

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON DECEMBER 16, 2010

On the 16th day of December 2010, 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, John Mercier and David Simmen. Absent – Rory McNeil.

Consent Calendar: Mayor Pro-Tempore Simmen 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 December 2, 2010.
- b. Approval of Warrants issued from December 3 through December 16, 2010.
- c. Adopt Resolution No. 2895 authorizing the City to enter into an agreement with the State of California Department of Transportation, enter into a reimbursement agreement, and designate representatives to sign related documents.
- d. Approval of 2009-2010 Closing Budget Amendments.

Following Council discussion, Council Member Mercier moved to approve the items on the consent calendar as submitted.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

CDBG Program – Approval of Jefferson Enterprise Development Institute as a Subrecipient for the Microenterprise Grant #08EDEF-5874.

Nancy Swift, Executive Director of Jefferson Economic Development Institute, (JEDI) addressed the Council to answer any questions regarding JEDI.

Following Council discussion, Council Member Foster moved to authorize the City Manager to award and execute a Subrecipient Agreement with Jefferson Enterprise Development Institute for the CDBG Grant No. 08-EDEF-5874.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Supplemental Law Enforcement Grant Funds (COPS) Fiscal Year 2010/2011.

- Public Hearing - Discussion/Possible Action – Adopt Resolution No. 2894 Authorizing the Spending Plan of the Supplemental Law Enforcement Grant Funds.

This being the time and date scheduled for the public hearing, Mayor Pro-Tempore Simmen opened the public hearing.

Grace Bennett, Siskiyou County Supervisor District 4, addressed the Council requesting that the Council submit a letter to the Governor's office reminding him of the importance of the COPS program to our small communities and requesting that the state maintain this valuable program.

There being no further comments or statements from the audience, Mayor Pro-Tempore Simmen closed the public hearing.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2894 as submitted.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Adopt Resolution No. 2896 approving execution of Memorandum of Understanding signed by the Confidential Unit, Yreka Management Team Association, Yreka Police Officers Association, Yreka Police Administration Association, and the Yreka Police Sergeants' Association for the term from July 1, 2010 to June 30, 2011.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2896 as submitted.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Adopt Resolution No. 2897 Setting Health Benefits Contribution Requirement for appointed and unrepresented, non-safety employees.

Following Council discussion, Council Member Foster moved to adopt Resolution No. 2897 as submitted.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Explore and gather information for the possible development of a Biomass Facility for the City of Yreka. - Council Member Simmen.

Council Member Simmen stated that he requested that this item be placed on the agenda to discuss the possibility of scheduling a Council Workshop to be facilitated by Bill Carlson to discuss in detail the process for the development of a Biomass Facility.

Grace Bennett, Joan Smith Freeman, Dan Blessing, Jason Darrow, Dusty Veale, and George Jennings each addressed the Council as proponents for a biomass facility.

Following Council discussion, it was the consensus of the Council to schedule two workshops to continue the discussion of a possible Biomass Facility.

### **Closed Session:**

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

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|-------------------------|---|
| Property:               | (1) Butte Street right of way between Oregon and Fourth; Fourth Street right of way between South and Butte;  |
|                         | (2) 054-184-040-000; (3) 054-184-050-000; (4) 054-184-060-000; (5) 054-184-090-000; (6) 054-184-080-000   |
| City Negotiators:       | City Manager and City Attorney  |
| Third Party Negotiator: | (1) County of Siskiyou/Administrative Office of Courts; (2) Jeremy R. and Jessica P. Potter; (3) Roads S. and Marilyn G. Veale Trust; (4) James T. and Mary Ellen Rock Trust; (5) Mary E. Peters and Terry Kovach; (6) Eric Bergstrom |

Under Negotiation: (1) price and terms, including possible donation; (2)-(6) price and terms.

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. Two cases – 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. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
Agency negotiators: Steven Baker and Mary Frances McHugh  
Employee Organizations: Yreka Police Sergeants Association and the Yreka Police Officer's Association.
4. Pending Litigation: Government Code § 54956.9(a) Yreka Holdings II v. City of Yreka, Siskiyou Superior Court No. SC CV CV 0700693.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney Mary Frances McHugh reported that there was no 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 1-6-11

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Elizabeth E. Casson, City Clerk