

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON NOVEMBER 3, 2011

On the 3<sup>rd</sup> 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: Bryan Foster, Rory McNeil, and David Simmen. Absent – Robert Bicego & John Mercier.

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 October 20, 2011.
- b. Approval of Treasurer's Report and Budget to Actual for the month of September.
- c. Approval of Warrants issued from October 20 through November 3, 2011.

Council Member Simmen requested item 1a be pulled for discussion.

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

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

Mayor McNeil thereupon declared the motion carried.

Approval of the Minutes of the Meeting Held October 20, 2011.

Council Member Simmen asked the City Attorney for clarification on the action taken on Closed Session Item No. 2.

Following Council discussion, Council Member Simmen moved to approve the minutes as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Presentation – Siskiyou County Economic Development Council Annual Report

Jill Harris and Jason Darrow addressed the Council on behalf of the Siskiyou County Economic Development Council to present the 2010 Annual Report.

Adopt Resolution No. 2939 joining in EIR/EIS comments of the County of Siskiyou regarding the Klamath Facilities Removal Public Draft Environmental Impact Statement/Environmental Impact Report; and authorize City Attorney to request extension of time to respond.

City Attorney Mary Frances McHugh reported that the County of Siskiyou is inviting the Cities in Siskiyou County to participate in the County's efforts in providing comments to the Klamath Facilities Removal Public Draft of the EIR/EIS. City Attorney McHugh further reported that while the City is separately commenting, particularly because of the impacts to the City of Yreka's water supply facilities, this action will allow the County to include the City's name as a participant and supporter of the comments prepared by the County.

Following Council discussion, Council Member Foster moved to adopt Resolution No. 2939 as submitted and to authorize the City Attorney to request an extension of time to respond.

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

Mayor McNeil thereupon declared the motion carried.

City Manager Report: Development Review Process – Update.

City Manager Steve Baker reported that he has been working with PMC and City Staff on the timeline of the Development Review Process and that the following items are scheduled to be completed within the next 60 days:

- Assignment of project managers – single point of contact, insure interdepartmental coordination and cooperation.
- Set timelines for processing depending on complexity.
- A new encroachment permit process has been drafted and is currently in the testing phase.
- We have compiled local modifications to the Redding Construction Standards and these can be found on our website and at City Hall.
- We are in the process of reviewing our construction standards.
- The redirection of the Historic District permitting process to the Planning Commission and City Staff should occur around the first of the year.
- We are building customer feedback loops with the business and development community. We have scheduled another Special Meeting Workshop to be held on November 15, and an invitation has been sent to each business licensed within the City.
- Review of the Development Impact fees, the annual report will be submitted to the City Council in December.
- Review of Sign Ordinances is scheduled to begin at the first of the year.

#### **CLOSED SESSION:**

1. Closed session – Public Employee Appointment: Yreka Volunteer Fire Department firefighter (Yreka Municipal Code Section 2.28.060) Government Code Section 54957(b).
2. 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.

3. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott and Roger Abbott, Siskiyou County Superior Court case number SCCVCV 11-1001.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: APN 053-352-100 (YPD Parking Lot)
  - City Negotiators: City Manager and City Attorney
  - Under Negotiation: Merger
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: Assessor Parcel No. 054-185-040, -050, -060, -130, -170
  - Third Party Negotiator: Administrative Office of the Courts
  - City Negotiators: City Manager and City Attorney
  - Under Negotiation: Purchase terms-Property Purchase Agreement
6. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: 502 Butte Street, Yreka CA 96097  
APN 54-172-040
  - City Negotiators: City Manager and City Attorney
  - Third Party Negotiator: Ginger MacGowan
  - Under Negotiation: Terms of payment or foreclosure Deed of Trust
7. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager.

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

1. Closed session – Public Employee Appointment: Yreka Volunteer Fire Department firefighter (Yreka Municipal Code Section 2.28.060) Government Code Section 54957(b). Members present: Mayor McNeil, Councilmembers Simmen and Foster. Councilmembers Bicego and Mercier absent. On Motion by Simmen, second by McNeil, Council authorized prospective YVFD firefighter to proceed with application for appointment to the YVFD. Councilmember Foster abstained. There was no further reportable action.
2. 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. No reportable action was taken.

3. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott and Roger Abbott, Siskiyou County Superior Court case number SCCVCV 11-1001. Members present: Mayor McNeil, Councilmembers Simmen and Foster. Councilmembers Bicego and Mercier absent. No reportable action taken.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: APN 053-352-100 (YPD Parking Lot)  
City Negotiators: City Manager and City Attorney  
Under Negotiation: Merger  
Members present: Mayor McNeil, Councilmembers Simmen and Foster. Councilmembers Bicego and Mercier absent. On Motion by Simmen, second by Foster, Council authorized staff to proceed with merger of parcels.
5. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: Assessor Parcel No. 054-185-040, -050, -060, -130, -170  
Third Party Negotiator: Administrative Office of the Courts  
City Negotiators: City Manager and City Attorney  
Under Negotiation: Purchase terms-Property Purchase Agreement  
Members present: Mayor McNeil, Councilmembers Simmen and Foster. Councilmembers Bicego and Mercier absent. On Motion by Foster, second by Simmen, Council reviewed terms and authorized City Attorney to negotiate terms of Property Acquisition Agreement with Administrative Office of the Courts.
6. Conference with Real Property Negotiator (Government Code Section 54956.8)  
Property: 502 Butte Street, Yreka CA 96097  
APN 54-172-040  
City Negotiators: City Manager and City Attorney  
Third Party Negotiator: Ginger MacGowan  
Under Negotiation: Terms of payment or foreclosure Deed of Trust  
Members present: Mayor McNeil, Councilmembers Simmen and Foster. Councilmembers Bicego and Mercier absent. By unanimous consent, Council authorized no action on the Notice of Default recorded as instrument number 11-008723 on September 23, 2011, Siskiyou County Recorder.
7. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager. Matter continued to Monday November 7, 2011, at 5:30 P.M. No further reportable action.

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

Attest:

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Rory McNeil, Mayor  
Minutes approved by Council  
Motion 11-17-11

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Elizabeth E. Casson, City Clerk