

**MT. SHASTA CITY COUNCIL REGULAR MEETING MINUTES**  
**Monday, January 14, 2013; 6:30 p.m.**

**1. Call to Order and Flag Salute**

At the hour of 6:30 p.m. Mayor Moore called the meeting to order and led the audience in the recitation of the Pledge of Allegiance.

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**2. Roll Call**

**Present:** Council Members Michael J. Burns, Sr., Jeffrey Collings, Geoff Harkness, and Mayor Tom Moore

**Absent:** Council Member Tim Stearns

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**3. Public Comment:**

Michael Perry – Siskiyou County Librarian: Introduced himself to the City Council and suggested the Council Members could contact him any time they have any questions about the library system. He then provided his contact information to the City Council.

Mayor Moore asked Mr. Perry what he saw as the role of the County in support of the library system in Siskiyou County.

Mr. Perry responded the County would continue to support local communities by providing technology, such as the funding of phone lines and components for computers to keep internet access available at the libraries. Mr. Perry suggested this idea is a Network of local libraries, a community of libraries that share their resources to better serve the public. Mr. Perry noted that the Mt. Shasta Library might have 40,000 books available but the County has 140,000 books. Mr. Perry stated that database access and ebooks are available through the County system. Mr. Perry noted that although the County's role is different than it was a few years ago it is a main component for the success of all of the libraries in Siskiyou County.

Teresa Thompson – Mt. Shasta Library Branch Manager: Introduced herself to the City Council and noted she had returned to Siskiyou County to accept this position and stated she was glad to be back.

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**4. Approval Of Minutes:** Minutes of December 10, 2012 Regular City Council Meeting

**Council Action:** Council Member Collings made a motion seconded by Council Member Burns to approve the minutes of the December 10, 2012 Regular City Council Meeting as submitted. Motion carried on a voice vote of 4-0 with Council Member Stearns noted as absent.

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**5. Special Presentations & Announcements - None**

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**6. Consent Agenda:**

- a. **Approval of Disbursements:** Accounts Payable: 12/06/12, 12/12/12, 12/19/12, and 12/27/12  
Total Gross Payroll and Taxes: For Period Ending 12/09/2012 and 12/23/2012
- b. **Mayoral Appointment of Mayor, Council Member Jeffrey Collings, and Planning Commission Chair Belinda Higuera to a Nominating Committee to Interview Candidates and Forward A Recommendation to Council to Fill the Planning Commission Vacancies**
- c. **Mayoral Appointments to Fill the Vacancies on the Beautification Committee**
  - 1) Penny Bloodhart
  - 2) Jacqueline Parker

**d. Mayoral Appointments**

- 1) LAFCO – Tim Stearns
- 2) LTC – To Be Determined
- 3) SAGE – Tim Stearns
- 4) Solid Waste JPA – City Manager
- 5) Collier Interpretive Center – Marie Jose Wells
- 6) ATAC – Michael Burns, Sr.
- 7) Beautification Committee – Jeffrey Collings
- 8) CEDAC – Tom Moore
- 9) LTAC – Geoff Harkness
- 10) PBIAAC – Michael Burns, Sr.

**Council Action:** Council Member Burns made a motion seconded by Council Member Collings to approve Consent Agenda Items **6a-6d**. Motion carried on a voice vote of 4-0 with Council Member Stearns noted as absent.

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**7. Consider Resolution No. CCR-13-XX RE: Approving the Appointment of John E. Kennedy Sr. As City Clerk And Barbara Valenzuela As City Treasurer (Deputy City Clerk)**

At the hour of 6:39 p.m. Deputy City Clerk Studer presented the staff report.

**Council Action:** Council Member Burns made a motion seconded by Council Member Collings to adopt Resolution No. CCR-13-01 A Resolution of the City Council of the City of Mt. Shasta Approving the Appointment of John E. Kennedy Sr. As City Clerk And Barbara Valenzuela As City Treasurer. Motion carried on a voice vote of 4-0 with Council Member Stearns noted as absent.

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**8. Swearing In Of City Clerk, John E. Kennedy and City Treasurer, Barbara Valenzuela (Deputy City Clerk)**

At the hour of 6:42 p.m. Deputy City Clerk Studer administered the Oath of Office to City Clerk John E. Kennedy Sr. and City Treasurer Barbara Valenzuela following their appointment by the Mt. Shasta City Council.

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**9. Public Hearing and Consider Resolution No. CCR-13-XX RE: Establishing The Fees For Processing Special Events Applications Filed With The City (City Planner McKinley)**

At the hour of 6:45 p.m. City Planner McKinley presented the staff report.

Lengthy discussion ensued between Council and staff with the following comments being noted:

- City Planner McKinley noted the City cannot charge more than the cost of services provided and the Tables he provided to Council reflect the City's actual costs for providing the services.
- City Planner McKinley noted that staff's recommendation is for fees that are less than the cost of the services being provided by the City.
- City Planner McKinley noted the fee schedule provides for the recovery of the cost of additional City staff time required by a Special Event.
- City Manager Marconi stated the City has never had cost recovery for the Fourth of July, Cool August Nights, and Winter Magic events, which is why staff is recommending those events be exempt from this Special Events Permit fee schedule. City Manager Marconi noted these events are truly community events that the whole community has participated in for years, so it doesn't make sense to charge fees for these events because the City itself is as much a sponsor of these events as the Chamber of Commerce and the other people putting on these events.

- City Manager Marconi stated the City Council could amend these fees at any time in the future by going through the appropriate process and demonstrating the basis for any increase in the fees.
- City Manager Marconi clarified the fee schedule, attachment to the proposed resolution, states that if an event sponsor requires City support for their event they are to give the City a deposit up front to pay for those services, plus an additional 10%, and the City would refund any excess over the City's cost for providing those services.

At the hour of 7:20 p.m. Mayor Moore opened the public input portion of the Public Hearing.

At the hour of 7:21 p.m. Dusty Miller – President of Mountain Runners: Addressed the City Council and provided information about their non-profit organization and the contributions it make to the community with the monies raised through their volunteer efforts in holding the Fourth of July event each year. Mr. Miller stated the event has lost many of its major sponsors over the last six years. Mr. Miller suggested the Fourth of July event has provided many benefits to the community and he agreed that although reasonable fees to cover the cost of paperwork and staff time are appropriate, attempts to recover all the City's costs for services for the event could impact Mountain Runners and its ability to contribute back to the community. Mr. Miller requested that Council carefully weigh the trade-offs of increased fees against the benefits that Mountain Runners is able to provide to the community.

At the hour of 7:30 p.m. Paula Reynolds – Siskiyou Arts Council: Stated the Siskiyou Arts Council also holds a major event in the City of Mt. Shasta each year that is relatively new. Ms. Reynolds stated support for a flat fee that would help offset the cost for City staff time required by a Special Event. Ms. Reynolds pointed out that Special Events bring in revenues not just to those sponsoring the event but to the local businesses and to the City in which the event is held. Ms. Reynolds noted that people attending these events stay in our hotels, eat at our restaurants, shop at our galleries and stores and spread money around in many other ways. Ms. Reynolds recognized that the City is struggling during the current economic circumstances and those working to promote area events do so in the hope of attracting new members to the community. Ms. Reynolds stated that most event promoters support a reasonable fee to help cover City costs, however there are concerns with the proposal to charge the organization holding an event with the actual City personnel costs in assisting with events. Ms. Reynolds stated the understanding the City intends on grandfathering in some organization's events while any organizations looking to initiate new events would be assessed fees that might be prohibitive to the holding of a new event. Ms. Reynolds asked the City Council to weigh the cost of assisting with the Special Event against the income that is brought to the area via taxes and other means. Ms. Reynolds made the observation that the Siskiyou Arts Council "Art on the Block" is not being considered as an eligible event to be grandfathered in although it has brought a great deal of attention and public appreciation during the three years it has existed. Ms. Reynolds noted the Siskiyou Arts Council would like to move the "Art on the Block" event to the first week in August to correspond with the Summit Century Bicycle Event and partner with local schools and area environmental organizations. Ms. Reynolds suggested that if actual City costs are imposed on the event in the future, the Arts Council would likely not be able to sustain the event as it is not a profitable venture. Ms. Reynolds made the observation the proposed fee is reasonable and suggested the fee should apply to everyone across the board with different tiers to reflect attendance and street closures.

At the hour of 7:37 p.m. Marie Josee Wells – Executive Director Chamber of Commerce: Asked for clarification that the Walk-Run Event, held on the Fourth of July by the Mountain Runners, would be included in the events being excluded from the fee schedule.

Mayor Moore responded that is what is being proposed and would be discussed and decided upon tonight by the City Council.

Ms. Wells noted the event referred to as "Cool August Nights" should be referred to as "Cool Mountain Nights".

At the hour of 7:38 p.m., noting no further public comments, Mayor Moore closed the public input portion of the public hearing.

Council Member Collings stated support for staff's suggested fees of \$50 for a non-street closure event and \$100 for events requiring a street closure and for taking deposits to cover the City's costs. Council Member Collings stated support for the exclusion of the three community events as recommended by staff.

Council Member Harkness concurred with Council Member Collings and stated his support of the fees as proposed by staff. Council Member Harkness suggested correcting the name of the Cool Mountain Nights event as suggested by Ms. Wells within the resolution. Council Member Harkness asked whether the Council would need to set the parameters as to how any future events would qualify as events that are to be excluded from paying these fees or would that be something that could be addressed in the future.

City Manager Marconi responded that issue did not need to be addressed tonight. City Manager Marconi suggested that events, to be considered as a community wide event, would have to be assessed on a case-by-case basis. City Manager Marconi suggested Council may want to set some parameters and/or criteria at a future date when Council receives a request from an event organizer to be excluded from the fees. City Manager Marconi noted that the three events currently being excluded are events that have been held in the City of Mt. Shasta for about the last 30 years and are considered a part of the fabric of the community. City Manager Marconi suggested that the "Art on the Block" event might evolve into a community wide event and at that point Council may want to consider adding it to the list of events excluded from the fees. City Manager Marconi made the observation that each event is different and it would be hard to come up with criteria that would apply to every event.

City Planner McKinley made the observation that setting of parameters and criteria would require an amendment to the Special Events Ordinance.

City Manager Marconi made the observation that the setting of the parameters and criteria could mean an amendment to the Ordinance or it could be done through the adoption of a new resolution. City Manager Marconi suggested Council would decide how they would like to do that. City Manager Marconi made the observation that Council was not prepared to set those parameters and criteria tonight.

Mayor Moore made the observation that the Summit Century Bicycle Event has been around longer than the Cool Mountain Nights Event. Mayor Moore stated the understanding that the Rotary has to get a permit for the Blackberry Festival.

City Planner McKinley responded that the Blackberry Festival Event would require the \$50 fee.

Mayor Moore made the observation that the Blackberry Festival brings in revenues that benefit the community as does the Taiko event. Mayor Moore suggested that all events that were in place through the year 2012 have fees charged at 50% of the fee in effect. Mayor Moore suggested that new events coming in 2013 would pay the \$50 or \$100 fee as applicable. Mayor Moore suggested this would recognize events that have been established in the City. Mayor Moore expressed concerns with excluding some of the past events that have been held in the City and not excluding the others. Mayor Moore suggested this would be a way of mitigating for non-profit or for profit events that require street closures. Mayor Moore made the observation that when an event needs support from the City is when the sponsor would pay for such support. Mayor Moore made the observation that the event sponsors would not have to pay for Police support if such support is not needed. Mayor Moore made the observation that when an event needs Police support, the City cannot necessarily pay for that cost. Mayor Moore stated that if an event needs to use City staff then they should have to pay for the use of City's staff.

Council Member Burns asked whether his understanding is correct that the Mayor was saying that any new event following tonight's meeting would pay 100% of the fee schedule and those events that have previously been held in the City would be exempt.

Mayor Moore responded that was not what he was proposing. He was proposing that events that have previously been held in the City would pay 50% of the fees.

Council Member Burns asked whether that meant 50% of cost recovery as well.

Mayor Moore responded that cost recovery, for City staff time, would be at 100% of the City's costs.

Council Member Burns asked whether that was meant to apply to the Fourth of July, Cool Mountain Nights, and Winter Magic too.

Mayor Moore responded in the affirmative and stated it meant that all the other events would do so as well.

Council Member Burns asked Police Chief Cross how many Police Officers are used during the Fourth of July event.

Police Chief Cross responded the Fourth of July Event makes full use of the City's on duty officers during the 2-3 days of the event. Police Chief Cross clarified that meant 8 officers from the Mt. Shasta Police Department, in addition to himself and perhaps another 3-4 officers that are provided from other Police Departments.

Council Member Burns asked whether the Fourth of July event is the only event that requires the use of that many officers.

Police Chief Cross – Responses are unintelligible.

Council Member Burns made the observation that at \$42 per hour for a Police Officer that could mean a significant cost over a three day period.

Council Member Collings asked whether Mayor Moore is asking that the Mountain Runners and the Fourth of July celebration.....I understand the 50% of the Special Event permit fee and street closure fee.....but are you asking for them to begin paying for and asking the Police Department to add up all of their incremental hours and charge them for those incremental hours.

Mayor Moore responded he was not asking anything, this is what has been brought forward to the Council. Mayor Moore stated that if the City were to just stick to a fee schedule that is a good start. Mayor Moore suggested that, down the road, the City could ask events to monitor their usage of the City's public employees in order for them to help the City with its labor issues and leave it at that.

Mayor Moore asked whether anyone had a motion.

City Manager Marconi suggested the simplest way to make a motion, when staff has provided Council with a resolution for adoption, is either first move to amend the resolution if Council wants to change it, or otherwise to make a motion to adopt Resolution No. CCR-13-02, and then read the title of the resolution and then say "adopt by title only". City Manager Marconi stated that would bring everything that is in the resolution into that motion. City Manager Marconi pointed out that the fee schedule is a part of the resolution. City Manager Marconi stated that if Council wished to change the fee schedule then a motion would be required to amend the resolution prior to adopting the resolution.

Council Member Burns made a motion to amend the resolution by providing for a 50% fee being charged to existing events and no cost recovery being required until such time as the City has been able to determine such cost based on studying usage of City staff by the different events. Council Member Burns suggested the City begin accumulating data to determine what costs really are and then readdress the cost recovery issue at a future date once the data is available.

Mayor Moore asked for a second.

Council Member Harkness stated he did not understand the 50% part.

**Council Action:** Mayor Moore made the observation there was no second to the motion and made an alternate motion to amend resolution No. CCR-13-02 so it reads that any event currently in place, at this time, would receive 50% reduction in the event permit and the street closure fees and the additional costs that the City incurs will be struck from this motion. Mayor Moore stated the only thing this motion would change would be the event fee schedule.

Deputy City Clerk Studer stated she did not understand the motion and asked for clarification as to whether the motion was intended to make an amendment to the fee schedule and what the amendment to the fee schedule would be.

Mayor Moore clarified the amendment was that any event in place currently will receive a 50% reduction in both criteria of the fee schedule and the sentence that states “applicants shall be required to reimburse the City of Mt. Shasta for any additional costs to the City in support of the Special Event” would be struck from the fee schedule. Mayor Moore suggested removing that entire first paragraph from the fee schedule. Mayor Moore suggested removing both of the paragraphs following the filing fee costs from the fee schedule. Mayor Moore noted all that would be left on the Special Events Permit Fee Schedule page would be the permit fee schedule and the information regarding the 50% reduction on the Permit Fee Schedule for current events.

Deputy City Clerk Studer stated the understanding the amendment was to delete the two paragraphs on the fee schedule on page 58, to leave the filing fees as they are, and to replace the deleted paragraphs with the statement “Any event in place as of the date of January 14, 2013, will receive a 50% reduction in the event fees as set by this resolution.”

Mayor Moore stated that Deputy City Clerk’s understanding of his motion was correct.

Council Member Harkness asked whether there was a chance to discuss that.

Mayor Moore responded that if he seconded the motion, discussion could take place.

**Council Action:** Council Member Harkness stated he would second the motion for purposes of discussion.

Council Member Harkness made the observation that if the problem is with who gets grandfathered in and who does not, rather than solving that issue tonight he would suggest accepting the resolution as proposed by staff and then ask staff to further pursue how to handle any future exclusions and bring their suggestions back to Council at a future date.

Council Member Collings suggested leaving the resolution just like it is and only amend the fee schedule by removing the second paragraph on the fee schedule on page 58 and replacing it with the statement as suggested by Mayor Moore. Council Member Collings stated he was making this suggestion in order to ensure that cost recovery remains a part of the resolution. Council Member Collings stated the City does want to do cost recovery going forward. Council Member Collings stated that when an event asks for incremental Fire, Police, or other staff services from the City that they pay for that usage with the exception of these three community events.

Mayor Moore made the observation that the Council is not ready to go forward at this time charging events for additional services. Mayor Moore stated that he is ready to go forward in saying use as little as you can and use more volunteers. Please remember the City’s bottom line. Sponsors are great at looking at their bottom line and that is appreciated, but help the City with theirs.

Mayor Moore called for the question.

**Council Action:** Motion to amend the resolution carried on a roll call vote of 3-1 with Council Member Harkness noted as dissenting and Council Member Stearns noted as absent.

**Council Action:** Council Member Collings made a motion seconded by Council Member Burns to adopt Resolution No. CCR-13-02 A Resolution of the City Council of the City of Mt. Shasta Establishing The Fees For Processing Special Events Applications Filed With The City by title only as amended. Motion carried on a voice vote of 3-1 with Council Member Harkness noted as dissenting and Council Member Stearns noted as absent.

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**10. Consider Resolution No. CCR-13-XX RE: Approving a Subgrant Agreement with Siskiyou County Economic Development Council (SCEDC) for Implementation of the Grant Agreement Between the City of Mt. Shasta and the California Energy Commission (City Manager)**

At the hour of 8:03 p.m. City Manager Marconi presented the staff report.

**Council Action:** Council Member Harkness made a motion seconded by Council Member Collings to adopt Resolution No. CCR-13-03 A Resolution of the City Council of the City of Mt. Shasta Approving a Subgrant Agreement with Siskiyou County Economic Development Council (SCEDC) for Implementation of the Grant Agreement Between the City of Mt. Shasta and the California Energy Commission by title only. Motion carried on a voice vote of 4-0 with Council Member Stearns noted as absent.

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**11. Consider Resolution No. CCR-13-XX RE: Accepting the Independent Audit Report for Fiscal Year 2011-2012 (Finance Director)**

At the hour of 8:09 p.m. Finance Director Terrell presented the staff report.

No public comments were noted.

**Council Action:** Council Member Collings made a motion seconded by Council Member Burns to adopt Resolution No. CCR-13-04 A Resolution of the City Council of the City of Mt. Shasta Accepting the Independent Audit Report for Fiscal Year 2011-2012 by title only. Motion carried on a voice vote of 4-0 with Council Member Stearns noted as absent.

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**12. Consider Resolution No. CCR-13-XX RE: Authorizing the Engagement of Aiello, Goodrich, & Teuscher to Perform Financial Statement Audit Services for the City for Fiscal Years Ending June 30, 2013, 2014, and 2015 (Finance Director)**

At the hour of 8:13 p.m. Finance Director Terrell presented the staff report.

No public comments were noted.

**Council Action:** Council Member Collings made a motion seconded by Council Member Burns to adopt Resolution No. CCR-13-05 A Resolution of the City Council of the City of Mt. Shasta Authorizing the Engagement of Aiello, Goodrich, & Teuscher to Perform Financial Statement Audit Services for the City for Fiscal Years Ending June 30, 2013, 2014, and 2015 by title only. Motion carried on a voice vote of 4-0 with Council Member Stearns noted as absent.

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**13. Brown Act Committee Minutes:**

- a. Minutes of October 10, 2012 (Beautification Committee Regular Meeting)

At the hour of 8:18 p.m. Mayor Moore introduced the item.

Mayor Moore stated he had attended the CEDAC meeting and noted that within the next couple of months, CEDAC would be asking members of the City Council, Planning Commission, CEDAC members, and City staff to help in conducting a survey of local businesses by taking questionnaires, in groups of three, and asking five pertinent questions of business owners. Mayor Moore stated that following the completion of the survey, the responses would be shared.

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**14. Reports RE: Attendance at Outside Meetings - None**

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**15. Future Agenda Items:**

- **Appointments to Fill Planning Commission Vacancies**
- **Supporting Constitutional Amendment to Overturn Supreme Court's Ruling in Citizens United vs. Federal Elections Commission**
- **Special Goal Setting Meeting**

Mayor Moore suggested a future item to review the fees for water and sewer hookup.

Council Member Harkness requested that as there are so many new Council Members he would like for the Council to get a draft budget sooner rather than later to provide them additional time to review the budget.

City Manager Marconi responded that usually in the first or second meeting in February staff will bring Council a review of the current year's budget through mid-year and any proposed revisions to that budget for the balance of the year. City Manager Marconi made the observation this provides for a good starting point in leading into the next year's budget. City Manager Marconi noted the next step would be to do the goal setting without any numbers being involved and following that staff would put together the draft budget which would be provided to Council in April. City Manager Marconi stated Council would then work on the budget in the months of April through June using a series of workshops or perhaps at a regular City Council meeting.

Mayor Moore made the observation that Council has requested a monthly item on the Agenda to provide Council with the opportunity to go over the budget and to bring the Council up-to-date as to where the City is.

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**16. Council and Staff Comments**

At the hour of 8:24 p.m. Mayor Moore introduced the item.

No comments were noted.

Mayor Moore adjourned the meeting to Closed Session at the hour of 8:27 p.m.; reconvened at the hour of 8:47 p.m.

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**17. Closed Session**

- a. Liability Claims – Pursuant to Government Code §54956.95 - 4 Cases  
Claimants – 1) Michael Proto; 2) Richard McDowell; 3) Barry Brown; 4) Analisa Azzopardi  
Agency claimed against: City of Mt. Shasta

At the hour of 8:47 p.m. Mayor Moore reported that Council had provided direction to staff and no action had been taken on the Closed Session items.

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**18. Adjourn (Next Regular City Council Meeting to be Held On Monday, January 28, 2013)**

There being no further business before the Council, the meeting was adjourned at the hour of 8:48 p.m. to the next regular City Council Meeting to be held on Monday, January 28, 2013.

Respectfully Submitted,

*Sandra K. Studer*

Sandra K. Studer, Deputy City Clerk  
For John E. Kennedy, Sr., City Clerk