

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON NOVEMBER 17, 2011

On the 17TH day of November 2011, the City Council of the City of Yreka met in the City Council Chambers of said City in regular session, and upon roll call, the following were present: Robert Bicego, Bryan Foster, Rory McNeil, John Mercier and David Simmen. Absent – None.

Consent Calendar: Mayor McNeil announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Council wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of Minutes of the meeting held November 3, 2011.
- b. Approval of Warrants issued from November 4, 2011 through November 17, 2011.
- c. Approval of Treasurer's Report and Budget to Actual for the month of October 2011.
- d. Adopt Resolution No. 2940 approving requests associated with the Yreka Chamber of Commerce Special Events to be held on November 26 and December 2, 2011.

Council Members Bicego and Simmen asked that item 1a be removed for discussion.

Following Council discussion, Council Member Simmen moved to approve items 1 b,c, & d on the consent calendar as submitted.

Council Member Bicego seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Approval of Minutes of the meeting held November 3, 2011

Council Member Bicego noted a mistake in the roll call vote listed and asked the City Clerk to make the correction.

Council Member Simmen asked the City Attorney for clarification on the reported action taken on Closed Session Item No. 2. City Attorney Mary Frances McHugh reported that she would make that clarification in closed session.

Following Council discussion, Council Member Bicego moved to approve the minutes as corrected.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Approval of appointment of Allan Jones to the Yreka Volunteer Fire Department.

Council Member Bicego announced his recusal, stating that he has a conflict by reason of his membership in the Yreka Volunteer Fire Department and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member Simmen moved to approve the appointment of Allan Jones to the Yreka Volunteer Fire Department.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Council Member Bicego returned to his seat at the Council table.

Introduce Ordinance No. 828 an uncodified Ordinance of the City Council of the City of Yreka relating to the reassignment of the powers and duties of the Historic District and Landmarks Commission.

Following the reading of the title of the Ordinance and Council discussion, Council Member Mercier moved to waive the reading of the body of the Ordinance and to introduce the Ordinance as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Direction to Staff: Approve Comment of the City of Yreka in the proceeding known as: Secretarial Determination, Klamath Dams Facilities Removal EIS/EIR.

Anthony Antiso and Louise Gliatto addressed the Council with their concerns and proposed items that they would like to be included in the comments from the City of Yreka.

Following Council discussion, Council Member Bicego moved to authorize the filing of the comments as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Opportunities & Strategies for the disbursement of the Stewart Trust Fund – Council Member Simmen.

Council Member Simmen presented the Council with the following ideas for the use of the Stewart Funds:

For visual improvements to Miner Street

1. Consider extending the visual improvements to Broadway from Miner St. to Butte St.

Offer direct Grants for community projects that do not improve private property. These grants would be limited to \$10,000 for items such as street plantings, flowers, signage, history exhibits, sidewalk upgrades etc.

Offer 50% match grants that improve the external features of buildings that improve private property. Limit Grant to \$10,000 match for a \$20,000.00 project.

All Grant requests would be considered by Council for their approval.

Black's Building would be private and subject to those guidelines.

Council to consider other options if Stewart money is not expended.

City Attorney Mary Frances McHugh reported that she would need to research the details of the bequest, before a determination could be made regarding the request to extend the use of the funds for improvements on Broadway.

Following Council discussion, Council Member Simmen directed staff to prepare a suggested format and process to utilize the funds, which could be brought back to Council for consideration.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

CLOSED SESSION:

1. Conference with Legal Counsel - Pending Litigation (Gov Code Section 54956.9) - State Water Resources Control Board, Division of Water Rights, Extension of Time and Place of Use Petitions of the City of Yreka filed for Permit 15379.
2. Conference with Legal Counsel - Pending Litigation (Gov Code Section 54956.9) – Secretarial Determination, Klamath Dams Facilities Removal EIS/EIR
3. Consultation with Legal Counsel and City of Yreka, Department of Public Works, Director – Matters posing a threat to the Security of Essential Public Services or Facilities of the City of Yreka (Gov. Code Section 54957(a)).
4. Anticipated Litigation. Government Code Section 54956.9(b)(3)(E) and (c). Conference with Legal Counsel, a point has been reached where, in the opinion of the Council on the advice of its legal counsel, based on existing facts and circumstances, there is significant

exposure to litigation against the City and the Council is deciding or will decide whether to initiate litigation, due to a statement threatening litigation made outside an open and public meeting on a specific matter within the responsibility of the Council. One case – names of parties are not disclosed since it is believed the facts which may result in litigation are not yet be known to the potential litigant(s), which facts need not be disclosed, and, to do so would jeopardize City's ability to conclude existing settlement negotiations to its advantage.

5. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: APN# 053-681-070
 City Negotiators: City Manager and City Attorney
 Third Party Negotiator: Cliff Brown
 Under Negotiation: acquisition of portion, price and terms of payment or both

6. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: APN# 053-681-060
 City Negotiators: City Manager and City Attorney
 Third Party Negotiator: Jim Freeze
 Under Negotiation: acquisition of portion, price and terms of payment or both

RETURN TO OPEN SESSION: Upon return to open session, City Attorney Mary Frances McHugh reported out the following:

Conference with Legal Counsel - Pending Litigation (Gov Code Section 54956.9) - State Water Resources Control Board, Division of Water Rights, Extension of Time and Place of Use Petitions of the City of Yreka filed for Permit 15379.

2. Conference with Legal Counsel - Pending Litigation (Gov Code Section 54956.9) – Secretarial Determination, Klamath Dams Facilities Removal EIS/EIR

3. Consultation with Legal Counsel and City of Yreka, Department of Public Works, Director – Matters posing a threat to the Security of Essential Public Services or Facilities of the City of Yreka (Gov. Code Section 54957(a)).

Items 1, 2 and 3 were taken together, all Councilmembers present. Motion by Councilmember Bicego, second by Councilmember Simmen that the City Attorney be authorized to release the information contained in the letter from Paul Reuter, Pace Engineering, dated November 8, 2011, as part of the Comment of the City of Yreka in the Klamath Dams Facilities Removal EIS/EIR. The motion carried unanimously: McNeil, Simmen, Mercier, Bicego and Foster. No further reportable action was taken.

4. Anticipated Litigation. Government Code Section 54956.9(b)(3)(E) and (c). Conference with Legal Counsel, a point has been reached where, in the opinion of the Council on the advice of its legal counsel, based on existing facts and circumstances, there is significant exposure to litigation against the City and the Council is deciding or will decide whether to initiate litigation, due to a statement threatening litigation made outside an open and public meeting on a specific

matter within the responsibility of the Council. One case – names of parties are not disclosed since it is believed the facts which may result in litigation are not yet be known to the potential litigant(s), which facts need not be disclosed, and, to do so would jeopardize City's ability to conclude existing settlement negotiations to its advantage.

This item was taken out of order and last on the agenda; Councilmember Bicego was recused and did not participate. No reportable action was taken.

5. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: APN# 053-681-070

City Negotiators: City Manager and City Attorney

Third Party Negotiator: Cliff Brown

Under Negotiation: acquisition of portion, price and terms of payment or both

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Property: APN# 053-681-060

City Negotiators: City Manager and City Attorney

Third Party Negotiator: Jim Freeze

Under Negotiation: acquisition of portion, price and terms of payment or both

Items 5 and 6 were taken together, all Councilmembers present. Motion by Councilmember Simmen, second by Councilmember Bicego, that the City's Real Property negotiators be authorized to continue negotiation discussions with the property owners and the City Attorney be directed to prepare a letter of intent with regards each property for Council consideration on December 1, 2011. The motion carried unanimously: McNeil, Simmen, Mercier, Bicego and Foster. No further reportable action was taken.

ADJOURNMENT There being no further business before the Council the meeting was adjourned.

Attest:

David Simmen, Mayor Pro-Tempore
Minutes approved by Council
Motion 12-1-11.

Elizabeth E. Casson, City Clerk