

Mt. Shasta City Council Regular City Council Meeting Minutes

Mt. Shasta Community Center, 629 Alder Street

Monday, May 11, 2015; 5:30 p.m.

Approved as Submitted 5/27/15

“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	STANDING AGENDA ITEMS
1.	<p>Call to Order and Flag Salute</p> <p>At the hour of 5:33 p.m., Mayor Geoffrey Harkness called the meeting to order and led the audience in the Pledge of Allegiance.</p>
2.	<p>Roll call</p> <p>Councilmembers Present: Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness</p> <p>Councilmembers Absent: None</p>
3.	<p>Special Presentations & Announcements:</p> <p>Mayor Harkness presented the Mt. Shasta Police Department with a Proclamation of Honor in recognition of National Police Week 2015 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.</p>
4.	<p>Public Comment:</p> <p>The City was thanked for the work done on Alma Street. A comment was made on the high sewer and water connection rates for the City of Mt. Shasta being considerably higher than both Weed and Dunsmuir. A suggestion was made to create a security force to assist with transient issues and promotion of tourism.</p>
5.	<p>Meeting Recess: None taken</p>
6.	<p>Council and Staff Comments:</p> <p>The City Manager commented on the efforts of the Drought Committee and encouraged residents to view and provide feedback on website, www.thelanding.com. He thanked Councilmember Burns for his role on the Local Transportation Committee (LTC) and stressed the importance of this committee’s role in completing projects such as the Alma St. project. An update was provided on the hiring of four firefighters, two by the District and two by the City. Council asked staff if the Planning Commission had plans to discuss the hook-up fees as commented on during Public Comment. Staff indicated they were still looking into the history, initial establishment, and how a change would impact the City financially. Discussion was held regarding the change being incorporated into the upcoming rate review and that it couldn’t move forward prior to the Planner position being filled. Interviews for the Planner should take place in the next few weeks. Updates were provided on new business openings and relocations of current businesses.</p>

CITY COUNCIL BUSINESS

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: April 27, 2015 Regular City Council Meeting
 - b. Approval of Disbursements: Accounts Payable: 4/23/15 and 4/30/15; Total Gross Payroll and Taxes: For Period Ending 4/29/15 (Finance Director)

MOTION to approve consent agenda item 7(a) Approval of Minutes: April 27, 2015 Regular City Council Meeting; 7(b) Approval Payable: 4/23/15 and 4/30/15; Total Gross Payroll and Taxes: For Period Ending 4/29/15 (Finance Director)

Motion by: Councilmember Burns
Second by: Councilmember Collings
4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

8. Mt. Shasta to Dunsmuir Inter-Urban Link Trail- Phase 1, Caltrans ATP Grant.

Background: The Mt. Shasta Trail Association (MSTA) wishes to seek funding through the Caltrans Active Transportation Program (ATP) for planning, design, and construction of approximately 30 miles of multi-use trail to further implement the *Mt. Shasta Conceptual Trails Plan*. Eligible applicants for ATP funds must have a Master Services Agreement with Caltrans; therefore the MSTA respectfully request sponsorship of application by the City.

Report by: Paul Eckert, City Manager

Recommended Action: Review and adopt attached resolution CCR-15-18

Justi Hansen and Tuli Potts presented this item on behalf of Bike Shasta and the Mt. Shasta Trails Association (MSTA), respectively. The MSTA wishes to submit an application to Caltrans for the ATP. Bike Shasta would be a subpartner through the Trail Association. Reimbursement from the State would take approximately two months and the budget for this project is approximately \$800,000 with a 20% match. This project works towards the 100 miles of trails project. Discussion was held over the estimated budget and the backup funds retained by the Trails Association. The City Council and presenters discussed the use of the U.S. Forest Service's 31 Road, and despite the representation on the map provided in the packet, that junction is only a crossing, not an incorporation of said road. The USFS is agreeable to this use. The presenters stated the designs provided are not final and that they will try to avoid sensitive areas. Potts indicated they were working with the Ford Foundation, McConnell Foundation, Shasta Regional Community Foundation, and others for the match funding.

MOTION to approve Resolution CCR-15-18

Motion by: Councilmember Stearns
Second by: Councilmember Collings
4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

9. First Reading of the Sitting and Lying on Public Property Ordinance

Background: The Police Department is seeking approval of the first reading regarding the Sit and Lie Ordinance in the downtown area. The Department has seen a dramatic increase in calls related to people sitting and lying in the downtown area from business owners. This ordinance is

intended to assist downtown business owners to create and maintain prosperous businesses.

Report by: Parish Cross, Chief of Police

Recommended Action: Review and approve the First Reading of the Sit and Lie Ordinance

Lieutenant Restine stated the Police Department receives many complaints regarding public smoking of Marijuana and that currently, this is allowed unless a specific ordinance is in place. The Police Department patrols the Landing, Schools, and behind C & K Markets. The proposed ordinances are desirable to the Police Department to increase efficiency as they have seven officers to patrol twenty four hours a day, 365 days a year. Restine stated the transients are creating issues through congregating and are intimidating residents and tourists.

Public Comment on this item was opened at the hour of 6:34 p.m.

Concerns were raised regarding unclear repercussions and a person's inability to sit outside the bookstore with a cup of coffee. Council stated this does not apply to benches and tables, as listed in the exemptions in the proposed ordinance. Staff stated the public sidewalk is limited to five feet with the inclusion of sidewalk amenities and if a group is congregating, it creates a real or perceived threat. An additional public comment was received that the ordinance needs some fine tuning, but they are glad it is moving forward. Suggestion was made to educate the public and business owners. Staff indicated information would be placed in the Downtown area.

Public Comment on this item was closed at the hour of 6:47 p.m.

Council requested the ordinance numbers be removed and replaced with "XX" until they are passed. Discussion was held regarding removing "or Plaza areas excluding designated benches," and "except with the permission of the adjacent business and in a manner that does not pose a health or safety hazard to members of the public" and elaborating on item B, number 2 to state "Who, as a result of disability uses a wheelchair, walker or similar device needed for mobility to move about the public sidewalk;" and adding to the end of item B, number 4, "or on a chair or bench supplied by the abutting business owner."

MOTION to move the Ordinance forward to a second reading with the amended changes

Motion by: Councilmember Collings

Second by: Councilmember Burns

4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

10. First Reading of the Public Consumption of Marijuana Ordinance

Background: In response to the increased complaints, the Police Department recommends a no smoking marijuana in the downtown area ordinance. The Police Department respectfully requests the City Council to approve the first reading and anticipate a passage of this ordinance will help in keeping the downtown area healthy and kid friendly.

Report by: Parish Cross, Chief of Police

Recommended Action: Review and approve the First Reading of the Public Consumption of Marijuana Ordinance

Lieutenant Restine stated that in 2012, the Police Department responded to 39 calls for service regarding drug/marijuana use, 44 in 2013, and 62 in 2014, many of which, upon response, the officers were presented with a Medical Recommendation (215 card) which allows that use. Currently under Federal Law, possession and use of marijuana is illegal, the state of California passed a law allowing the medicinal use of marijuana, the local ordinance would limit smoking marijuana in public, where it would be affecting other people.

Public Comment on this item was opened at the hour of 7:03 p.m.

One comment was received in support of the ordinance, with the hope that it would be expanded upon to include all smoking.

Public Comment on this item was closed at the hour of 7:05 p.m.

Discussion was held whether or not to limit the scope of the ordinance to just the downtown area and to include all smoking. Staff indicated a separate smoking ordinance would be presented to the City Council in the future.

Councilmember Stearns proposed a change within 6.4.02, changing the word "available" to "open." Council requested the ordinance numbers be removed and replaced with "XX" until they are passed.

MOTION to approve the Public Consumption of Marijuana Ordinance with the amended changes

Motion by: Councilmember Collings

Second by: Councilmember Burns

4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

11. First Reading of the Consumption of Alcoholic Beverages on Public Property Ordinance

Background: Over the last several summers the City of Mt. Shasta has experienced an extreme increase in the seasonal transient population during the summer months. With this increase in the seasonal population, the Police Department has experienced a proportional increase in calls related to public alcohol consumption. The Police Department respectfully requests the City Council to approve the first reading to amend the current alcohol beverage on public property ordinance within the city municipal code.

Report by: Parish Cross, Chief of Police

Recommended Action: Review and approve the First Reading of the Consumption of Alcoholic Beverages on Public Property Ordinance

Public Comment on this item was opened at the hour of 7:23 p.m.

Questions were asked regarding if this ordinance would affect alcohol consumption at special events and if a noise ordinance could be addressed as with alcohol, there tends to be more noise.

Staff stated the current ABC license would still allow for alcohol consumption at special events within a confined area and a noise ordinance would be addressed by the Planning Commission by mid-summer.

Public Comment on this item was closed at the hour of 7:30 p.m.

Council requested the ordinance numbers be removed and replaced with "XX" until they are passed.

MOTION to move to the second reading of the proposed ordinance of the City Council of the City of Mt. Shasta amending section 7.06.10 of the Municipal Code relating to consuming alcoholic beverages on public property

Motion by: Councilmember Stearns

Second by: Councilmember Collings

4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

12. First Reading of the Dogs in the Downtown Area Ordinance

Background: Over the last few years the City has seen a significant increase in the seasonal transient population along with dogs belonging to this group of people. The Department respectfully requests the City Council to approve the first reading of this ordinance that responds to complaints from the downtown area and assists in keeping the downtown area safer.

Report by: Parish Cross, Chief of Police

Recommended Action: Review and approve the First Reading of the Dogs in the Downtown Area Ordinance

Lieutenant Restine introduced the ordinance as a quality of life ordinance. There's been an ongoing issue with people with dogs who are not controlling them. There is an approximate average of one bite per year, with low rate of success finding the dog/owner responsible. He additionally addressed the large number of dogs being tied up and left unattended in the downtown area, sometimes barking and growling, creating an atmosphere of intimidation. The Police Department receives a large number of complaints and this ordinance would allow them to better educate the public on what's acceptable and has a penalty for what is not.

Public Comment on this item was opened at the hour of 7:30 p.m.

A concern was expressed regarding if a person came from an area that does not have a dog licensing system in place, that they would not be able to fulfill the requirements of the ordinance without the City making an additional temporary option available for them.

A commenter asked if the City would be getting a full-time animal control officer, stating an untrained police officer could experience problems.

Staff indicated the current animal control officer is part-time and the Police Department has received training to that effect. Staff is unfamiliar with any areas without dog licensing, however, in the rare case that there is one, the City should not drop their standards as it is a health concern for both citizens and the animal. Restine stated the Police Department has worked with transient and homeless population in the past to help get rabies shots for their dogs.

Public Comment on this item was closed at the hour of 7:36 p.m.

Council requested the ordinance numbers be removed and replaced with "XX" until they are passed. It was discussed for item B in the ordinance to remove verbiage related to "packs" of dogs and to specify "acting aggressively or menacingly." For item C, the words "at all times" and "immediately" were requested to be removed and "shall at no time be" to be replaced with "shall not be." In item D, the words "in accordance with applicable encroachment criteria" are to be added.

MOTION to move this ordinance to a second reading with the amendments noted.

Motion by: Councilmember Stearns

Second by: Councilmember Burns

4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

13. First Reading of the amended Parks and Recreation Areas Ordinance

Background: This ordinance amendment reflects the current arrangement with the Recreation and Parks Department and will assist in the management of Parker Plaza upon its transfer to the City of Mt. Shasta.

Report by: Parish Cross, Chief of Police

Recommended Action: Review and approve the First Reading of the amended Parks and Recreation Areas Ordinance

In anticipation of Parker Plaza being turned over to the City, the current ordinance is being modified to add language including the City of Mt. Shasta. It was described as a minor amendment.

Public Comment on this item was opened at the hour of 8:09 p.m., hearing none, Public Comment on this item was closed at the hour of 8:09 p.m.

MOTION to move the amendment of Chapter 7.20 to a second reading.

Motion by: Councilmember Stearns

Second by: Councilmember Collings
4 Ayes – (Burns, Mayor Pro Tem Collings, Stearns, Mayor Harkness)

CITY COUNCIL/STAFF REPORTING PERIOD

14. Council Reports on Attendance at Appointed/Outside Meetings

Councilmember Burns indicated that he and the City Manager would have an orientation with Melissa Cummins of the LTC shortly. Mayor Harkness reviewed the four new projects approved by IRWM on April 30- the two priority level one projects being the Tank One Replacement Project and the Big Lakes water distribution improvement project. The two priority level two projects are the Interceptor Line and the possible placement of a well and tank on Spring Hill.

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

- a. Continuation of discussion regarding Exemption of Organic Material Recycling – 5/2015
- b. Commercial Recycling Oversight Requirements – 7/2015
- c. Annual update from Beautification Chairperson – 5/2015
- d. Annual update from Planning Commission Chairperson – 6/2015
- e. Update regarding potential water rate structure in Fiscal Year 2016/17– 7/2015
- f. Update of efforts to mitigate adverse impacts of increased transient population – 5/2015
- g. Funding availability for local not-for-profits for Fiscal Year 2015/16 – 5/2015
- h. Proposed Community Policing Ordinances – 5/2015
- i. Water Conservation Committee Update and Report – 5/2015
- j. Centennial Greenway Progress Update – 6/2015
- k. Bike Trails Project Presentation by Mayor Harkness – 6/2015
- l. Business Walk Results – 6/2015
- m. Very High Fire Hazard Severity Zone – 6/2015
- n. Adoption of proposed 2015-2016 budget, proposed Capital Improvement Plan (CIP) and Fleet Equipment Replacement Program (FERP), and approval of authorized positions – 5/2015

Due to the large number of items slated for the remaining May meeting, it was discussed to have a Special Meeting for the budget items in the first week of June.

16. Adjourn

There being no further business before the City Council, the meeting was adjourned by Mayor Harkness at the hour of 8:21 p.m.