

Mt. Shasta City Council Regular City Council Meeting Minutes

Mt. Shasta Community Center, 629 Alder Street

Monday, March 10, 2014; 5:30 p.m.

Approved as Submitted on April 14, 2014

“Our mission is to maintain the character and resources of our ‘small town’ community while striking an appropriate balance between economic development and preservation of our quality of life.”

Page	Item
	<p>1. Call to Order and Flag Salute</p> <p>At the hour of 5:34 p.m., Mayor Stearns called the meeting to order and led the audience in the Pledge of Allegiance.</p>
	<p>2. Roll call</p> <p>Councilmembers Present: Burns, Collings, Harkness, Moore, and Mayor Stearns Councilmembers Absent: None</p>
	<p>3. Public Comment:</p> <p>Mayor Stearns opened the Public Comment section of the agenda at the hour of 5:35 p.m.</p> <ul style="list-style-type: none">• <u>Doug Blackwell:</u> Spoke to the City Council regarding water use and extraction by Crystal Geyser. Mr. Blackwell read from an article in the Mount Shasta Herald authored by an employee of Cal Trout, which suggested a model in which Crystal Geyser would play an “active” role in protecting the local waters. He provided examples of the model implementation. Mr. Blackwell submitted his written comments to the Deputy City Clerk.• <u>Neil Posson:</u> Stated his main issue with Crystal Geyser is the information they are not saying or providing. Mr. Posson spoke about two main concerns still not addressed by Crystal Geyser, one being the amount of water they will be extracting and the second is amount of water they will be discharging. He stated Crystal Geyser has been very careful not to provide exact numbers to the public. Mr. Posson asked for the City Council to request Crystal Geyser provide these numbers in writing.• <u>Jen Matthews:</u> Inquired as to the format of the upcoming meeting regarding Crystal Geyser and the rules of order. Ms. Matthews asked if there will be an open flow of the meeting that will allow for back and forth dialogue. <p>Mayor Stearns advised Ms. Matthews the meeting format and content has not yet been established, but anticipates there will be presentations with question and answer period.</p> <ul style="list-style-type: none">• <u>Raven Stevens:</u> Updated the Council on further information she has obtained regarding the issues homeowners have been experiencing with their wells since the time water extraction at the plant began. Ms. Stevens indicated there

were more homeowners that had experienced issues with their wells in the past and as a result of having been vocal about their concerns before, are fearful to speak out again. She further commented on her contact with the Water Quality Control Board and in light of their response asked the City Council to take the lead as the lead agency and request a full CEQA review. Ms. Stevens stated the lack of action on the Council's part could set them up for legal action later on.

- **Bayla Greenspoon:** Congratulated Castle Rock Water Co. for using glass bottling and referenced an article in the newspaper. Ms. Greenspoon spoke to the average daily water use by individuals and voiced her concern for the amount of water proposed to be extracted by Crystal Geyser. She indicated there is concern by land owners around the Big Springs area with respect to future building and wells.
- **Roslyn McCoy:** Voiced her concern that the City Council is violating the Brown Act by way of the City Manager's Weekly Report. Ms. McCoy indicated this would constitute a "serial" meeting. She asked for the Weekly Reports to be placed on the City Webpage so they are accessible to the public. Clarification was provided as to the specific document being referenced. Ms. McCoy opines that by way of the Council having the ability to add to this document each week constitutes a violation of the Brown Act as a "serial" meeting.

Councilmember Moore commented on the training Councilmembers are required to take with respect to ethics and open meeting laws and indicated the Council understands this and adheres to the regulations and laws.

The City Manager further provided clarification as to Public Records Request and as to "serial" meetings.

- **Melinda Willey:** Commented on her research regarding the water crisis in Ashland, Oregon, and their need to obtain water from Medford, Oregon, and the expenses connected to this process. Ms. Willey also commented on the Siskiyou County Board of Supervisors meeting in which they claimed to not have enough water for their constituents.
- **John Kennedy, Sr.:** Stated he has lived here for 68 years and has never had any issues with not having water. Mr. Kennedy spoke to the other public comment with respect to the Crystal Geyser plant operations and water extraction.
- **Frances Mangels:** Mr. Mangels brought in a water sample to demonstrate acidic acid does "eat" aluminum. He spoke to Dannon's use of chemicals at the plant previously and their effect on the water sources. Mr. Mangels stated his opinion with respect to Crystal Geyser's obligations to their shareholders. He indicated his concern with respect to water meters being put in after Crystal Geyser has begun operations.
- **Diane Lowe:** Stated she lives in McCloud. Ms. Lowe spoke to the Brown Act as it relates to the City Managers weekly report and indicated McCloud residents receive their City Manager's reports. She commented on McCloud's sale of their water to Nestle and the resulting expectations and process which

	<p>included an environmental impact study.</p> <ul style="list-style-type: none">• Jill Gardner: Stated she is not totally against having a bottling company here in Mt Shasta, but reiterated this must come with regulations for use. Ms. Gardner asked what will happen and who will be paying for damage created by Crystal Geysers, will there only be a fine involved.• Vickie Gold: Thanked the Council for providing the legal research regarding water rights. Ms. Gold spoke to her concern regarding climate changes and global warming. <p>By unanimous consent of the City Council, Mayor Stearns calls a recess of the meeting at the hour of 6:21 p.m.</p> <p>Mayor Stearns resumes the meeting at the hour of 6:32 p.m.</p> <p>By unanimous consent of the City Council, agenda item #13 will be taken up at this time.</p> <p>Mayor Stearns indicated he provided his research and written report with respect to basic California water rights and law for informational purposes only.</p> <p>Mayor Stearns called for public comment at this time.</p> <ul style="list-style-type: none">• Raven Stevens: Inquired as to water licensing requirements for a foreign corporation. Ms. Stevens also spoke to private residents' use of ground water. She encouraged the Council to seek information regarding aquifer recharging, especially during a drought. Ms. Stevens asked if Crystal Geysers has completed an application as a foreign company.• Melinda Willey: Stated a 1998 review document is too old even if it exists. Ms. Willey indicated there are other factors to be considered since that time and a new EIR needs to be completed.• Frances Mangels: Questioned the recharging of the aquifers when the spring at the City park dropped by 50%. Mr. Mangels inferred from the drop that aquifer compaction has occurred. He asked about the rights of Crystal Geysers to extract as much water as they want. <p>Mayor Stearns stated he did not do research of the Health Department or the Food and Drug Administration as to the status of any license applications made by Crystal Geysers. A discussion was held regarding giving staff direction to research this matter.</p> <p>Melinda Willey inquired as to whom the hydrologist will be making the presentation at the March 24, 2014, City Council meeting. A brief discussion was held regarding this matter.</p>
	<p>4. Approval of Minutes: Minutes of February 24, 2014 Regular City Council Meeting</p> <p>MOTION to approve the minutes of the February 24, 2014, Regular City Council</p>

	<p>meeting as submitted. Motion by: Councilmember Harkness Second by: Councilmember Burns Council Action: Motion carried on a voice vote as follows: 4 – Ayes (Burns/Collings/Harkness/Mayor Stearns) 1 – Abstention (Moore)</p>
	<p>5. Reports RE: Attendance at Outside Meetings</p> <ul style="list-style-type: none"> • Councilmember Moore reported on his attendance to the LTC meeting. • Councilmember Burns reported on his attendance to the special meeting of the ATAC and spoke to the grants being proposed. • Councilmember Harkness reported on his attendance to the IRWM meeting. • Councilmember Collings reported on his participation in a meeting with Tonya Dowse regarding Crystal Geysers.
	<p>6. Council and Staff Comments</p> <p>City Manager commented on his weekly report and updated the Council with respect to on-going and future City projects and work completed. He also spoke to the formation of the Young Professionals Group.</p> <p>An update was provided regarding the City sign at the north triangle of Mt Shasta.</p> <p>Councilmember Burns asked about the April 14th meeting and if there was going to be an update as to the water and the drought conditions.</p> <p>Councilmember Harkness asked about the status of the ATAC grant and pipeline construction on Alma Street.</p>
	<p>7. Break</p> <p>The Council recessed earlier in the meeting as noted above.</p>
	<p>8. City Council Interviews of Board/Commission /Commissioner Candidates: NONE</p>
	<p>9. Special Presentations & Announcements: NONE</p>
	<p>10. 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.</p> <p style="padding-left: 40px;">a. Approval of Disbursements: Accounts Payable: 02/20/14 and 02/25/14 Total Gross Payroll and Taxes: For Period Ending 02/19/14</p> <p>MOTION to approve (a) of the consent agenda. Motion by: Councilmember Moore Second by: Councilmember Harkness Council Action: Motion carried on a voice vote as follows:</p>

	<p>5 – Ayes (Burns/Collings/Harkness/Moore/Mayor Stearns)</p>
	<p>11. General Plan Annual Progress Report</p> <p><u>Background:</u> State law requires that the General Plan Annual Report be completed and submitted to the California Department of Housing and Community Development (HCD) and the Governor’s Office of Planning and Research (OPR) by April 1 of each year. This report covers the previous calendar year for which it is being completed. This Annual Progress Report looks at the City of Mt. Shasta’s progress towards implementing its General Plan during the 2013 planning year and is completed for the April 2014 deadline.</p> <p><u>Report By:</u> City Planner</p> <p><u>Council Action:</u> Motion of the City Council to accept the General Plan Update</p> <p>The City Planner reviewed her written report with the Council, provided updates and entertained questions from the Councilmembers.</p> <p>Mayor Stearns opened this agenda item for public comment:</p> <ul style="list-style-type: none"> • Vickie Gold: Suggested the language on report page 22-LU16 be stricken and new language reading “serves the needs of Crystal Geyser, a foreign corporation” be inserted. Ms. Gold stated this language would better reflect the largest user of the interceptor line. <p>Mayor Stearns clarified that the pipe line enlargement has been in the City’s General Plan since approximately 1992.</p> <p>MOTION to accept the General Plan Annual Progress Report and authorize staff to forward the report to the California Office of Planning and Research and Housing Community Development.</p> <p>Motion by: Councilmember Burns Second by: Councilmember Moore Council Action: Motion carried on a voice vote as follows: 5 – Ayes (Burns/Collings/Harkness/Moore/Mayor Stearns)</p>
	<p>12. Resolution CCR-14-11 RE: A Resolution Authorizing and Approving A Professional Service Agreement in the Amount of \$25,910 with Mintier Harnish to Update the Housing Element of the General Plan for 2014-2019 Reporting Period (Fifth Cycle)</p> <p><u>Background:</u> All California localities are required by the California Government Code §65580-65590 to adopt housing elements as part of their general plans. Housing Elements are mandated to be updated on a five-year basis, with the City’s current Housing Element planning period ending June 30, 2014. Due to the urgency and deadline requirements, it was determined to outsource this update of the Housing Element for the 2014 – 2019 planning cycle. A Request for Proposals was circulated, proposals were scored based on selection criteria, and award of the contract for professional services is proposed in the amount of \$25,910.</p>

	<p><u>Report By:</u> City Planner</p> <p><u>Council Action:</u> Adopt Resolution CCR-14-11</p> <p>The City Planner reviewed her written report with the Council, discussed public participation venues for the assessment, and entertained questions from Councilmembers.</p> <p>Mayor Stearns opened this agenda item for public comment:</p> <ul style="list-style-type: none"> • <u>Roslyn McCoy:</u> Asked if there were dates arranged for public comment on the housing element. The City Planner stated there are no specific dates as yet, but they will be publically posted when they are set, likely sometime in April. <p>MOTION to adopt Resolution CCR-14-11, A Resolution Authorizing and Approving A Professional Service Agreement in the Amount of \$25,910 with Mintier Harnish to Update the Housing Element of the General Plan for 2014-2019 Reporting Period (Fifth Cycle), by title only.</p> <p>Motion by: Councilmember Moore Second by: Councilmember Collings Council Action: Motion carried on a voice vote as follows: 5 – Ayes (Burns/Collings/Harkness/Moore/Mayor Stearns)</p> <p>Councilmember Harkness asked about the viability of meeting the deadline of June 30th. A brief discussion was held regarding this issue.</p>
	<p>13. California Ground Water Rights Report</p> <p><u>Background:</u> Mayor Stearns will provide a report regarding the California Ground Water Rights.</p> <p><u>Report By:</u> City Manager</p> <p><u>Council Action:</u> Informational Only</p> <p>This agenda item was taken up earlier in the meeting as noted above.</p>
	<p>14. Brown Act Committee Minutes/Meetings:</p> <p style="padding-left: 40px;">a. ATAC – January 17, 2014</p> <p>Council received and reviewed the minutes.</p>
	<p>15. Upcoming Future Agenda Items:</p> <p style="padding-left: 40px;">a. Mt Shasta City Council, and Crystal Geysers personnel Joint Meeting in Mt Shasta</p> <p style="padding-left: 40px;">b. Centennial Park property update from City Attorney</p>

	<ul style="list-style-type: none">c. Undergrounding of electrical utility on Alma Street by Public Works Directord. Extension of Sanitation Services Agreement or RFP for Sanitation for the City of Mt. Shasta agreement. Current agreement ends March 31, 2014.e. Award Contracts for State mandated waste water treatment improvements Engineering and Environmental Contracts.f. Downtown to City Park Trail Plan Updateg. Update regarding Short-term Vacation Rentalsh. Strategic Planning Sessioni. Contributions to Siskiyou County Economic Development Councilj. Review of Ordinance #275 with the intent to add language allowing the inclusion of downtown property owners to be eligible to sit on the DEACk. Potential Annexation of Orchard Propertyl. Water System Update <p>Councilmember Moore stated he would like to revisit the recycling issue for downtown as a future agenda item.</p> <p>Councilmember Burns asked to incorporate a Public Works report on the waste water treatment system within the City limits and the upgrade requirements.</p> <p>Councilmember Harkness asked for clarification as to when there will be budget discussions regarding funding capital improvement projects.</p>
	<p>16. Adjourn</p> <p>There being no further business before the Council, the meeting was adjourned at the hour of 7:29 p.m. to the next Regular City Council Meeting to be held on Monday, March 24, 2014 at 5:30 p.m.</p>

Respectfully Submitted,

Tammy Lapthorne

Tammy Lapthorne,
Deputy City Clerk