

MT. SHASTA CITY COUNCIL REGULAR MEETING MINUTES - Revised
Mt. Shasta Community Center, 629 Alder Street
Monday, November 25th, 2013; 6:00 p.m.
Approved as Submitted on 12-9-2013

"The mission of the Mt. Shasta Community Action Plan 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".

ITEM

1. Call to Order and Flag Salute

At the hour of 6:05 p.m. Mayor Moore called the meeting to order and led the audience in the Pledge of Allegiance.

2. Roll call

Present: Council Members Geoff Harkness, Timothy Stearns, and Mayor Moore.

Absent: Councilmembers Burns and Collings

Councilmember Collings arrived to the meeting at 6:12 p.m.

Councilmember Burns arrived to the meeting at 6:14 p.m.

3. Closed Session:

- a. **Conference with Legal Counsel**
Existing Litigation – Government Code §54956.9
City of Mount Shasta v. Mount Shasta Hotels, LLC

- b. **Conference with Real Property Negotiator**
Acquisition of Real Property at 100 Chestnut St.
Government Code §54956.8
City Negotiator: City Manager
Negotiating with Bank of America Representatives regarding all matters and concerns including potential acquisition.

Mayor Moore adjourned the Meeting to Closed Session at the hour of 6:07 p.m.

Mayor Moore reconvened the meeting at the hour of 6:33 p.m.

Mayor Moore commented that he would like to see the building be obtained for the purposes of becoming a performing arts center.

Councilmember Stearns commented that support should be provided to those interest groups considering the purchase of the Bank of America building.

Council gave direction to staff and no action was taken on Closed Session items.

4. Public Comment:

- **Raven Stevens:** Commented on her concerns related to the Crystal Geyser plant. Ms. Stevens stated she would like to know how much water is being extracted and would like to see water meters placed to monitor the water table levels. Ms. Stevens further commented she would like to know what the oversight will be of water coming in and going out and have some guidelines established for independent testing.

- **Richard Lucas:** Stated he is the President of the Mount Shasta Bi-Regional Ecology Center Board and spoke on behalf of the Board. Mr. Lucas discussed several concerns regarding the Crystal Geyser Plant and the proposed operations of such. Mr. Lucas stated they are going to be researching this project and the concerns brought forward and are willing to work with and meet with City staff, and others, to effectively communicate and address some of the community's and the Ecology Boards concerns.
- **Roselyn McCoy:** Stated she lives on Lake Street and is concerned about the heavy trucking traffic. Ms. McCoy stated when the military reserve trucks pass by her home she can feel her house shake. Ms. McCoy further states she would be concerned about the increase to the trucks passing by her home with the Crystal Geyser plant. Ms. McCoy provided City staff with a list of her concerns and questions. Council directed City staff to provide Ms. McCoy with a timely response.
- **Daniel Axelrod:** Stated his concerns regarding the handling of waste water from the Crystal Geyser plant in a manner that will protect public health and safety. Mr. Axelrod stated there needs to be a complete feasibility study done and a public hearing held for further public comment.
- **Geneva Omann:** Stated she is concerned about environmental toxins and statements made in the EDA Grant which state toxins or hazardous materials would not be used. Ms. Omann is concerned there are no guidelines or procedures for the on-going use of parasitic acid by the Crystal Geyser plant for disinfecting and stated her concerns regarding possible health issues relating to its use. Ms. Omann further commented there should be provisions made when considering the volatility of parasitic acid in the event fire and rescue personnel must respond and provisions for clean-up in the event of a spillage.
- **Bayla Greenspoon:** Advised the Council she had gone to Siskiyou County to request information regarding the Crystal Geyser plant. Ms. Greenspoon stated that she is concerned about wages for staff employed by Crystal Geyser and stated she hopes they are paid a reasonable "living" wage rather than the State minimum wage.
- **Tom Stokely:** Asked the City Council to consider amending the zoning ordinance to allow for vacation rentals with a use permit. Mr. Stokely provided his request in writing to City staff and requested this item be placed on a future City Council meeting agenda.
- **Linda Webb:** Asked if there was going to be an Environmental Impact Report (EIR) completed for the Crystal Geyser Plant.
- **Francis Mengels:** Stated he is concerned about the possible pollution of the water from the development of the Crystal Geyser lagoons in that the soil in his opinion cannot hold the water. Mr. Mengels stated the water should be tested at the Sacramento River head waters, as well as beneath the Dannon building. Mr. Mengels stated his concern for the aquatic species found in the local water way areas. Mr. Mengels demanded an EIR be completed.
- **Joa Janakoayas:** Stated he is concerned the indigenous Peoples water wells will go dry with the water bottling company coming in. Mr. Janakoayas is concerned if the water wells go dry or become toxic, these people will have to buy their water. Mr. Janakoayas posed the question as to whether our water should be bought or sold, especially to a company that may be owned by another Country.
- **Luisa Navejas:** Stated she is a member of the Wintu Tribe whose historic grounds start at Mount Shasta and covers down to the Sacramento River between McCloud and Pit River. Ms. Navejas stated her Tribe is recognized by the State and also by the City of Mount Shasta as an indigenous people here. She stated the Wintu People continue to

participate in their traditional ceremonies on the mountain and for the last two years, the springs have gone dry. Ms. Navejas is concerned by extracting the water from under the mountain, it will disrupt the balance and could create unforeseen issues. Ms. Navejas urged the Council to consider these things when making decisions regarding the use of the water.

- **Mark Miyoshi:** Stated he lives on Pine Grove Drive and he started having issues with his well right after Dannon came in. Mr. Miyoshi stated he started getting more sand in his well and the water level dropped. Mr. Miyoshi is concerned if Crystal Geyser begins operations, they will have more issues with their well. Mr. Miyoshia spoke about the teachings of his Tribal Elders and questioned if this was the right thing to do.
- **Neil Posson:** Asked the Council to consider what their authority is or should be with the Crystal Geyser Plant if issues arise in the future that need to be addressed as a governing body.
- **Sara Becca Barnett:** Ms. Barnett stated she has a multiple chemical sensitivity condition and moved to Mount Shasta specifically because it had clean air and clean water. She is concerned about the Crystal Geyser operations because she lives very close to the plant. Ms. Barnett is further concerned about the amount of trucks passing by her home and their pollution. She encourages the City to request an EIR be completed.
- **Kazmar:** Stated he lives in nature near Castle Lake. Kazmar spoke about local tree growth and having nature lessons once a week for the children to learn about nature.
- **Vickie:** Spoke about the potential of damage to the streams and mountain and stated she agreed with the concerns of the others who spoke about the Crystal Geyser plant. She asked the Council to ensure an EIR is completed. She stated she would also like to see a full National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) review.
- **Barbara Coulter:** Stated she is concerned about the consequences for the community's children if the Crystal Geyser operations go through. Ms. Coulter is further concerned about the health of the fish in the local streams.
- **Sara Becca Barnett:** Stated she also wanted to bring to the attention of the Council the possible noise pollution created by the increase in trucks from Crystal Geyser.
- **Bill Corbell:** Respectfully requested the Council consider placing this topic on a future agenda for further discussion and public input. Mr. Corbell stated Native American Peoples in the area should be respected and the sacred waters should be managed conscientiously. Mr. Corbell thanked the Council for serving and for their time.

City Manager thanked the community for coming to speak so passionately and eloquently on this topic. The City Manager clarified an EIR Report will be completed, as well as a CEQA review, as is required for the grant to complete the interceptor line for the waste water treatment plant. The City Manager will continue to work with the County of Siskiyou and Crystal Geyser to obtain answers to many of the questions the community has. City Manager further clarified discussions are being held regarding the impact by the possible increase of traffic, and further discussions regarding general impacts to the community will be on-going.

MOTION to approve the minutes of the September 23, 2013, Regular City Council meeting as submitted.

Motion by: Councilmember Burns

Second by: Councilmember Harkness

Council Action: Motioned carried on a voice vote of 5-0.

MOTION to approve the minutes of the November 12, 2013, Regular City Council meeting with correction to agenda item #11.

Motion by: Councilmember Burns

Second by: Councilmember Harkness

Council Action: Motioned carried on a voice vote of 5-0.

6. City Council Interviews of Board/Commission /Commissioner Candidates: NONE

7. Special Presentations & Announcements: NONE

8. 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 Disbursements: Accounts Payable: 11/06/13, and 11/14/13
Total Gross Payroll and Taxes: For Period Ending 11/13/2013

**b. Monthly Finance/Investment Report - November 2013
(Finance Director)**

Councilmember Stearns made an inquiry into the amount paid to the Masonic Temple for the use of their facility to conduct City Council meetings. The Finance Director reported the fee for the use of the Hall is \$225 for each use.

MOTION to approve consent agenda items 8a and 8b as presented.

Motion by: Councilmember Collings

Second by: Councilmember Stearns

Council Action: Motioned carried on a voice vote of 5-0.

9. Adopt Resolution No. CCR-13-61 RE: A Resolution of the City Council of the City of Mount Shasta, County of Siskiyou, State of California, Approving Volunteer Fire Assistance Program Agreement #7FG13104 with the Department of Forestry and Fire Protection.

The Fire Chief presented his staff report to the Mayor and Councilmembers. There were no inquiries from the Council.

MOTION to adopt Resolution CCR-13-61; A Resolution of the City Council of the City of Mount Shasta, County of Siskiyou, State of California, Approving Volunteer Fire Assistance Program Agreement #7FG13104 with the Department of Forestry and Fire Protection.

Motion by: Councilmember Harkness
Second by: Councilmember Burns
Council Action: Motioned carried on a voice vote of 5-0.

10. Adopt Resolution No. CCR-13-62 RE: A Resolution of the City Council of the City of Mount Shasta Approving an Agreement for Professional Services with Schlumpberger Consulting Engineers, Inc. for an Engineering and Traffic Survey.

Staff report was provided by the Chief of Police. A historical and code enforcement background was provided to the Council.

Mayor Moore called for public comments.

- **Ken Ryan:** Stated transportation is more than just cars and urged the Council to consider other forms of transportation and to look into crossings or corners that pose safety risks to pedestrians. Mr. Ryan further stated there should be consideration of creating one-way streets on Chestnut and Mount Shasta Blvd.

Councilmember Stearns clarified the proposed study is to comply with state law to enforce speed and is a narrowly focused study.

MOTION to adopt Resolution CCR-13-62; A Resolution of the City Council of the City of Mount Shasta Approving an Agreement for Professional Services with Schlumpberger Consulting Engineers, Inc. for an Engineering and Traffic Survey.

Motion by: Councilmember Stearns
Second by: Councilmember Harkness
Council Action: Motioned carried on a voice vote of 5-0.

11. Fiscal Year 2013/2014 First Quarter Budget Report

Staff report was provided by the Finance Director. Councilmember Collings inquired about sales tax and the library sales tax and clarification was provided by the Finance Director. Councilmember Harkness asked if the enterprise funds were stable, asked about the low street/landscaping expenses, and inquired as to the overtime within the Fire Department. The Finance Director clarified the enterprise fund was stable, street and landscaping expenses are generally higher during the spring, and the overtime within the Fire Department was to fill-in for the absence of the Assistant Fire Chief. The Finance Director confirmed there was \$100,000 of unexpected expenses at the beginning of last fiscal year. Councilmember Harkness inquired if there were any expected expenses of that nature for this fiscal year and the Finance Director stated she was not aware of anything coming up at this time.

12. Brown Act Committee Minutes/Meetings - NONE

13. Reports RE: Attendance at Outside Meetings

- Mayor Moore thanks Councilmember Harkness for his leadership with the Inter-Regional Water Management (IRWM) Committee and for his time planning and facilitating the meeting. Mayor Moore reported the IRWM plan was passed unanimously.
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14. Upcoming Future Agenda Items:

- **Approval of resolution awarding the solid waste contract; City of Mt. Shasta agreement with John Smith ends March 31, 2014.**
- **Award Contracts for State mandated waste water treatment improvements Engineering and Environmental Contracts.**
- **Negotiations regarding the Bank of America building.**
- **Fiscal Year 2012-2013 Independent Audit Report & Presentation.**
- **Awarding the 2012 Alma Street STIP Contract XXX Construction Inc.**

Mayor Moore commented he would like the discussion regarding the Bank of America building left on as on on-going agenda item.

15. Council and Staff Comments

Councilmember Harkness stated he and Councilmember Collings attended a Sustainable Valley Technology Forum in Ashland and had the opportunity to sit with City Councilmembers from Ashland and Medford.

The City Manager updated the Council on the Winter Magic Event and thanked the Public Works Department for their work at City Hall. The City Manager also thanked the Fire Department for all their work and efforts on the decorations in the City Plaza.

Councilmember Stearns thanked the staff for their dedication and wished the community members and staff a Happy Thanksgiving.

Mayor Moore thanked the Chamber of Commerce staff for all their hard work on the Winter Magic Event.

16. Council Selection of Mayor and Mayor Pro Tem

At the hour of 8:10 p.m. Mayor Moore introduced the item and asked for nominations for the office of Mayor.

Councilmember Burns nominated Tom Moore for the office of Mayor.

Councilmember Collings nominated Tim Stearns for the office of Mayor.

No further nominations were noted.

Councilmember Collings commented on his nomination of Councilmember Stearns.

Councilmember Harkness stated Mayor Moore has done a great job in the position, however he will be voting in favor of the tradition of rotating the positions of Mayor and Mayor Pro-Tem.

Councilmember Collings reiterated Councilmember Harkness's comment that Mayor Moore has done a commendable job as Mayor.

Councilmember Burns stated the tradition of rotating the positions of Mayor and Mayor Pro-Tem is not documented in the City's Municipal Code.

Council Action: On the nomination of Tom Moore to continue in the position of Mayor.

Ayes: Councilmembers Burns and Mayor Moore

Noes: Councilmembers Collings, Harkness, and Stearns

Nomination fails on a 2-3 vote.

Council Action: On the nomination of Tim Stearns for the position of Mayor.

Ayes: Councilmembers Collings, Harkness, and Stearns

Noes: Councilmembers Burns and Mayor Moore

Nomination carries on a 3-2 vote

Mayor Moore called for nominations for the office of Mayor Pro-Tem.

Councilmember Stearns nominated Councilmember Harkness for the position of Mayor Pro-Tem.

No further nominations were noted.

Council Action: Councilmember Harkness was unanimously appointed to the office of Mayor Pro-Tem by a 5-0 voice vote of the City Council.

17. Adjourn

There being no further business before the Council, the meeting was adjourned at the hour of 8:17 p.m. to the next Regular City Council Meeting to be held on Monday, December 9, 2013 at 6:30 p.m.

Respectfully Submitted,

Tammy Laphorne

Tammy Laphorne, Deputy City Clerk