

Alturas City Council

Regular Meeting

City Hall Council Chambers

November 19, 2019 2:00 p.m.

The meeting was called to order by Mayor Bobby Ray at 2:00 p.m. **Councilmembers present:** Bobby Ray, Mark Steffek, and Cheryl Nelson **Councilmembers absent:** Jim Irvin and Loni Lewis. **Staff present:** City Clerk Macey Binning, City Treasurer Dorothy Long, Director of Public Works Jason Diven, City Planning Director Jennifer Andersen, City Attorney Jeff Hedlund, and Fire Marshal Eric Hunter. **Public attending:** 6. All present joined together in the Pledge of Allegiance, followed by an opening prayer by Robert Fendler.

No comments under the public forum.

Planning Director Andersen presented the opportunity to Council to sell the Alturas Planning Procedure Manual to other jurisdictions. Currently there are no Planning Procedure Manuals created that Ms. Andersen is aware of. Ms. Andersen has already been approached by a jurisdiction regarding the sale. Ms. Andersen recommended the price to be \$5,000.00.

Mayor Ray inquires on the current amount the City has invested already in the Planning Procedure Manual. Currently, that amount is \$20,000.00. Mayor Ray asks City Attorney Hedlund if he is familiar with the copyright process.

City Attorney Hedlund is not familiar with the copyright process and recommends using a specialized counsel.

Mayor Ray is concerned the copyright cost on top of the amount already invested would not be worth it.

Item has been tabled until further information has been obtained regarding costs.

Public Hearing: The Alturas City Council will consider the first reading of an ordinance amending Chapter 28. "Zoning Ordinance" Article II, Article III, and Article VIII relating to Emergency Shelters. This matter will now be heard.

Planning Director Jennifer Andersen provided a brief summary as to why the State requires these amendments to the City's code book. The Planning Commission has reviewed and recommends that the City Council approves these amendments. The State is requiring local jurisdictions to comply with new State mandates relating to various forms of housing. This proposal will bring the City's Zoning Ordinance into compliance with the State mandate that local governments adopt the State's definition of Emergency Shelters, and allow Emergency Shelters in at least one zone "by right". The new definition means "Emergency Shelter" housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Ms. Andersen is recommending that the City permit Emergency Shelters by right in the R3, High Density Residential, zone because this zone allows hotels, motels and rooming houses, all of which have a similar land use impact. Ms. Andersen also reviewed

conditions for “Land Use Restrictions” in the Zoning Ordinance. Which will be managed through the Site Planning process.

With no further comments, the hearing is closed at 2:43 p.m.

City Council has temporarily postponed agenda item #4 “Discussion/action: Approve the first reading of Ordinance #522 amending Chapter 28. “Zoning Ordinance” Article II, Article III, and Article VIII relating to Emergency Shelters, until later in meeting once additional material is provided.

Public Hearing: The Alturas City Council will consider the amended Housing Element, if adopted will become part of the City’s General Plan.

Planning Director Jennifer Andersen proceeded to inform the City Council that the Planning Commission reviewed and recommends the City Council to approve the Housing Element and adopt it as part of the City’s General Plan. Ms Andersen reviews important details regarding the Housing Element document. The State Planning and Zoning Law requires the City to adopt a comprehensive, long-term general plan for the physical development of the City that includes, among other mandatory elements, a housing element. The City’s current Housing Element covered the planning period from 2003 to 2008. The City has missed Planning Cycles 4 and 5, which contained significant legislative changes imposed by the State. The State has permitted the City of Alturas to skip Cycles 4 and 5 and jump into Cycle 6 if the City agrees to bring our Housing Element, Zoning Ordinance and other ordinances and policies up-to-date with State requirements. Ms. Andersen also provided a Negative Declaration. This project has been recommended for a Negative Declaration because the proposed project could not have a significant effect on the environment. She proceeds to further review several important sections and programs of the Housing Element with the City Council and Staff.

With no further comments, the hearing is closed at 3:02 p.m.

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson on recommendation of the Alturas Planning Commission adopt **Resolution #2019-49** adopting the amended Housing Element and making it part of the City’s general plan. **ALL AYES.**

MOTION by Councilmember Nelson, **SECONDED** by Councilmember Steffek to adopt **Resolution #2019-50** repealing Resolution #2019-45 to reflect accurate 2019/2020 Fiscal Year Budget amount of \$5,266,347.00. **ALL AYES.**

City Clerk Binning explains that currently the City Council has not adopted Robert’s Rules of Order or Rosenberg’s Rules of Order for the proper orderly proceeding of meetings. On the yearly Risk Management Accreditation Program (RMAP) application asks if the Council has adopted one of these. If the Council does not then they will receive a lower score on application. However, this is their decision.

Mark Marshall with Golden State Risk Management Authority reminds Council it is their decision. They recommend adopting Robert’s Rules of Order or Rosenberg’s Rules of Order to prevent risk of violating the Brown Act.

MOTION by Councilmember Nelson, **SECONDED** by Councilmember Steffek to appoint an Ad-Hoc committee consisting of Councilmember Irvin and Councilmember Steffek to review Robert's Rules of Order or Rosenberg's Rules of Order for the proper orderly proceeding of meetings. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to approve the first reading of **Ordinance #522** amending Chapter 28. "Zoning Ordinance" Article II, Article III, and Article VIII relating to Emergency Shelters. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt **Resolution #2019-39** approving the General Services Contract between the City of Alturas and Pacific Power to provide services to the new ball field concessions. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to approve the extension to December 31, 2019 for the Warner Mountain Lumber, LLC to cure default. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt **Resolution #2019-51** adopting the Appropriation Limit for Fiscal Year 2019-2020 in the amount of \$5,863,471.00. **ALL AYES.**

MOTION by Councilmember Nelson, **SECONDED** by Councilmember Steffek to adopt **Resolution #2019-52** authorizing the City Clerk/Treasurer's office to use Risk Management Accreditation Program (RMAP) funds to purchase new office furniture. Funds will not exceed \$3,000.00. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to award the On-Call Engineering Request for Qualifications to GHD Inc. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt **Resolution #2019-53** approving the Professional Services Agreement between the City of Alturas and GHD Inc. for Task Order #2019-01 for East St. Professional Engineering; authorize the City Treasurer/Finance Officer to execute the agreement and project documents (invoice requests, allocation requests, etc) to expedite the East Street STIP project. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt **Resolution #2019-54** declaring seven Public Works vehicles and equipment as surplus property and authorizing disposal of said vehicles and equipment. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt **Resolution #2019-55** authorizing submittal of a Regional Used Oil Payment Program application with Modoc County as the regional lead agency, related authorizations and identification of regional participants. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt **Resolution #2019-56** authorizing submittal of an application, acceptance of an allocation of funds, and execution of a grant agreement with the California Department of Transportation, for an Airport Improvement Program (AIP) Matching Grant. **ALL AYES.**

MOTION by Councilmember Nelson, **SECONDED** by Councilmember Steffek to adopt **Resolution #2019-57** authorizing submittal of an application for a Federal Airport Improvement Plan (AIP) Assistance Grant. **ALL AYES.**

Public Hearing: The Alturas City Council will consider the first reading of an ordinance repealing and replacing Chapter 15. “Nuisances” Article II. “Removal of Abandoned, Wrecked, etc. Vehicles”. This matter will now be heard.

City Attorney Hedlund states the current ordinance for Nuisances” Article II. “Removal of Abandoned, Wrecked, etc. Vehicles needs to be updated. The City’s current ordinance does not cover costs to remove vehicles. Updating the ordinance will give the City more authority to take action when needed.

Mayor Ray clarifies that this ordinance covers both public and private property.

The City Public Works Department has recently purchased a new winch so the towing process can begin.

Planning Commissioner Lauppe believes this would be beneficial for the City of Alturas.

After review Mayor Pro-Tem Steffek inquires who will be the Abatement Officer.

Planning Commissioner Lauppe asks Council where will they keep the vehicles.

Currently they are located at the Sewer Plant.

City Attorney Hedlund recommends adding a definition to clarify who is designated as the Vehicle Abatement Officer. Mr. Hedlund recommends stating the following “Vehicle Abatement Officer” means the Chief of Police or his or her designated representative.

City Treasurer Long also includes a change to section 15-26. “Vehicle impound release fee” should be changed from \$150.00 fee to \$200.00 fee.

With no further comments, the hearing is closed at 4:23 p.m.

The first reading of an ordinance repealing and replacing Chapter 15. “Nuisances” Article II. “Removal of Abandoned, Wrecked, etc. Vehicles”, has been tabled to the next City Council Meeting to reflect the changes.

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to Approve the second reading of **Ordinance #518** adding Article III Flavored Tobacco Ban to Chapter 30 “Smoking”. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to adopt the consent agenda as follows: a) Approve minutes of October 15, 2019 meeting; b) Approve minutes of November 6, 2019 special meeting. c) Approve City warrants for October, 2019 in the amount of \$232,143.27. d) Adopt **Resolution #2019-58** removing inactive water & sewer accounts in the amount of \$216.64. e) Approve ACH reconciliation report for October, 2019 in the amount of \$131,413.87. **ALL AYES.**

COUNCIL/STAFF REPORTS:

Fire Marshal Hunter reports he and Warren Farnam with Environmental Health have been contacting certain properties that are not in compliance. Mr. Hunter will continue to work on weed abatement as well.

Planning Commissioner Hall did not attend the last Planning Commission Meeting. However, he believes they covered everything in the agenda items with the Zoning Ordinance Amendment and the Housing Element.

City Treasurer Long reported the State street report audit was completed last week and everything went smoothly. The fiscal year end revenue and expenditure audit for the City will be November 26th. Ms. Long has been working on submitting a reimbursement for Law Enforcement Officers that assisted with the Camp Fire. Ms. Long also attended the 2nd half of the OES mock training of the Doris Dam break. She informs Council the Administrative Assistant will be out soon for maternity leave.

Public Works Director Diven attended the first part of the OES mock training of the Doris Dam break. Mr. Diven would like to get radios just in case a disaster did take place and phone and cell lines did not work then they would have a way to communicate. Mr. Diven discovered there is an OES grant for generators. Prop 1 grant is also being revisited for new water meters. Mr. Diven also informed the Council that the perk testing on a potential site for a Waste Water Treatment Plant came back favorable. The Water Board in Redding is presenting a new plan for the Waste Water Treatment, which is astonishing less than currently required. Mr. Diven has also reached out to a couple more consultants regarding the Waste Water Treatment Plant. Mr. Diven will need to purchase a backhoe in the near future. Current Backhoe is not in great condition.

Ms. Long informs Mr. Diven that through the USDA there may be funding opportunities to purchase a new backhoe.

Public Works Director Diven is sending the Vac truck and the two electric cars to Richie Bros Auction.

Mayor Pro-Tem attended the LAFCO meeting October 22nd. The Daphnedale Community Board was invited to attend the meeting, however no one from the Board was present. LAFCO will continue to keep Daphnedale Community on their agenda. October 29th a Kristine Schilpp from OGALS came for a site visit regarding the Prop 68 pool grant proposal. This does not mean they will be awarded the grant for the pool. There are 500 proposals that will receive a site visit. During this visit the group was riding in a van. The school reported the van as suspicious. He would like to thank the Alturas Police Department for taking action to investigate. Mr. Steffek also attended the Calafco Annual Conference October 31st where rate structures and changes were discussed. On November 5th Mr. Steffek attended a local Broadband meeting. November 8th Mark was also able to tour the new Hospital.

Mayor Ray has been working with Director of Public Works. He also attended the local meeting regarding Broadband.

City Clerk Binning reminds the Council December 6th is the first day to pull nomination papers for the upcoming election in March. Three Councilmember seats will be on this election along with the City Clerk.

At 5:01 p.m., Mayor Ray announced the Council would be meeting in closed session under G.C. Section 54956.9/Conference with Legal Counsel – Anticipated Litigation - 1 case; G.C. Section 54957/ Public Employment – Titles: Administrative Assistant; G.C. Section 54957/ Employee Performance Evaluation – Titles: Assistant Finance Director.

Reconvened back to open session at 5:20 p.m. with the following motions.

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to approve front-load vacation time for maternity leave for the Administrative Assistant. **ALL AYES.**

MOTION by Councilmember Steffek, **SECONDED** by Councilmember Nelson to approve the denial of a potential claim in reference to the Disario letter. **ALL AYES.**

With no further business to come before Council, meeting adjourned at 5:29 p.m. to return in regular session on Tuesday, December 17, 2019 at 2:00 p.m., City Hall.

Respectfully,



Macey Binning
City Clerk