

MT. SHASTA CITY COUNCIL REGULAR MEETING MINUTES
Monday, May 13, 2013; 6:30 p.m.
Approved As Submitted - May 28, 2013

1. Call to Order And Flag Salute

At the hour of 6:35 p.m. Mayor Moore called the meeting to order and led the audience in the recitation of the Pledge of Allegiance.

2. Roll Call

Present: Council Member Jeffrey Collings, Geoff Harkness, and Mayor Tom Moore

Absent: Council Members Michael Burns Sr. and Tim Stearns

It was noted that Council Member Stearns arrived at the meeting at the hour of 7:50 p.m.

3. Public Comment:

No public comments were noted.

- 4. Approval Of Minutes:** Minutes of March 25, 2013 Regular City Council Meeting
Minutes of April 8, 2013 Regular City Council Meeting
Minutes of April 22, 2013 Regular City Council Meeting

Council Action: Council Member Harkness made a motion seconded by Council Member Collings to approve the Minutes of the March 25, 2013 Regular City Council Meeting, the Minutes of the April 8, 2013 Regular City Council Meeting, and the Minutes of the April 22, 2013 Regular City Council Meeting as submitted. Motion carried on a voice vote of 3-0 with Council Members Burns and Stearns noted as absent.

5. Special Presentations & Announcements – None

At the hour of 6:38 p.m. Mayor Moore requested the support of the Council for moving Agenda Item Number 10 forward for discussion following Consent Agenda Item No. 6.

Mayor Moore noted the consent of Council to move forward Agenda Item No. 10.

6. Consent Agenda:

- a. Approval of Disbursements:** Accounts Payable: 04/17/13, 04/22/2013, 04/24/2013, and 05/01/2013
Total Gross Payroll and Taxes: For Period Ending 04/14/2013, 04/23/2013 and 04/28/2013
- b. Adopt Resolution No. CCR-13-XX RE: Authorizing A Consignment Agreement With Bidcal Inc. And Authorizing the City Manager to Execute Said Agreement (City Manager)**
- c. Adopt Resolution No. CCR-13-XX RE: Approving Budget Adjustment 2012/13-08 Reappropriating \$3,200 In the Library Fund From Special Department Expenditure to Capital Outlay (City Manager)**

Council Action: Council Member Harkness made a motion seconded by Council Member Collings to approve Consent Agenda Items 6a-6c including the adoption of Resolution No. CCR-13-17 A Resolution of the City Council of the City of Mt. Shasta Authorizing A Consignment Agreement With Bidcal Inc. And Authorizing the City Manager to Execute Said Agreement and Resolution No. CCR-13-18 Approving Budget Adjustment 2012/13-08 Reappropriating \$3,200 In the Library Fund From Special Department Expenditure to Capital Outlay by title only. Motion carried on a voice vote of 3-0 with Council Members Burns and Stearns noted as absent.

10. Consider Resolution No. CCR-13-XX RE: Approving An Agreement For Professional Services With PACE Engineering For A Wastewater Treatment And Disposable Feasibility Study (City Manager)

At the hour of 6:42 p.m. City Manager Marconi presented the staff report.

Council Member Harkness expressed concerns regarding who would provide oversight for this project since PACE is the City's engineer.

City Manager Marconi noted that City Staff would be providing oversight for the project with the ultimate oversight of the project being provided by the Water Quality Control Board because they would have to accept and approve the report. City Manager Marconi stated the City could contract with another engineering firm to do a peer review of PACE's report should the City so desire. City Manager Marconi noted the due date by the Water Quality Control Board for the City's Feasibility Study is June 2014. City Manager Marconi noted the Feasibility Study would recommend a course of action to meet the final effluent limitations and at that point the City Council would have to make a decision, with the concurrence of the Water Quality Control Board, to move forward with a specific project to meet the requirements as set forth by the Water Quality Control Board.

Council Action: Council Member Collings made a motion seconded by Council Member Harkness to approve and adopt Resolution No. CCR-13-15 A Resolution of the City Council of the City of Mt. Shasta Approving An Agreement For Professional Services With PACE Engineering For A Wastewater Treatment And Disposable Feasibility Study by title only. Motion carried on a voice vote of 3-0 with Council Members Burns and Stearns noted as absent.

7. Presentation By Developers RE: Proposed HOME Program Funded Projects (City Manager)

At the hour of 6:57 p.m. City Manager Marconi presented the staff report and suggested the developers be allowed to make their presentations.

Tim Cherms, Development Project Manager and Garrett McSorely, Architect for DANCO Communities made their PowerPoint presentation to Council (a copy of the PowerPoint presentation was provided for the permanent record).

Council Member Collings noted there were common walls with people on both sides of the individual units and asked how the construction would be done to minimize noise.

Mr. McSorely stated there would be staggered stud framing with an STC value of at least 55 and there would be layers of perhaps structural plywood and gypsum board and one layer of 5/8 type X, plus another layer of 1/2" standard drywall, so there would be two layers of drywall on each side of the wall plus the staggered stud and noise insulation. Mr. McSorely made the observation this has been successful because it is a little more than standard. Mr. McSorely made the observation that as this is not a separate unit there would be some shared noise and noted there were limitations in terms of what could be done to reduce that noise.

Council Member Collings made the observation the porches are on the opposite side from the view of Mt. Shasta. Council Member Collings suggested it would be preferable for the porches to be on the side where the view could be seen and/or the kids could be observed in the playground.

Mr. McSorely acknowledged that as being a valid point. Mr. McSorely made the observation the building should have two fronts, one that faces the street and one that has a view. Mr. McSorely pointed out there are front porches on Chestnut Street and on the other side are patios, so all of the units would have an accessible path of travel into and through the units. Mr. McSorely suggested having semi-private outdoor spaces on both sides allows for residents to sit on the sunny side should they wish to do so. Mr. McSorely pointed out the units are three story but are essentially two and one-half story because the third story bedroom is tucked up under the roof. Mr. McSorely clarified the proposed development would have 2 – 1 Bedroom units (one-story); 1 – 2 Bedroom Unit that is fully accessible (one-story); 13 – 2 Bedroom units (two-story); 1 – 3 Bedroom unit with 1 Bedroom on the ground floor (two-story); 7 – 3 Bedroom Units (two 1/2 story); and 1 – 4 Bedroom unit.

Council Member Harkness asked what the rent amounts would be for the units.

Mr. McSorely responded they would vary as the amount is controlled by a formula based on the average median income. Mr. McSorely gave an example that for a family of 3 with an income of \$25,000, 30 % of that annual income could be applied to rent and utilities. Mr. McSorely noted that is the incentive for the developer to provide a super energy efficient project, because if the energy bills can be lower then the rents can be higher.

Mr. McSorely suggested that for this example, for a 2 Bedroom unit, the rent would be about \$625 per month for rent and utilities. Mr. McSorely clarified the units would have heat pumps in them that would provide for heating and cooling.

Council Member Harkness asked whether DANCO had any feel for the demographics for the units.

Mr. Cherms stated that Vice President Chris Dart is really good at determining this and their studies have found that families are the ideal for this community, however senior housing would be available as well.

Mr. McSorely noted that a 1 Bedroom could have between 1 and 3 tenants and there are a certain number, a minimum number and a maximum number, of people that are permitted to live in each type of unit. Mr. McSorely made the observation the development would be most attractive to families but it would not be exclusive.

At the hour of 7:57 p.m. Council Member Stearns stated the understanding that Council would not be making any decisions tonight.

City Manager Marconi clarified that in the best interest of the developers who are moving forward, the Council does need to make a decision tonight one way or the other. City Manager Marconi pointed out that if Council does not make a decision tonight then the City would be putting these projects off for another year.

Council Member Stearns asked if the next meeting would be too late.

City Manager Marconi responded in the affirmative, noting the developers have a July 8th application deadline for the current round of HOME funding. City Manager Marconi expressed the opinion the developers would not be willing to spend all of the money and time in putting together that application and going through the environmental review process without some kind of commitment from the Council tonight. City Manager Marconi stated that is the message that has been conveyed to staff by the developers.

Council Member Stearns stated he has read the materials and he stated a desire to take a look at other projects that have already been completed by the developers and talk with those cities before making a decision. Council Member Stearns asked about the timeframe the developers were on.

Mr. Cherms stated the deadline for the HOME funding has been moved up and he suggested the Council could check references, however a decision was needed immediately.

Council Member Stearns asked whether the decision could take place two weeks from now.

Mr. McSorely stated that DANCO has already incurred expenses not only for his architectural services but for other expenses such that they have already made a substantial investment in the project. Mr. McSorely made the observation the City Manager is attempting to determine whether there is clear support or not of the project so DANCO knows whether or not to continue on. Mr. McSorely stated the project was to go to the Planning Commission on June 18th and if the Planning Commission approves the project then DANCO would come back to Council on June 24th.

Council Member Stearns stated the understanding that Council would have to support one or the other or neither of the development projects.

Mr. McSorely suggested Council would have until the June 24th meeting before approving the project.

Mayor Moore interjected that he would like to provide the opportunity for the other developer to make his presentation before further discussion.

Bill Spann of Pacific West Communities addressed the Council and stated they were not seeking to make a HOME application this year because their project would require a parcel map, lot split, and a lot of additional planning processing for which there is not sufficient time for that to happen before July 8th deadline. Mr. Spann stated that Pacific West Communities is requesting the Council's support for a HOME application next year, around August of 2014. Mr. Spann stated the project is a 48 unit multi-family project with 16 – 1 Bedroom units for senior citizens; 8 – 2 Bedroom units; 16 – 3 Bedroom units; and 8 – 4 Bedroom units. Mr. Spann stated the property is located across from the hospital on Pine Street with secondary emergency access via Cedar. Mr. Spann stated this is a standard 2 story garden style development and he noted Council had been provided with information, (to be made a part of the permanent record), with elevations and floor plans.

Mr. Spann stated this is a team effort with the City in which Pacific West Communities asks the City to make application for the HOME funding, perhaps CDBG funding (for off-site infrastructure needs) due to water pressure problems in the area, and some sewer line improvements that would be needed. Mr. Spann stated should the City approve the project through its planning process then the next step would be for the City to adopt a resolution to make the HOME application. Mr. Spann noted that after that, a CDBG application and follow-up with tax credits would follow to complete the financing. Mr. Spann stated there would be a community building with an on-site Manager's Office and there would be supportive services such as after school programs and neighborhood watch programs. Mr. Spann stated there would be a playground, a barbecue, and benches throughout. Mr. Spann stated there would be a walking/bicycle path that would run from Cedar Street to the north end of the property. Mr. Spann stated the understanding that the property owner intends to continue that path at some future date. Mr. Spann noted the wetlands on the site are the reason there is a lower density of units and the wetlands create a natural setting for the project. Mr. Spann noted the development backs up to the highway and in order to minimize the noise impact the buildings have been moved back so only one building would be affected by the noise. Mr. Spann noted there would be extra insulation in that one building that is exposed to the freeway. Mr. Spann stated these would be 4 – 8 plex buildings. Mr. Spann noted the environmental and planning processes would cost about \$60,000 and with the application deadline date being pushed up they would not be able to meet it. Mr. Spann stated they would be will going forward with the planning process but with a competing project being brought forward they felt a need to determine whether Council prefers one site, design, or type of project over the other before proceeding.

Council Member Harkness stated the understanding the City of Mt. Shasta has problems in being able to qualify for CDBG funding and he asked whether that would be a problem for Pacific West Communities.

Mr. Spann responded that CDBG does grant more points for infrastructure improvements in support of affordable housing, which might help. Mr. Spann stated the final piece of financing pursued by affordable housing developers is the 9 % tax credit program. Mr. Spann stated that often the tiebreaker for applications is what percentage of soft money there might be in the deal compared to your request for tax credits. Mr. Spann explained that soft money are HOME funds, CDBG, RDA, or other types of funding like that. Mr. Spann suggested that to the greatest extent that you can pursue CDBG it would help the chances of the project receiving an allocation of tax credits.

Council Member Harkness noted that tourism is a major economic factor for Mt. Shasta and the City needs to entice tourists to come here. Council Member Harkness made the observation this piece of property and the development would be easily seen from the freeway and asked whether that had been taken into account.

Mr. Spann responded that had not been taken into account but perhaps some trees could be planted along the freeway side of the property to enhance the aesthetics of the development. Mr. Spann stated that other than that, two-story structures would be visible.

Council Member Harkness asked whether Pacific West Communities would continue to pursue their project were DANCO to go forward with theirs this year.

Mr. Spann responded should that be the case there would be concerns as to whether there is a need for both developments. Mr. Spann noted that one or more of these programs have a build and fill rule so they would not allow a second project in the same community until the first project is built and filled up and has a waiting list, which would involve a 2 year lag between one project starting the process and another project starting up. Mr. Spann stated that Pacific West would not buy the property without the knowledge that they would be able to finance it. Mr. Spann questioned whether that opportunity would be available two years from now.

Council Member Collings made the observation that he lives a mile away from the freeway and he is affected by the noise from the freeway.

Mr. Spann responded that from the standpoint of the noise analysis and the acceptable decibel levels, there is one building that lies within a decibel level distance from the freeway for which something must be done to mitigate the noise. Mr. Spann stated this particular building would be built with solid core doors on the freeway side, triple paned windows, and extra insulation in the walls.

Council Member Stearns stated the understanding the Council would have to choose one project over the other due to funding and need and asked whether he was correct.

Mr. Spann responded the HOME Program would not allow for two projects in the same year.

Mr. Spann made the observation that if there is going to be an application this year then DANCO would have to do it because Pacific West Communities would not be ready. Mr. Spann suggested if DANCO is not able to get all of their approvals done in time to meet the HOME Program deadline then Pacific West would ask for Council's support of their project for next year. Mr. Spann stated their project did not require any waivers from normal City standards. Mr. Spann encouraged Council to contact other communities where they have built similar projects.

Mayor Moore asked whether Council is willing to make a decision tonight to support the one project that is moving forward or wait a year for both projects to come forward in the future. Mayor Moore opened the item to public comment.

Bonnie Kubowitz – Executive Director for Great Northern, 780 South Weed: Stated they service Siskiyou County's low wealth individuals and have about nine different programs. Ms. Kubowitz made the observation that the number one problem in our community is the lack of availability of affordable housing for the working poor. Ms. Kubowitz noted that as a tourist community, many of the jobs here are not well paid jobs and even with two adults working many families cannot afford to buy a house and the rents are extreme. Ms. Kubowitz stated she is not making a decision on either project, but from what she has seen family rental units with gardens and play areas is a very forward thinking project and is something that is definitely needed in this community. Ms. Kubowitz stated she had seen a similar, award winning, project in Sebastopol and she made the observation that it is great that Council is looking at this. Ms. Kubowitz stated that Great Northern has a CHDO designation which is a community housing development organization and they would love to partner with the City and the developer, especially in the facilitation of the public hearing. Ms. Kubowitz stated she applauds the City for looking at low rent possibilities for the working poor and families.

Greg Dinger – President of the Homeowners Association over at Timberline Court: Mr. Dinger stated one of the biggest issues for the property owners is availability of parking. Mr. Dinger expressed the opinion that 1.3 parking spots per family is dreamlike and would not work.

Michael Williams: Stated the current Master Plan for trails shows a trail coming up Cedar Street connecting with the shopping center, passing by Mt. Shasta Elementary, coming up Cedar, coming through part of the street right-of-way on the property across from the hospital and going across Pine Street to connect to Kingston. Mr. Williams stated the idea is to connect the City Park and Kingston with a way to get downtown without having to be on Pine Street. Mr. Williams made the observation that if the Council and the Planning Commission are going to consider this project he would encourage them to seek completion of that trail through the project rather than dead ending it as is currently shown. Mr. Williams stated he would like to see that trail go all the way through instead of waiting for some future development which may never happen.

Melanie Findling: Stated she has been involved in affordable housing over the years in her role as a Mt. Shasta Planning Commissioner and stated she was glad to see the City working on this. Ms. Findling stated she has not heard that a needs assessment, in terms of scale, has been conducted to determine why so many apartments are being considered and whether there is a relationship to the City's need.

Mayor Moore noted the information had been provided in the agenda item report.

City Planner McKinley stated that his information had contained a Regional Housing Needs Assessment that had been prepared by HCD that is based on projections. City Planner McKinley stated the Needs Assessment indicates a need of 45 units that are broken up between above moderate, moderate, low, and very low. City Planner McKinley stated very low is 11 units, low is 7 units, moderate is 8 units, and above moderate is 19 units. City Planner McKinley noted that equates to 45 units in total that need to be made available in the next 5 years to provide for growth.

Ms. Findling made the observation that a portion of those 45 are not required by those in the lowest income levels. Ms. Findling made the observation the scale of the second project might be larger than is needed.

Ms. Findling noted that a prior project had been shut down due to concerns regarding noise. Ms. Findling requested Council to hold the bar high and maintain the City's design standards. Ms. Findling noted the concerns that had been expressed as regards parking and stated support for energy efficiency that would allow residents to live in a nicer place, as had been mentioned for the DANCO project, and that adds to its desirability. Ms. Findling stated she would like energy efficiency to be considered with whatever project receives support.

Steve Funk: Noted there had been a conceptual development that had been considered over on Ream Street that had not gone forward due to the issue of external noise and he suggested the developer of the project near the freeway might be asked whether the installation of a sound wall would make the development economically unfeasible. Mr. Funk suggested asking the applicants whether the installation of solar panels was going to be an integral part of the application that would bind them to using them or whether solar panels is something they would like to do contingent on funding availability.

Mayor Moore asked whether Council wants to go forward with either one of these projects at this time.

Council Member Harkness stated he was hesitant to move forward without public input and he is not completely clear on the process.

Council Member Collings asked why the deadline had been moved forward and why.

City Manager Marconi responded that the State had moved their deadline forward.

Council Member Collings questioned whether DANCO would be able to meet the new deadline.

Mayor Moore made the observation there was a consensus of the Council not to move forward.

Council Member Collings responded he was trying to make the suggestion that Council could wait until the next Council meeting, which would allow time for Council to do some due diligence, in order to get more public input so they could make a decision as to which way Council wants to go...but making a decision tonight was not possible.

Mayor Moore made the observation there was a consensus of the Council that a decision would not be made tonight because more time was needed to digest the information. Mayor Moore made the observation a decision might be possible two weeks from now. Mayor Moore made the observation it had been suggested this might be something Council could consider at a June meeting.

Mr. McSorely stated that DANCO would not need a motion of approval at this time because what DANCO is doing would move the project forward and they are currently working on the review of the Environmental Impact Report which is currently available for review. Mr. McSorely noted the project would be considered at the June 18th Mt. Shasta Planning Commission meeting for design review and approval and the question of whether or not the City Council wants to partner with DANCO on the HOME grant could be considered at the June 24th City Council Meeting.

Mayor Moore asked City Manager Marconi for clarification.

City Manager Marconi responded that the finance people at the company had given staff the understanding that before they were willing to commit a lot more money, they wanted to know if the City would partner with them in the HOME application. City Manager Marconi suggested that what Mr. McSorely is saying is that his company is going to go ahead with the application process anyway whether or not the City is willing to partner with them on the HOME Project on the chance that the City will make a decision to partner with them on the HOME project on June 24th.

Mr. McSorely noted that the investment by DANCO has already been made therefore they are willing to go forward with the hope that Council will support the project at the June City Council meeting following the Planning Commission's approval.

8. Consider Resolution No. CCR-13-XX RE: Recognizing Teamsters Local 137 As the Collective Bargaining Representative for the Mt. Shasta Miscellaneous Employees Bargaining Unit (City Manager)

At the hour of 8:51 p.m. City Manager Marconi presented the staff report.

Council Member Harkness suggested additional language within the first "BE IT FURTHER RESOLVED" paragraph to add "benefits" as an additional item for the scope of representation within that paragraph.

City Manager Marconi responded that is probably a good suggestion, although he was not sure whether benefits are considered as a condition of employment or not. City Manager Marconi agreed it made sense to change the scope of representation as limited to "compensation" rather than the "wages, hours, and conditions of employment" that is currently reflected in the language of that paragraph and that would make the resolution broad enough to encompass the whole scope of bargaining.

Council Action: Council Member Stearns made a motion seconded by Council Member Harkness to approve and adopt Resolution No. CCR-13-20 A Resolution of the City Council of the City of Mt. Shasta Recognizing Teamsters Local 137 As the Collective Bargaining Representative for the Mt. Shasta Miscellaneous Employees Bargaining Unit by title only. Motion carried on a voice vote of 4-0 with Council Member Burns noted as absent.

9. Discussion and Possible Action RE: Appointing the City Manager and the Director of Finance As the City's Agency Negotiators for Union Negotiations (City Manager)

At the hour of 8:56 p.m. City Manager Marconi presented the staff report.

Council Action: Council Member Stearns made a motion to appoint the City Manager and the Director of Finance as the City's Agency Negotiators for Union Negotiations with the addition of Council Member Harkness as an additional City Agency Negotiator.

Mayor Moore noted that typically there has not been a member of the Council as part of the City's Agency Negotiators. Mayor Moore stated he would not be in support of doing so. Mayor Moore pointed out that no decisions are made by the City's Agency Negotiators without those decisions first being approved by a majority of the City Council.

Motion died for lack of a second.

Council Action: Council Member Stearns made a motion seconded by Council Member Harkness to appoint the City Manager and the Director of Finance as the City's Agency Negotiators for Union Negotiations. Motion carried on a voice vote of 4-0 with Council Member Burns noted as absent.

11. Discussion and Possible Action RE: Street Seats and Business Networks Programs

At the hour of 8:58 p.m. Mayor Moore suggested moving this item to the next meeting as the hour is late and Council still has a Closed Session to conduct.

Council Member Stearns stated he had read the staff report and expressed his desire to move forward with this item and perhaps staff could come back at the next meeting with some recommended parameters. Council Member Stearns noted the City Attorney had raised one issue that was not in the staff report and he suggested carrying this forward to the next meeting with some specific recommendations in order for businesses to use the Memorial Day Weekend to implement street seats. Council Member Stearns stated the desire that staff could come back with information as to reasonable rates that might be implemented by the City of Mt. Shasta.

City Planner McKinley pointed out the City's Municipal Code already allows for businesses to bring forward a request to implement street seats. City Planner McKinley suggested waiting to see if a restaurant comes forward requesting to implement street seats and then bring that request to Council at which time discussion could take place.

Council Member Stearns expressed the opinion it would be nice to have a process already in place, a way to do it and the cost, before a restaurant comes forward. Council Member Stearns suggested staff could bring that back for Council at the next meeting.

City Planner McKinley stated a hesitancy to make a recommendation on the cost because that would be a policy decision made by the Council.

Council Member Stearns stated the hope the City Manager and Finance Director would present that cost information to the Council with alternatives.

Council Member Harkness suggested it would be reasonable to move forward this year at no fee and then set a fee for future years. Council Member Harkness made the observation this would allow the project to move forward.

Council Member Stearns agreed.

Mayor Moore made the observation that would allow restaurants to make a determination as to whether or not the program is financially successful for them. Mayor Moore stated a preference for waiting to see whether or not a business comes forward with a request to implement street seats. Mayor Moore made the observation that this would be an indication as to whether or not there is even any interest by businesses to do this.

Council Member Stearns stated support for allowing restaurants to come forward with a request for an Encroachment Permit for the period Memorial Day – September 30th so street seating could happen by Memorial Day weekend and there would be no City fee charged this year.

Mayor Moore noted the restaurants would be responsible for constructing the platform so there would be that cost to the restaurateurs.

Council Member Stearns asked how Council feels about going forward with Alfresco dining this year without a fee to the restaurant owners for the use of the parking spaces, with the understanding that they would be incurring the cost for building the platforms that would be needed and they would be subject to coming forward with an Encroachment Permit.

City Planner McKinley advised Council there is a \$42 fee for an Encroachment Permit and the permit includes a requirement for proof of insurance.

Council Member Collings suggested allowing a maximum of two restaurants to go forward with such a project during May 30th – September 30th in order to allow for a test situation to see if this actually achieves the results hoped for. Council Member Collings suggested the first two restaurants coming forward would be the two who would be able to implement the program this year.

Council Member Stearns made the observation that if more than two come forward then Council could revisit this matter.

Council Member Collings made the observation that there is a need for an ongoing discussion regarding this matter because there are lots of details that need to be nailed down, over time, that have not been addressed.

City Manager Marconi stated the City already has the mechanisms in place to go forward. City Manager Marconi stated that as a portion of the public right-of-way is being blocked off it requires bringing such requests to Council. City Manager Marconi made a recommendation to adopt some parameters for how to do this and he suggested Council could use the street seats design guidelines used by Portland that are presented on page 118 of the Agenda Packet. City Manager Marconi suggested Council could adopt them by reference in order to provide staff with some parameters to make a decision to approve a project when or if one comes forward. City Manager Marconi suggested the guidelines would answer some of the City Attorney's questions about giving the parameters for design immunity.

Mayor Moore asked whether Council could adopt them as a soft reference rather than adopting them.

City Manager Marconi responded in the affirmative. City Manager Marconi made the observation Council could give staff the ability to approve two street closures from Old McCloud Road north to Alma Street, that would be better because it would be in areas where speed limits meet the criteria.

Mayor Moore asked whether Council could just agree that the street seats must be in areas with 25 m.p.h. speed zones.

City Manager Marconi responded in the affirmative and pointed out that is already a part of the design guidelines.

City Planner McKinley stated he did not feel staff should approve these because the City's Municipal Code states the City Council is the approving body for this. City Planner McKinley pointed out that it would be inconsistent with the City's Municipal Code for staff to approve such requests.

City Manager Marconi stated he was suggesting that Council could approve a street closure for up to two of these street seats locations, within a specified location, and then staff in approving the Encroachment Permit would make sure that it conforms to these design guidelines for safety and liability purposes.

Council Action: Council Member Stearns so moved with the understanding that it would be Mt. Shasta Boulevard where there is a 25 m.p.h. speed limit. Council Member Collings seconded the motion. Motion carried on a voice vote of 4-0 with Council Member Burns noted as absent.

12. Brown Act Committee Minutes/Meetings

- a. Community Economic Development Activities Committee Minutes – April 16, 2013
- b. Library Tax Advisory Committee Meeting Draft Minutes – April 18, 2013
- c. Alternative Transportation Advisory Committee Draft Minutes – April 19, 2013

At the hour of 9:18 p.m. Mayor Moore introduced the item.

No comments were noted.

13. Reports RE: Attendance at Outside Meetings

No comments were noted.

14. Future Agenda Items:

- **Adoption of CIP and FERP**
- **Consider Resolution RE: Approving the Boundaries of the Revised Targeted Employment Area of its Siskiyou Enterprise Zone**
- **Request for Special Event Permit for Datsun Roadster Event**

City Manager Marconi noted there would be a Special Event Permit Request for the dedication ceremonies for Parker Plaza on the next agenda.

15. Council and Staff Comments

At the hour of 9:19 p.m. no comments were noted.

16. Discussion and Possible Action RE: Establishing A Review Committee for the City Manager Recruitment Process (City Manager)

At the hour of 9:19 p.m. City Manager Marconi presented the staff report.

Council Member Stearns stated he would like the process to take place in the same way he recalls it has been done in the past. Council Member Stearns noted that all of the Council Members would be able to see all of the applications, sort through them, and categorize them into two categories of those who are unqualified and those of interest. Council Member Stearns stated in terms of the citizens review committee, he was supportive of the Mayor's suggested review committee who would review the finalists with the Council Members. Council Member Stearns stated the recollection that in the past, each Council Member has provided their own individual list of the top 10 candidates. Council Member Stearns stated that from those five lists, the top 10 candidates are selected by tallying who received the most votes.

Mayor Moore noted the consensus of the other Council Members for the process as proposed by Council Member Stearns.

Council Member Stearns stated that in terms of the Professional Profile and the supplemental, it is his opinion the Professional Profile provides enough information such that the supplemental questionnaire is not needed for Council's initial sorting.

City Manager Marconi pointed out the Professional Profile and the Supplemental Questionnaire are part of the Closed Session item.

Mayor Moore suggested, for the review committee, he would like to see a cross section of the community members who are involved with the City as being a part of the review committee. Mayor Moore suggested members as follows: Ellen Coleman, Brett Waite, and Michael Murray. Mayor Moore suggested that by adding those three candidates to the members of Council as being plenty, with perhaps two alternates in case someone cannot serve. Mayor Moore suggested Richard Derwingson, Mark Clure, and Greg Messer as alternates. Mayor Moore clarified there would be 8 people on the interview committee, 5 from Council and 3 from outside.

Council Member Stearns noted it would be the City Council who would make the final decision. Council Member Stearns suggested the community members would help Council wittle down the number of candidates to be interviewed from the top 10 candidates who received a majority vote of the Council. Council Member Stearns noted the final candidates would then be interviewed by the 8 member committee.

Council Member Harkness and Collings stated their support for the committee make-up as recommended by Mayor Moore.

City Manager Marconi stated the understanding that each Council Member would select their own list of the top 10 candidates and those five City Council lists would be tallied by staff or Mr. Butzlaff to determine those candidates who have received the most votes, and he would suggest that no more than 5 candidates be selected for the final interview process, and then the 3 community members would participate in the Closed Session of the City Council Meeting and participate in the interview process.

Mayor Moore and Council Member Stearns responded in the affirmative. Mayor Moore asked for a vote of the Council to verify there was a consensus of the Council for the process as understood by City Manager Marconi.

Council Action: A unanimous vote of the Council of 4-0 was noted with Council Member Burns noted as absent.

At the hour of 9:29 p.m. Mayor Moore adjourned the meeting to Closed Session; Reconvened at the hour of 10:00 p.m.

17. Closed Session

- a. Public Employment – Pursuant to Government Code §54957
Position to be filled – City Manager
- b. Liability Claims – Pursuant to Government Code §54956.95 - 1 Case
Claimant – 1) Farmers Insurance Exchange a/s/o Mountain Hospitality Group, LLC
Agency claimed against: City of Mt. Shasta
- c. Conference With Labor Negotiator – Pursuant to Government Code §54957.6
Agency Negotiator: City Manager & Director of Finance
Employee Organization: Operating Engineers Local Union No. 3: Police and Police Communications Dispatcher Units; and Teamsters Union: Miscellaneous Unit

At the hour of 10:01 p.m. City Manager Marconi reported that discussion had taken place regarding the three Closed Session items and Council had provided direction to the City's Negotiators and no final action had been taken on any of the Closed Session items.

18. Adjourn

There being no further business before the Council, the meeting was adjourned at the hour of 10:01 p.m. to the next Regular City Council Meeting to be held on Tuesday, May 28, 2013 at 6:30 p.m.

Respectfully Submitted,

Sandra K. Studer

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