

## **Alturas City Council**

### **Regular Meeting**

City Hall Council Chambers

August 20, 2019 2:00 p.m.

The meeting was called to order by Mayor Pro-Tem Steffek at 2:00 p.m. **Councilmembers present:** Mark Steffek, Loni Lewis, Cheryl Nelson and Jim Irvin. Mayor Ray arrived at 2:10 p.m. **Councilmembers absent: 0. Staff present:** City Clerk Macey Binning, City Treasurer Dorothy Long, City Attorney Jeff Hedlund, Police Chief Sid Cullins, Public Works Foreman Kim Dodds, Fire Chief Keith Jacques and Fire Marshal Eric Hunter. **Public attending: 6.** All present joined together in an opening prayer by Robert Fendler, followed by the Pledge of Allegiance.

Under the public forum Ben Sylvia expressed his concern regarding the safety for bicyclist on Main Street. Recently his son was hit by a car while riding a bike in the crosswalk on Main Street. He was upset to find a City Ordinance that stated bicyclist are not allowed on the sidewalk. This concerns Mr. Sylvia with our youth. He would rather see them on the sidewalk rather than on the road. Mr. Sylvia would like to see changes to help protect bicyclist and our youth. Mr. Sylvia suggested a bike lane and more signage.

Councilmember Lewis informed Mr. Sylvia that recently a workshop on the redesign of Main Street took place. Citizens expressed ideas and concern on the potential Main Street project. Mrs. Lewis said other citizens had the same concerns.

Bill Hall also gave Mr. Sylvia contact information to Stacey Sphar who is in charge of Safe House for Schools, which deals with safety issues like these for our youth.

As a requirement of Zoning Ordinance Section 28.31.020.B Justin Walton reported to Council on his 2019 4-H projects. Mr. Walton had two 4-H Market Lambs that he raised in City limits. He was very successful and was able to sale one market lamb at the Junior Livestock Sale and sold the other market lamb back to the original owner. Mr. Walton looks forward to reapplying for a permit next year.

**MOTION** by Councilmember Lewis, **SECONDED** by Councilmember Irvin to approve Modoc County to place inserts in the utility billing regarding the Census. **ALL AYES.**

**MOTION** by Councilmember Steffek, **SECONDED** by Councilmember Nelson to approve a 3-year employment contract for the Director of Public Works Jason Diven effective September 3, 2019 through August 31, 2022. **ALL AYES.**

**MOTION** by Councilmember Lewis, **SECONDED** by Councilmember Irvin to approve the hire of Robert Fendler as Maintenance Worker I effective September 3, 2019, at Salary Range 31, Step A, \$32,230 annually. **ALL AYES.**

**MOTION** by Councilmember Irvin, **SECONDED** by Councilmember Steffek to authorize the City to publish a Request for Qualifications (RFQ) for a 5-year professional engineering service for future street and sidewalk improvement projects. **ALL AYES.**

**MOTION AND ADPOTION** by Councilmember Steffek, **SECONDED** by Councilmember Lewis to approve the second reading of **Ordinance #520** repealing Chapter 2.- Administration.; Article 1. In General.; Section 2-2.1. Conflict of Interest and adding Article VI to Chapter 2 “Code of Ethics”. **ALL AYES.**

**Public Hearing:** The Alturas City Council will consider the first reading of an ordinance adding Article III Flavored Tobacco Ban to Chapter 30 “Smoking” of the Alturas City Code. This matter will now be heard.

Tobacco Project Director Bill Hall updated Council on the outcome of the Ad-Hoc committee consisting of himself, Councilmember Nelson, and Councilmember Irvin. The Ad-Hoc Committee reviewed the previous draft for Ordinance 518 - Article III: “Flavored Tobacco Ban”. The Ad-Hoc Committee and the State of California agreed to allow menthol flavored products and 1.2 oz flavored chewing tobacco to be excluded from flavored tobacco ban. Mr. Hall continued to provide statistic on how flavored tobacco is affecting our youth. Mr. Hall also mentioned he spoke with City Attorney Hedlund and made adjustments to the enforcement section. Instead of going through the judicial process, they agreed to enforce as administrative penalties.

City Attorney informed Council most ordinance he has reviewed have a misdemeanor as part of the penalties. Mr. Hedlund advises Council that administrative penalties are an advantage to not get involved in costly Superior Court fees.

Councilmember Lewis asked what are the repercussions for adults buying for minors.

Mr. Hall replies most purchases are occurring over the internet.

Mayor Pro-Tem Steffek asks for clarification. He understands this ordinance will ban the sale of flavored tobacco products within the City limits. However, this ban will not restrict accessing and using flavored tobacco?

Mr. Hall replied that he is correct. He further explains it will protect the retailers in City limits. Mr. Hall informs Council that by placing this ban supply companies will no longer be able to ship flavored tobacco to the zip code.

City Clerk Binning expresses her concern on the wording in Section 30-21. Definitions. In this section “Characterizing Flavor” includes menthol, mint, and wintergreen. Ms. Binning is concerned that it should be removed for clarification if menthol and 1.2 oz flavored chewing tobacco will not be included in the ban.

City Attorney Hedlund can see this becoming an issue if the ordinance did pass without clarification, and recommends striking menthol, mint, and wintergreen from Section 30-21. Definitions. Mr. Hedlund also advises Mr. Hall to contact the State of California to see if this verbiage is acceptable and still follow the FDA to allow menthol, mint and wintergreen to continue to ship in this area.

Fire Marshal Hunter is concerned Mr. Hall is targeting taking the flavor tobacco away from our youth when laws already restrict the youth from purchasing until they’re 21 years of age. This ordinance would only affect the adults within the City limits.

Mr. Hall explains the health risk that these new products create and why he is concerned for the youth and adults. Mr. Hall also explains by passing this ordinance this could open doors to grant funding available.

With no further comments, the hearing is closed at 2:52 p.m.

The City Council recommends amending Section 30-21. "Definitions" and striking menthol, mint, and wintergreen from "Characterizing Flavor", and have the State review the verbiage to comply with FDA.

**MOTION** by Councilmember Irvin, **SECONDED** by Councilmember Steffek to appoint an Ad-Hoc committee consisting of City Treasurer Long, Mayor Ray, and Councilmember Nelson to review submitted City Attorney request for qualifications letters. **ALL AYES.**

**MOTION** by Councilmember Steffek, **SECONDED** by Councilmember Irvin to adopt the consent agenda as follows: a) Approve minutes of July 16, 2019 meeting; b) Approve City warrants for June, 2019 in the amount of \$801,436.44; c) Approve City warrants for July, 2019 in the amount of \$33,069.89; d.) Adopt **Resolution #2019-37** removing inactive water & sewer accounts in the amount of \$297.59. e.) Approve ACH reconciliation report for July, 2019 in the amount of \$95,241.20. **ALL AYES.**

#### **COUNCIL/STAFF REPORTS:**

Public Works Foreman Dodds informed City Council about a recent purchase of fire hydrant parts. The City ordered parts to replace a fire hydrant that was destroyed by a semi-truck on Warner Street and Highway 299. Public Works was purchasing the Kennedy brand and noticed issues with this product. So, they are now using Muller products for fire hydrants. Mr. Dodds also reports pothole patching may now commence now that the roller is up and running again. Mr. Dodds plans on starting with 4<sup>th</sup> Street. Mr. Dodds also reports due to an accident on Main Street a street light was destroyed. Mr. Dodds was able to reorder the street lamp and it will be installed soon. Public Works also continues to spray for mosquitos.

Councilmember Nelson inquires about pothole patching on Modoc Street.

Mayor Ray and Debbie Pedersen respond that Modoc Street will be repaired under SB1 Funds.

City Treasurer Long gives Council an update on the project. Currently, GHD, Inc. was able to provide a cost estimate on Modoc Street. The cost estimate was very high around \$120,000.00. The City currently has around \$46,700.00 in SB1 funds.

Ms. Pedersen is working with GHD, Inc. to cut the cost down. She also recommends using STIP funds to help with the project. Ms. Pedersen recommends having project out to bid by February.

Fire Chief Jacques reports Fire Marshal Hunter has sent out 223 weed abatement letters. So far, 16 properties are still on the list. Next week they plan on revisiting those properties with the Alturas Police Department. Mr. Jacques is impressed with the results from the new ordinance. Fire Marshal Hunter will be busy with annual hose and pump testing.

IT Contractor Buie reports he will be migrating the door access system by next week. If anyone has issues entering please notify Mr. Buie.

Police Chief Cullins reports he has been working on a case involving a vicious dog in City limits. The dog has recently attacked 3 people. In the City ordinance the only action Chief Cullins could take was a \$100.00 fine. Chief contacted City Attorney Hedlund about this issue. They were able to have a Court hearing on this case. The outcome of the hearing resulted to restrictions on the dog, which should prevent another attack.

City Attorney Hedlund elaborates on the restrictions that were Court ordered. The dog will be required to maintain vaccinations, if the dog is outside it shall be in an enclosure or have a muzzle, it is recommended the dog stay in the residence, and be kept on a leash. If any of these are violated, the animal control officer may seize the dog. City Attorney Hedlund recommends revisiting and updating the City Ordinance on this issue.

City Treasurer Long has been working with Executive Director of MCTC Debbie Pedersen on invoicing the State of California for street project funds. They have been able to obtain \$350,000.00. Ms. Long is currently working with the Federal Aviation Administration (FAA) for the airport. Ms. Long also anticipates finalizing year end for FY 2018/2019. Ms. Long reports new hire Deanna Stains has been a great addition and is pleased with her work.

City Attorney Hedlund has wrapped up the vicious dog issue with Chief of Police Cullins. Currently he is working with several departments on updating the City ordinances. Mr. Hedlund informs Council on the progress with the mill site. Mr. Hedlund sent a letter informing the tenant they have 90 days to either vacate the property or pay the lease current. Mr. Hedlund sent this letter out July 31<sup>st</sup> so he expects an answer by October 31<sup>st</sup>.

Councilmember Nelson wanted to make note they received a complaint from a citizen regarding the pool. Mrs. Nelson has also noticed the airport has a lot of old Police Department Patrol cars.

Chief Cullins responded those Patrol cars are waiting to be auctioned off on a website.

City Clerk Binning would like to remind Council August 27<sup>th</sup> is the special elections for the State Assembly. Modoc County will be using the Council Chambers for the special elections. Ms. Binning announces the City's general election is right around the corner. Three Councilmember seats and City Clerk will be on the ballot. First day to take nomination papers out will November 11, 2019. Ms. Binning also informs council she received a Pacific Power Contract on August 20, 2019 for the new concession stand located at the Ball fields. Ms. Binning will contact Pacific Power and see if it is time sensitive, and if so City Council will need to conduct a special meeting. Ms. Binning would also like to remind Mayor Ray to set up a meeting with Modoc County Sheriff Dowdy concerning the MOU for dispatch fees.

Mayor Pro-Tem Steffek provided a flier to all Councilmembers and IT Specialist Buie on a broadband workshop for Rural Communities. Mayor Pro-Tem Steffek perceives this as an economic development opportunity.

Mr. Buie replies that Charter is looking into bringing broadband into the City limits.

Mayor Pro-Tem Steffek also attended the Main Street design workshop. Mr. Steffek estimates a dozen people attended. Mr. Steffek advises anyone that would like to submit their ideas on the design for Main Street to do so to Caltrans. Mr. Steffek will not be able to attend the LAFCO meeting August 27<sup>th</sup>, so he was wondering if Councilmember Nelson could attend. The project proposal for Prop 68 for the pool project was submitted August 3, 2019.

Mayor Ray inquired on recent bids received for the pool project, and what this process will look like.

Mayor Pro-Tem replies they have a two-prong approach to the project. One approach is the Prop 68 grant and the other is to use John Wall Funds. They received Request for Qualifications (RFQ) all submitted met standards. Then they continued to the next step with bids for the pool project. The pool committee hopes the time frame takes place around the same time, so they will know which step they will take. Either using the Prop 68 funds or John Wall Trust funds.

Mayor Ray would like to confirm the bids that have been submitted do not have a time limit. Mayor Ray plans to follow up with Mr. Hancock on this matter.

Councilmember Lewis is still interested in the economic development committee. However, Mrs. Lewis hasn't been informed of any meetings.

Mayor Ray would like to follow up with Planning Director Jenn Andersen on the status of the economic development committee. Mr. Ray would also like to follow up with the housing element.

City Clerk Binning informs Council at the next Planning Commission Meeting September 11<sup>th</sup> at 5:30 p.m. they will have a workshop on the housing element and would like to invite Council to join.

Councilmember Lewis would also like the Alturas Fire Department and Alturas Police Department to participate in the "Get Up Challenge" and challenge other agencies and schools to build positive relationships.

Mayor Ray followed up on the pool complaint from a citizen with Ms. Dorton. Certain flotation devices are not allowed at the pool, they must be US lifeguard approved devices. It is posted on the rule board at the swimming pool.

Manuel Souza is concerned with the relationship between him and the City. Mr. Souza seen a recent post of another person taking his event.

Mayor Ray replied that as far as he knows the relationship between him and the City are in good standing. He is not aware of the event. Mayor Ray reminds Souza to submit an application. However, he would like to revisit the fees at a later date.

With no further business to come before Council, meeting adjourned at 3:55 p.m. to return in regular session on Tuesday, September 17, 2019 at 2:00 p.m., City Hall.

Respectfully,

*Macey Binning*

Macey Binning  
City Clerk