

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

On the 3rd day of February 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 January 20, 2011.
- b. Approval of Treasurer's Monthly Cash Report and budget to actual dated December 2010.
- c. Approval of Treasurer's Quarterly Investment Report dated December 31, 2010.

Council Member Simmen requested consent calendar item c be removed for discussion.

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

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.

Approval of Treasurer's Quarterly Investment Report dated December 31, 2010.

Following Council discussion, Council Member Simmen moved to approve the Treasurer's Quarterly Investment Report dated December 31, 2010 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.

Approval of warrants issued from January 20 thru February 3, 2011.

Council Members Foster and Mercier announced their recusal. Foster stating that he has a conflict of interest with one of the warrants listed by reason of his employment relationship with one of the proposed payees, namely, Madrone Hospice, and therefore recused himself and left the Council Chamber. Mercier stating that he has a conflict of interest with one of the warrants listed by reason of his contractual relationship with one of the proposed payees, namely, Siskiyou County Employment Development Council, and therefore recused himself and left the Council Chamber.

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

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

Mayor McNeil thereupon declared the motion carried.

Council Members Foster and Mercier returned to their seats at the Council table.

Adopt Resolution No. 2899 authorizing the City Manager to award a construction contract to Sierra Traffic Markings, Inc., and execute related documents for the Greenhorn Road and Oregon Street 2010 Bike Lane Project.

Steve Neill, Director of Public Works addressed the Council to answer any questions regarding the construction contract.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2899 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.

Yreka Creek Master Plan Update:

- Approve the proposed Memorandum of Understanding (MOU) with the County of Siskiyou for the Yreka Creek Greenway.

Steve Neill, Director of Public Works, and Project Consultant Tom Hesseldenz addressed the Council to give an update on the Yreka Creek Master Plan.

Following Council discussion, Council Member Bicego moved to approve the Memorandum of Understanding with the County of Siskiyou, in substantially the form as submitted, and to authorize the City Manager to negotiate any final changes and execute the MOU.

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.

Adopt Resolution No. 2900 approving the application for Grant Funds from the Flood Corridor Program under the Safe Drinking Water Quality and Supply Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E) and designating representatives to sign funding

agreements and related documents necessary to implement the Yreka Creek Flood Hazard Reduction Project.

Director of Public Works Neill addressed the Council to answer any questions regarding the proposed grant application and to personally thank the members of the Yreka Creek Greenway Committee and Administrative Assistant Jeannette Hook for their work in putting together this grant application.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2900 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.

CLOSED SESSION:

1. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: AP # 013-030- 181, 201, 211 & 221, 013-050-130, 062-041-450, 470, 480, & 560.
City Negotiators: City Manager and City Attorney
Third Party Negotiator: Terry O'Neill
Under Negotiation: Possible purchase including price, terms of payment, or both.
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: – Tulelake Irrigation District v. All Persons Having or Claiming, etc., et al., Superior Court, State of California, County of Siskiyou, Case number SCCVPT 10-0463.
4. Pending Litigation Government Code § 54956.9(a) – Conference with Legal Counsel: – City of Brisbane, et al., v. The California State Board of Equalization, etc., Superior Court of the State of California, City and County of San Francisco, Case No. CPF-09-509231, etc.

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:

David Simmen, Mayor Pro-Tempore
Minutes approved by Council
Motion 2-17-11

Elizabeth E. Casson, City Clerk