

ANDERSON CITY COUNCIL MINUTES

**Regular Meeting
May 6, 2014**

WORKSHOP - 5:30 P.M.

WORKSHOP - TO DISCUSS PROPOSED AMENDMENTS AND ADDITIONS TO THE ANDERSON MUNICIPAL CODE ESTABLISHING VARIOUS HEALTH AND SAFETY VIOLATIONS AND ADDING A PROCESS TO PERMIT AND REGULATE SPECIAL EVENTS

The City Council conducted a Workshop to have City Manager Jeff Kiser, Police Chief Michael Johnson, and City Attorney Ann Siprelle review and explain the proposed Ordinance to amend the Anderson Municipal Code and establish various health and safety violations which was introduced on April 1, 2014, and then removed from the agenda for further discussion at the second reading on April 15, 2014. Councilmembers were concerned about clarification regarding Social Host and Open containers, and various other sections of the ordinance.

Chief Michael Johnson went over the general purpose of the ordinance and reemphasized the letter of the law versus the spirit of the law.

Subjects discussed were:

1. Chapter 8.13. Drinking Alcoholic Beverages in Public

Recreation Supervisor Pam Lewis explained the process for renting space in the parks and/or community buildings stating that proof of insurance is required listing the City as additional insured and a permit, approved by ABC and the Anderson Police Department, is required if alcohol will be sold.

Parks Commissioner Barbara Jackson suggested rewording the regulation to state, "if already permitted" to clarify there is a permit process.

Corky Keenan addressed Chief Johnson stating that he seems to have a good logical sense regarding intoxicated persons but asked about his staff.

Chief Johnson reassured Ms. Keenan that his officers receive thorough training on the handling of this type of situation.

Kim Chamberlain asked if this regulation will affect service clubs?

Trevor Duggan expressed concern that the verbiage regarding public places would impact his business and asked for clarification on how this would affect business owners with parking lots that have public access.

6:00 p.m.: ***The Workshop was recessed for the City Council meeting to convene.***

REGULAR SESSION

The regular session was called to order at 6:00 p.m.

ROLL CALL

Councilmembers present:	Councilmember Day
	Councilmember Hunt
	Councilmember Yarbrough
	Vice-Mayor Baugh
	Mayor Hopkins

Councilmember absent: None.

Also present: City Manager Jeff Kiser, City Attorney Ann Siprelle, Assistant City Manager/Finance Director Liz Cottrell, Police Chief Michael Johnson, Development Services Director Kristen Maze, Deputy Public Works Director David Durette, City Clerk Juanita Barnett, and Deputy City Clerk Brenda Hicken.

INVOCATION

Pastor Nick Braitto, Anderson-Cottonwood Neighborhood Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Day led the Pledge of Allegiance.

WORKSHOP – Continued

1. Chapter 8.13. Drinking Alcoholic Beverages in Public – Continued.

Trevor Duggan continued to address the Council and staff regarding public places enforcement. Additionally, he asked how this regulation would affect park users that just use the park but don't rent a space.

Josh Martinez asked if the Council would be able to amend the regulation later if they ran into exceptions.

City Attorney Ann Siprelle asked if the consensus of the Council was to amend the language to read, "except at City authorized events and except at the Anderson River Park."

Recreation Supervisor Pam Lewis suggested using the word exempt instead of exclude.

Josh Martinez asked about Volonte Park.

Chief Johnson stated he is not in favor of exempting Volonte Park.

City Attorney Ann Siprelle asked if the consensus of the Council was to amend the language to read, "except at City authorized events and at the Anderson River Park it shall be unlawful?"

Council agreed.

2. Chapter 8.14. Cost for Response to Loud Parties

Christine Haggard asked where the liability falls when the loud party is at an apartment complex and when does it become the landlord's responsibility?

Chief Johnson initially stated it's the leasee of the apartment and the landlord is not affected unless the matter becomes habitual or a nuisance.

City Attorney Ann Siprelle stated that the one who is in control, or host of the party, is responsible and beyond that it would be the landlord.

3. Chapter 8.15. Social Hosts – Consumption of Alcoholic Beverages by Minors

City Attorney Ann Siprelle stated the responsibility lies with the leasee and not with the landlord unless the landlord is present and knows this is going on or is hosting the party.

Mayor Hopkins asked Ron Barnett if he had any concerns. He responded that if the landlord will not be held responsible for what happens at the property while under lease to a tenant then he has no issue with the regulation.

Trevor Duggan asked how this regulation would apply to vacant or empty properties?

City Attorney Ann Siprelle said the landlord is only responsible if they have knowledge of what's happening and allow it to go on.

Christine Haggard stated other cities are doing this and it is actually creating an additional tool for landlords because they can include a clause in their lease agreement that they don't allow this type of activity on the property.

Barbara Jackson asked if this would apply to parents being responsible if they were out of town?

Chief Johnson stated that it does not apply to absent parents when they have no knowledge of what is happening.

4. Chapter 8.17. Panhandling.

Chief Johnson explained this regulation. No questions from the Council or public were received.

5. Chapter 8.21. Urination and Defecation

No questions or comments were received.

6. Chapter 8.22. Loitering About Parking Lots

Chief Johnson and City Attorney Ann Siprelle answered questions from the Council.

7. Chapter 8.25. Sleeping in Public

Chief Johnson explained the regulation. No questions were received.

8. Chapter 8.26. Camping in Public

Chief Johnson explained the regulation.

Christine Haggard asked if this regulation includes sleeping in a vehicle?

Chief Johnson said yes it does.

City Attorney Ann Siprelle went over the definition of camping which includes sleeping in a vehicle.

Christine Haggard asked if there would be discretion used to differentiate those who are just temporarily displaced and staying in their vehicle. Chief Johnson affirmed it did.

Barbara Jackson said she would be concerned if this affected camping in the park with prior authorization. Chief Johnson assured her it does not.

9. Chapter 10.60. Regulation of Special Events

Barbara Jackson asked if there was an exemption for schools even after school hours if it is for an authorized event?

Recreation Supervisor Pam Lewis asked if there is a certain number of people that indicates a special event?

Chief said no, that it would be on a case by case basis.

Kim Chamberlain stated that the Police Department should hold funds back in their budget to allow for unplanned special events such as memorial rides and not charge families for them.

City Attorney Ann Siprelle stated she will make the recommended changes to the ordinance and bring it back for introduction at a future Council meeting.

6:38 p.m.: The Workshop concluded and the regular agenda continued.

PRESENTATION

Cindy Delanty, Interim Director for Library Systems and Services, presented the Shasta Public Libraries Annual Report for 2013 and answered questions from the Council.

PROCLAMATIONS

A proclamation proclaiming May 11 – 17 as National Police Week and May 15, 2014 as Officer Memorial Day in the City of Anderson was read by Councilmember Day and presented to Chief Michael Johnson by Mayor Hopkins.

Chief Johnson thanked the Council for their support and announced the upcoming local Shasta County Memorial presentation.

A proclamation proclaiming May as Veterans Appreciation Month was read by Councilmember Yarbrough and will be presented to the appropriate party at a future date.

SCHEDULED CITIZEN REQUEST TO ADDRESS THE CITY COUNCIL

Mr. Amarjit Singh, The Sikh Centre, announced the 7th Annual Vaisakhi Festival & Day for non-violence scheduled for Saturday, May 10th, 2014, and invited the Council and community to attend.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

George Winship presented a check to the City Council for \$1,000 from Scripps Howard Foundation for the Parks & Recreation Department. Recreation Supervisor Pam Lewis accepted the check on behalf of the City.

CONSENT AGENDA

Vice-Mayor Baugh requested the Minutes of April 15, 2014 be removed from the Consent Agenda.

By motion made, seconded (Yarbrough/Day), and carried by a 5-0 vote, the Council took the following actions:

Received and filed warrant 130162 to 130218 in the amount of \$247,809.33; warrant 130219 to 130285 in the amount of \$218,779.35; warrant 130286 to 130340 in the amount of \$29,434.36; and an ACH in the amount of \$1,190.13.

Waived reading, except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.

Received and filed the Quarterly Treasurer's Report for the fiscal quarter ended March 31, 2014.

Vote: Ayes: Councilmembers Yarbrough, Day, Hunt, Baugh, and Mayor Hopkins.

Noes: None.
 Abstain: None.
 Absent: None

ITEMS REMOVED FROM THE CONSENT CALENDAR

MINUTES

By motion made, seconded (Yarbrough/Day), and carried by a 4-0-1 vote, the Council approved the minutes of the regular meeting of April 15, 2014.

Vote: Ayes: Councilmembers Yarbrough, Day, Hunt, and Mayor Hopkins.
 Noes: None.
 Abstain: Vice-Mayor Baugh.
 Absent: None

PUBLIC HEARINGS

ALL LEGAL NOTICES WERE GIVEN ACCORDING TO LAW.

PUBLIC HEARING - THE CITY OF ANDERSON ANNUAL HOUSING PRODUCTION REPORT

This was the time set aside to receive public input on the City's Annual Housing Production Report.

Development Services Director Kristen Maze gave a staff report and answered questions from the Council.

7:02 p.m.: The Public Hearing was opened. No comments were received. The Public Hearing was closed.

By motion made, seconded (Hunt/Baugh), and carried by a 5-0 vote, the Council received the Annual Housing Production Report.

Vote: Ayes: Councilmembers Hunt, Baugh, Day, Yarbrough, and Mayor Hopkins.
 Noes: None.
 Abstain: None.
 Absent: None

PUBLIC HEARING - AMENDMENT TO THE CITY OF ANDERSON ZONING ORDINANCE ADDING CHAPTER 17.03 REASONABLE ACCOMMODATIONS CONSISTENT WITH THE ADOPTED GENERAL PLAN HOUSING ELEMENT; ORDINANCE NO. 788

This was the time set aside to receive public input on a proposed amendment to the Anderson Zoning Code for Reasonable Accommodations.

Development Services Director Kristen Maze gave a staff report and answered questions from the Council.

7:04 p.m.: The Public Hearing was opened. No comments were received. The Public Hearing was closed.

By motion made, seconded (Yarbrough/Day), and carried by a 5-0 vote, the Council introduced an Ordinance (First Reading), adding Chapter 17.03 to the Anderson Municipal Code, and set it for enactment on May 20, 2014 (Second Reading); and directed the City Clerk to read the ordinance by title only.

The City Clerk read the Ordinance by title only.

Vote: Ayes: Councilmembers Yarbrough, Day, Hunt, Baugh, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: None

REGULAR AGENDA

CITY MANAGER

VINEYARDS WATER REIMBURSEMENT AGREEMENT - REQUEST TO MODIFY THE REPAYMENT FORMULA

City Manager Jeff Kiser gave a staff report and answered questions from the Council.

Developer Craig Lund addressed the Council and explained why he is making this request.

The City Council reviewed a request from Developer Craig Lund to modify an existing repayment formula and gave direction to staff to modify the number of lots to include all of the existing finished lots and to decrease the fee to \$3,000 per lot and remove the annual 5% compounded fee increase and to bring the agreement back to Council for approval.

Vote: Ayes: Councilmembers Yarbrough, Day, Hunt, Baugh, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: None.

CITY CLERK

APPROVE A SUBRECIPIENT AGREEMENT WITH THE CHILD ABUSE PREVENTION COUNCIL OF SHASTA COUNTY/ANDERSON PARTNERSHIP FOR HEALTHY CHILDREN FOR THE ADMINISTRATION OF THE ANDERSON TEEN CENTER UNDER GRANT NO. 13-CDBG-8966; RESOLUTION NO. 14-21

City Clerk Juanita Barnett gave a staff report and answered questions from the Council.

Barbara Jackson from the Child Abuse Prevention Council expressed her appreciation to City staff and the Council for working to make this agreement and grant possible.

By motion made, seconded (Hunt/Baugh), and carried by a 5-0 vote, the Council Adopted Resolution No. 14-21 approving a Subrecipient Agreement with the Child Abuse Prevention Council of Shasta County/Anderson Partnership for Healthy Children for administering the Youth Services - Anderson Teen Center portion of the Community Development Block Grant (CDBG) No. 13-CDBG-8966 and authorizing the City Manager to sign the agreement and any amendments thereto.

Vote: Ayes: Councilmembers Hunt, Baugh, Yarbrough, Day, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: None.

DEVELOPMENT SERVICES DEPARTMENT

APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR THE ANDERSON RIVER PARK MASTER PLAN UPDATE AND AMEND PARKS CAPITAL IMPROVEMENT FUND 110 BUDGET LINE ITEM FOR THE MASTER PLAN UPDATE: RESOLUTION NO. 14-22

Development Services Director Kristen Maze gave a staff report and answered questions from the Council.

By motion made, seconded (Baugh/Yarbrough), and carried by a 5-0 vote, the Council approved a professional services agreement with Foothill Associates of Rocklin, California in an amount of \$49,900 to update the Anderson River Park Master Plan and authorize the City Manager to sign the agreement and any amendments thereto; and adopted Resolution No. 14-22 authorizing the Finance Director to amend the 2013/2014 budget.

Vote: Ayes: Councilmembers Baugh, Yarbrough, Day, Hunt, and Mayor Hopkins.
 Noes: None.
 Abstain: None.
 Absent: None.

DISCUSS DATA COLLECTED DURING THE COMMUNITY VISIONING PROCESS AND REVIEW THE PROPOSED MISSION STATEMENT AND VALUE STATEMENTS

Development Services Director Kristen Maze gave a staff report.

The Council discussed information provided from the data collected during the Community Visioning Process and reviewed the draft Mission Statement and Value Statements.

City Manager Jeff Kiser stated the results from this process will be brought back to the Council in June as part of the strategic plan and the Council will have an opportunity to make changes to the proposed statements at that time.

POLICE DEPARTMENT

ANDERSON POLICE DEPARTMENT 2013 YEAR-END REPORT: ANNUAL REPORT OF CRIME STATISTICS FOR 2013

Police Chief Michael Johnson gave a staff report and answered questions from the Council.

By motion made, seconded (Yarbrough/Day), and carried by a 5-0 vote, the Council accepted and filed the Annual Report of Crime Statistics for 2013.

Vote: Ayes: Councilmembers Yarbrough, Day, Hunt, Baugh, and Mayor Hopkins.
 Noes: None.
 Abstain: None.
 Absent: None.

PUBLIC WORKS DEPARTMENT

APPROVAL OF THE PARCEL MAP 14-02 FOR SKYVIEW PLAZA; RESOLUTION NO. 14-23

Deputy Public Works Director David Durette gave a staff report and answered questions from the Council.

By motion made, seconded (Hunt/Baugh), and carried by a 5-0 vote, the Council adopted Resolution No. 14-23 approving the Final Parcel Map PM 14-02 for Skyview Plaza and accepting the dedication of offered five foot (5') wide public service easement based on Planning Commission Resolution 14-02 approval of the Tentative Parcel Map.

SUCCESSOR AGENCY – None.

COUNCIL REPORTS/COMMENTS

Councilmembers used this time to report on meetings and activities they participated in and to announce upcoming events.

CLOSED SESSION

Public Comment on Closed Session Item(s): *Anyone in the audience who wants to address the City Council on a subject which is listed under the Closed Session agenda is now invited to come to the podium. Please provide your name and the subject you wish to discuss. Please limit your remarks to 5 minutes or less. – None.*

7:44 p.m.: *The City Council convened to Closed Session.*

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Govt. Code Section 54956.9(d)(2))

Significant exposure to litigation.

Potential Cases: Two

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Continued from 4/01/2014

(Pursuant to Gov't. Code Section 54957)

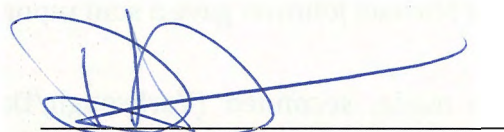
Title: City Manager (Regular annual evaluation)

8:32 p.m.: *The City Council reconvened to Open Session.*

CLOSED SESSION ANNOUNCEMENT: Mayor Hopkins announced the Council sat in Closed Session to discuss two cases of anticipated litigation and to conclude the annual evaluation of the City Manager with no reportable action taken.


ADJOURNMENT

8:32 p.m.: *The City Council adjourned to May 20, 2014.*



Debe Hopkins, Mayor

ATTEST:



Juanita Barnett, City Clerk