J. Taylor, Assistant City Attorney 

DATE: March 17, 2016

RE: **Resolution re Government Code Section 65402**

We recently received a question regarding a resolution concerning Government Code section 65402. Section 65402 generally governs real property matters on which review and recommendation from the planning commission is needed prior to entry into a transaction by the City Council. However, the section permits cities to “opt out” of planning commission review and to move straight to council decision where the real property issue involves (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature. “Opting out” is accomplished through passage of a resolution addressing the matter, and hence we provided the sample resolution to all of our city clients for their consideration. Referral to the Planning Commission frequently serves little purpose and results in unnecessary delay. The resolution is offered as a step towards efficiency.

It is not necessary for the City to pass this resolution. It is entirely within the discretion of the council. If the resolution is not adopted, then any and all acquisitions, dispositions, or abandonments on street projects big or small will need to head to the planning commission for review and recommendation prior to the council taking action. Of course, the Council could adopt the resolution and still refer to the Planning Commission when it wished,

If you have any questions, please contact me.

cc: Tim Stearns
Larisa Proulx

RJT/3737
4830-8226-3599, v. 1



1 of 50 DOCUMENTS

Deering's California Codes Annotated
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*** This document is current for urgency legislation through Chapter 2 of the 2016 Session. ***

GOVERNMENT CODE
Title 7. Planning and Land Use
Division 1. Planning and Zoning
Chapter 3. Local Planning
Article 7. Administration of General Plan

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Gov Code § 65402 (2016)

§ 65402. Provisions applicable to acquisition or disposition of real property, vacation or abandonment of streets, etc.; "Local agency"

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or

alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

HISTORY:

Added Stats 1965 ch 1880 § 5. Amended Stats 1967 ch 1165 § 1; Stats 1974 ch 700 § 3.

NOTES:

Former Sections:

Former § 65402, relating to rules and proceedings of planning commission, was added Stats 1953 ch 1355 § 2 and repealed Stats 1965 ch 1880 § 8.

Amendments:

1967 Amendment:

Added the last sentence in subd (b).

1974 Amendment:

Amended subd (a) by (1) deleting the former third sentence of the first paragraph which read: "The provisions of this paragraph (a) shall not apply to acquisitions or abandonments for street widening or alignment projects of a minor nature if the legislative body so provides by ordinance or resolution."; and (2) adding the second paragraph.

Cross References:

Eminent domain generally: *Gov C §§ 15850 et seq.*; *CCP §§ 1230.010 et seq.*; *Cal Const Art I § 19*; *Ev C §§ 810 et seq.*

Compliance of local agency with building ordinances and zoning ordinances: *Gov C § 53091*.

Provision regarding the regulation of local agencies by counties and cities as prevailing over this section: *Gov C § 53095*.

Inclusion in report of redevelopment plan to legislative body of report required by this section: *H & S C § 33352*.

Submission of environmental impact report as a part of that report required by this Section: *Pub Res C § 21151*.

Public hearing required prior to location or construction of lines for transmission or distribution of electrical energy: *Pub Util C § 12808.5*.

Applicability of section to proposed vacation of street easement: *Sts & H C § 8313*.

Collateral References:

Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 579 "Zoning And Planning".

Cal. Legal Forms, (Matthew Bender(R)) § 30B.22.

8 Witkin Summary (10th ed) Constitutional Law §§ 1015, 1024.

Law Review Articles:

Supreme Court of California 1971-1972; duty of private parties to file environmental statement. *61 CLR 559*.

Attorney General's Opinions:

Incompatibility of offices of county planning commissioner and school district trustee, in view of the offices' respective duties. *56 Ops. Cal. Atty. Gen. 488*.

Annotations:

Power of eminent domain as between state and subdivision or agency thereof, or as between different subdivisions or agencies themselves. *35 ALR3d 1293*.

Hierarchy Notes:

Tit. 7 Note

Tit. 7, Div. 1 Note

Tit. 7, Div. 1, Ch. 3 Note

Tit. 7, Div. 1, Ch. 3, Art. 7 Note

NOTES OF DECISIONS 1. Generally 2. Applicability 3. Mandamus

1. Generally

In environmentalist organizations' suit challenging an agency's certification of its environmental impact report (EIR) and approval of a water project, the agency was not required to submit its project to the county planning agencies of all counties in which its water transmission system was located for review and report as to their conformity with these counties' general plans; the agency was only required to submit the project to the county planning commission of the county in which the project additions were being built. *Friends of the Eel River v. Sonoma County Water Agency (2003, Cal App 1st Dist) 108 Cal App 4th 859, 134 Cal Rptr 2d 322, 2003 Cal App LEXIS 731, reh'g denied, (2003, Cal App 1st Dist) 2003 Cal App LEXIS 876*.

2. Applicability

Bankruptcy court approved a Chapter 9 bankruptcy plan under *11 U.S.C.S. § 943(b)* that was submitted by a California Local Health Care District (LHCD) and proposed to sell hospitals and other property the LHCD owned to a Delaware health care management company in exchange for payment of \$ 156 million. In doing so, the court rejected claims asserted by petitioners, another health care company and several individuals, which alleged, inter alia, that an asset sale agreement the LHCD's board of directors approved had to be set aside because the board did not obtain approval from local planning authorities before it entered into the agreement, in violation of *Gov C § 65402*; § 65402(c) required the LHCD to consult with local planning agencies before it transferred title to its property, and if § 65402 was indeed applicable, the LHCD could still submit the proposed sale of its assets to the appropriate agency. *Prime Healthcare Mgmt. v. Valley Health Sys. (In re Valley Health Sys.) (2010) 429 BR 692, 2010 Bankr LEXIS 960.*

3. Mandamus

In a mandamus proceeding challenging a city's construction of a proposed sports complex, the trial court properly determined that the inconsistencies between the city's project and the county general plan did not vitiate the city's approval of the project. Although *Gov C § 53091* requires a local agency to comply with cities' and counties' building and zoning ordinances, local agencies do not include cities or counties (*Gov C § 53090*). Accordingly, these statutes recognize an intergovernmental immunity such that cities and counties are exempt from each other's building and zoning regulations, including compliance with general plans. *Lawler v. City of Redding (1992, Cal App 3d Dist) 7 Cal App 4th 778, 9 Cal Rptr 2d 392, 1992 Cal App LEXIS 812.*

City Council Agenda Item # 9
Staff Report

Meeting Date: March 28, 2016
To: Mayor and City Council
From: Paul Eckert, City Manager

X	Regular
	Consent
	Closed
	Presentation

Subject: Resolution Permitting Residents to Participate in the California Statewide Communities Development Authority

Recommendation:

Staff respectfully requests the City Council adopt the attached proposed Resolution Number CCR-16-14 that would permit residents to participate in the California Statewide Communities Development Authority to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency; and other similar improvements.

Background & Summary:

The City of Mt. Shasta has in the past been approached by lenders authorized by the California Statewide Communities Development Authority to issue loans under the Property Assessed Clean Energy Program (PACE). This program allows commercial and residential property owners within authorized cities to finance or refinance renewable energy, energy efficiency, water efficiency and seismic strengthening improvements together with electric vehicle charging infrastructure and such other improvements which may be authorized by law from time to time.

The funding for such improvements is provided by bonds issued by the State Authority. The loans are processed by authorized lenders. Currently, three lenders have been authorized in California. The repayment of the loans is accomplished through a voluntary property tax levy collected by the County. Apparently one or more of our property owners have sought information on such loans. Each lender would prefer that the City adopt a resolution allowing only the preferred lender to give loans within a community.

As a result of brainstorming with other area City Managers, it's been determined that our communities would be best served if each community adopt the attached resolution allowing all lenders authorized by the Authority to loan funds within our respective jurisdictions. After careful study, the Cities of Yreka, Weed, Dunsmuir and Mt. Shasta have all decided to submit similar Resolutions to our respective City Councils authorizing each City to similarly participate in the Program.

Financial Impact:

The adopting of the state authorized program does not have any financial implications to the City.

Compliance with 2014-17 City Council Strategic Plan:

The City Council’s efforts to establish funding opportunities for sustainable energy alternatives for our residents falls under: Strategic Focus I – Expand Quality of Life; Strategic Focus II – Maximize our “Destination Location” Opportunities; and Strategic Focus IV – Grow Mt. Shasta Pride and Quality.

Attachments:

- Proposed Resolution Number CCR-16-14

RESOLUTION NO. CCR-16-14

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MT. SHASTA
CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY
OF THE CITY IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE
CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO
ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT
CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL
ASSESSMENTS WITHIN THE TERRITORY OF THE [COUNTY/CITY]; AND
AUTHORIZING RELATED ACTIONS**

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California; and

WHEREAS, the Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the “Programs”), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the “Improvements”) through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”) within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

WHEREAS, the program administrators currently active in administering Programs are the AllianceNRG Program (presently consisting of Deutsche Bank Securities Inc., CounterPointe Energy Solutions LLC and Leidos Engineering, LLC), PACE Funding LLC and Renewable Funding LLC, and the Authority will notify the City in advance of any additions or changes; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the City desires to allow the owners of property within its territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

WHEREAS, the territory within which assessments may be levied for the Programs shall include all of the territory within the City’s official boundaries; and

WHEREAS, the Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue bonds issued in connection with the Programs; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mt. Shasta as follows:

Section 1. This City Council hereby finds and declares that properties in the territory of the City will benefit from the availability of the Programs within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

Section 2. In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements; provided, that

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

Section 3. The appropriate officials and staff of the City are hereby authorized and directed to make applications for the Programs available to all property owners who wish to finance or refinance improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The City Manager and City Planner, together with any other staff persons chosen by the City from time to time, are hereby designated as the contact persons for the Authority in connection with the applicable programs.

Section 4. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Programs.

Section 5. The City Council hereby finds that adoption of this Resolution is not a “project” under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

Section 6. This Resolution shall take effect immediately upon its adoption. The City Manager is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

PASSED AND ADOPTED this 28th day of March, 2016 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF MT. SHASTA:

Larisa Proulx, City Clerk

Jeffrey Collings, Mayor