

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON FEBRUARY 16, 2012

On the 16th day of February 2012, 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 February 2, 2012
- b. Approval of Warrants issued from February 3, through February 16, 2012.

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

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.

Annual Report from Chamber of Commerce

Joan Smith Freeman, Executive Director and Rod Dowse, Chamber President addressed the Council to give the annual report for 2011 and goals for 2012.

Report from Building Official - Residential Fire Sprinklers.

Mark Schmitt, Building Official and Fire Marshal presented the Council with his research and recommendations regarding the new California Building Code that requires automatic fire sprinkler systems to be installed in all new construction of one and two family dwellings.

Following Council discussion, Council Member Foster moved to authorize City staff to prepare an Ordinance to reflect the recommendations as submitted by the Building Official.

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.

Liberty Arts Lease Agreement – 108 W. Miner Street:

- Approval of Lease Agreement Amendment No. 1
- Approval of Permit No. 4146 – Variance to Setbacks

Brian Meek addressed the Council on behalf of Liberty Arts to give a status report on the membership and various programs offered to the community and schools, and to answer any questions regarding their request to place a storage building on site.

Following Council discussion, Council Member Simmen moved to approve Lease Agreement Amendment No. 1 and Permit No. 4146 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.

Adopt Resolution No. 2954 appointing Health Officer Pursuant to Health and Safety Code Section 101375, and consenting to County Health Officer's exercise of power within the City of Yreka.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2954 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.

Public Hearing Regarding Notice of Intent to Sell Real Property currently used as a parking lot, located at Fourth and South Streets, Assessor Parcel Numbers 054-185-040, -050, -060. Determine and rule upon any protests.

This being the time and place scheduled for the public hearing, Mayor McNeil opened the hearing. There being no protests received, either oral or written, Mayor McNeil closed the public hearing.

Adoption of Resolution 2955 of the City Council authorizing City Manager to execute documents of conveyance of real property currently used as a parking lot, located at Fourth and South streets, Assessor Parcel Numbers 054-185-040, -050, -060 and amending the budget of the City of Yreka for fiscal year 2011-2012 in connection with the sale of the property.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2955 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.

Request to determine City Council interest in placing a year round park host at Upper Greenhorn Park. – Council Member Foster

Council Member Foster stated that Dusty Veale had approached him with an idea to place a year-round park host at upper Greenhorn Park. The benefits of this would be to deter vandalism and mischief, and to have someone onsite that could provide information and assistance to visitors.

Dusty and Gail Veale addressed the Council to encourage the Council consider the concept of placing a park host, stating that Greenhorn Park is a real jewel for our community and its usage has increased tremendously over the years. In closing, Mr. Veale stated that he realizes that the concept is the easy part and that if the Council chooses to look into this matter in more detail, he would be happy to volunteer to work with the Council and staff to develop a proposal.

Following Council discussion, Council Member Mercier moved to direct staff to study the park host proposal and prepare a recommendation for Council consideration at a future meeting.

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.

Miner Street Beautification Project:

- Create Guidelines for and implement the disbursement of the Phyllis M. Stewart 1991 Trust gift “For the Beautification of Miner Street” – Council Member Simmen.
- Miner Street Grant Program.

Council Member Simmen submitted to the Council his ideas for the use of the Stewart Funds for the Beautification of Miner Street along with proposed guidelines for the use of the funds.

City Manager Baker reported that at City Council’s request, staff reviewed similar programs in other cities, held a public forum on February 6 to gather feedback and ideas from the community, and put together proposed guidelines for Council consideration. City Manager Baker introduced Ben Matts, Project Assistant, to present the proposed guidelines.

Project Assistant Matts gave the Council a status report from the community meeting as well as proposed draft guidelines for the Façade Improvement Grant Program and the Community Projects Grant program. Matts stated that the meeting was very well attended and that the attendees were very enthusiastic. In addition to the Community Forum, Matts reported that he also contacted several building owners who were not able to attend the meeting, but expressed interest in participating in the façade improvement program.

Following Council discussion Council Member Bicego moved to authorize staff to continue with the development of the programs and to bring back more specific and detailed information for Council consideration at a future meeting.

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.

Direction to Staff: City Support of the Local Rail Services; TIGER IV App – Southwest Oregon Region of the Application of Oregon Department of Transportation, the southern Oregon counties and private industry for a grant to finance significant improvements to the Siskiyou Line operated by Central Oregon and Pacific Railroad (CORP) between Medford, OR and Weed, CA.

Jason Darrow of Siskiyou County Economic Development Council addressed the Council to request their support and to answer any questions regarding the proposal.

Following Council discussion, Council Member Mercier moved to authorize the Mayor to sign the letter of support 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.

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 Labor Negotiator Government Code Section 54957.6 (a)
Agency negotiators: Steven Baker, Liz Casson & Mary Frances McHugh.
Employee Organizations: Yreka City Employees Association.
3. 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. The Council conferred with its legal adviser. Councilmember Mercier absent. Motion made by Councilmember Bicego, second by Councilmember Simmen, which carried unanimously, Council authorized the Mayor to sign a letter to federal legislators to ensure the Surface Transportation Board takes appropriate legal action to investigate and prevent the removal of rail and track materials of Yreka Western Railroad between Yreka and Montague, California. No further reportable action was taken.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 054-191-490
Third Party Negotiator: Yreka Western Railroad
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both.
5. 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:

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. Councilmember Mercier absent. The Council conferred with its legal adviser. No reportable action taken.

Conference with Labor Negotiator Government Code Section 54957.6 (a)

Agency negotiators: Steven Baker, Liz Casson & Mary Frances McHugh. Employee Organization: Yreka City Employees Association. Councilmember Mercier absent. By Motion made by Councilmember Bicego, second by Councilmember Simmen, which carried unanimously, Council gave direction to the City's negotiators. No further reportable action was taken.

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. The Council conferred with its legal adviser. Councilmember Mercier absent. Motion made by Councilmember Bicego, second by Councilmember Simmen, which carried unanimously, Council authorized the Mayor to sign a letter to federal legislators to ensure the Surface Transportation Board takes appropriate legal action to investigate and prevent the removal of rail and track materials of Yreka Western Railroad between Yreka and Montague, California. No further reportable action was taken.

Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: Assessor Parcel No. 054-191-490

Third Party Negotiator: Yreka Western Railroad City Negotiators: City Manager and City Attorney. Under Negotiation: Possible purchase including price, terms of payment, or both. Councilmember Mercier absent. The Council conferred with its legal adviser and real property negotiators. No reportable action taken.

Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager. Councilmember Mercier absent. No further reportable action.

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

Attest:

David Simmen, Mayor Pro-Tempore
Minutes approved by Council
Motion 3-1-2012

Elizabeth E. Casson, City Clerk