

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON APRIL 5, 2012

On the 5th day of April 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, John Mercier and David Simmen. Absent – Rory McNeil.

Steve Radford addressed the Council to report that while scraping the old paint from the façade of the Blacks Building in preparation to re-paint, the volunteers noticed severe deterioration of the wood. Mr. Bradford further stated that the stucco behind the wood appears to be in fairly good shape and that the volunteers would like permission to remove the deteriorated wood siding and to restore the existing stucco surface, prior to repainting the façade.

City Manager Baker asked Mr. Radford to bring in the specifics of his proposal for review by City Staff.

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 March 15, 2012 and the Special meeting held March 28, 2012.
- b. Approval of Warrants issued from March 16 through April 5, 2012.
- c. Acknowledge receipt of General Plan Housing Element 2011 Annual Report.
- d. Approval of Treasurers' Report and Budget to Actual for the month of February 2012.

Council Member Bicego requested item 1d be removed for discussion.

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

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

Mayor Pro-Tempore thereupon declared the motion carried.

Approval of Treasurers' Report and Budget to Actual for the month of February 2012.

City Council Member Bicego asked City Treasurer/Finance Director Rhetta Hogan to give a status report on the City's expenditures and revenues.

Following the report from Treasurer Hogan and Council discussion, Council Member Bicego moved to adopt the Treasurers' Report and Budget to Actual for the month of February 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.

Public Hearing to consider the modification of fees and rates for Planning and Public Works Services.

- Adopt Resolution No. 2967 amending Resolution No. 2529 setting fees for services provided by the Yreka Planning Department.
- Adopt Resolution No. 2968 amending Resolution No. 2377 setting fees for services provided by the Department of Public Works.

This being the date and time scheduled for the Public Hearing, Mayor Pro-Tempore Simmen opened the hearing to the audience. There being no statements or comments from the audience, Mayor Pro-Tempore Simmen closed the public hearing, and opened discussion to the Council.

City Manager Baker reported that the City's current development fee structure includes some that are already fixed fees, some are based on a formula and others are based on the actual costs of staff performing the work, usually with a deposit. Upon review of our current fee structure, it is staff's recommendation to modify the fees for the Planning Department Use Permit and Boundary Line Adjustment and the Public Works Encroachment Permit for a simple project, to a flat fee as proposed in the Resolution.

City Manager Baker further reported that the advantages of fixed price fees include greater certainty for the person paying the fees and less work on the part of staff to keep track of billable hours. Disadvantage is that the City may recover less of its costs if the projects are more complex.

Following Council discussion, Council Member Mercier moved to adopt Resolutions No 2967 and 2968 as submitted.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Direction to Staff regarding proposed Dog Licensing Changes and Ordinance Changes.

Finance Director Rhetta Hogan submitted to Council her report requesting approval to make changes to the animal control ordinance pertaining to licensing of dogs within the City. In her report Finance Director Hogan requested a prorate of dog license fees on a quarterly basis for newly licensed dogs; to remove the penalty date from the ordinance allowing the date to be set by resolution and setting new rates for fiscal years 2013-2017 to maintain the 50% cost recovery model, with a recommended increase of \$1 per year for altered and \$2 per year for unaltered.

Following Council discussion, Council Member Foster moved to authorize staff to prepare the necessary documents to change the Ordinance and Resolutions as requested.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Authorize the preparation of an amendment to the existing agreement with the Siskiyou County Library increasing the contribution to \$2 per capita.

City Manager Baker reported to the Council that the Siskiyou County Library began a restructuring over a year ago in an attempt to change the business model to allow the Library to stay open. As part of that process, the County requested that the City allocate \$15,000 for support of the Yreka branch and that amount was included in the 2011-2012 adopted budget. It was contemplated that an agreement between the County, City and the Friends of the Yreka Library would be created. This agreement would be different than the other branch libraries because the County actually owns the property that is used by the Yreka branch.

Upon further review, it appears that having the Friends contract directly with the County makes more sense, since they are using a County building and essentially providing all of the volunteer resources to keep the Yreka branch open, as well as support to the other branches. Therefore, having an agreement between the County and City providing for financial support seems more appropriate.

In accordance with the current agreement, the City pays the County \$1 per capita for library support. One way to accomplish the fiscal agreement is to double the amount going forward to \$2 per capita or approximately \$15,550 per year. This would provide some certainty to both the County and the City as to the contribution for the library in future budgets. It is staff's recommendation that the Council consider amending the existing agreement with the County of Siskiyou to increase the per capita contribution to \$2.

Following Council discussion, Council Member Mercier moved to authorize staff to prepare an amendment to the existing agreement to increase the contribution to \$2 per capita.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Approval of the Purchase Orders to Dell and Acme for acquisition and installation of server hardware and software as appropriated in the 2011-12 Adopted Budget.

Finance Director Hogan reported that the City installed a new file/email server in February of 2008, and in the fall of 2008, Finance started the migration from the City's legacy financial software system ACS to our current software Springbrook with utility billing being the first

module to go live in March 2009. When the City purchased its server, we reviewed and met with Springbrook software consultants to ensure the specifications outlined then for running the Springbrook software were sufficient. However, since those specifications were published in 2007, the software and operating systems have changed, so much that we are now in an upgrade “freeze” status, because our current server cannot handle the newer software.

In anticipation of the necessary upgrades, the City budgeted in the 2011-2012 budget \$30,000 for the Springbrook project. The total cost for hardware, licensing and installation is \$26,578.86 and it is staff’s recommendation that the Council approve the purchase order to Dell and ACME for acquisition and installation of server hardware and software as requested.

Following Council discussion, Council Member Foster moved to approve the purchase orders to Dell and Acme for acquisition and installation of server hardware and software as appropriated in the 2011-2012 adopted budget.

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

Mayor Pro-Tempore Simmen thereupon declared the motion carried.

Approval of all Warrants payable to Siskiyou County Economic Development Council from March 16, 2012 through April 5, 2012.

Council Member Mercier announced his recusal stating that he has a conflict of interest with the warrants listed by reason of his employment relationship with Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member Bicego moved to approve the warrants payable to Siskiyou County Economic Development Council as submitted.

Mayor Pro-Tempore Simmen seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, and Simmen.

Mayor Pro-Tempore Simmen thereupon declared the motion carried. Council Member Mercier returned to his seat at the Council table.

CLOSED SESSION:

1. 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 & Management Team.
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. 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.
4. Conference with Legal Counsel pursuant to Government Code § 54959.9 On the Matter of City of Yreka v. Ken Salazar, etc., et al., United States Court of Appeals for the Ninth Circuit, Case No. 11-16820.
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: Assessor Parcel No. 053-681-070
 - Third Party Negotiator: Cliff Brown, Phillip Lane Industrial Park
 - City Negotiators: City Manager and City Attorney
 - Under Negotiation: Possible purchase including price, terms of payment, or both.

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

Taken out of order. 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. Councilmember McNeil absent. Remaining Council members conferred with City Attorney. No reportable action.

1. 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 & Management Team.
 Councilmember McNeil absent. Remaining Council members conferred with Labor Negotiators.
 No reportable action.

3. 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 McNeil absent. Remaining Council members conferred with City Attorney. No reportable action.

5. Taken out of order. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: Assessor Parcel No. 053-681-070

Third Party Negotiator: Cliff Brown, Phillippe Lane Industrial Park

City Negotiators: City Manager and City Attorney

Under Negotiation: Possible purchase including price, terms of payment, or both.

Councilmember McNeil absent. Remaining Council members conferred with City's Real Property negotiators. No reportable action.

4. Conference with Legal Counsel pursuant to Government Code § 54959.9

On the Matter of City of Yreka v. Ken Salazar, etc., et al., United States Court of Appeals for the Ninth Circuit, Case No. 11-16820.

Councilmember McNeil absent, Councilmember Mercier recused due to ownership of property in proximity to the subject property, and left the room. Remaining Council members conferred with City Attorney. No reportable action.

Adjourned from Closed Session at 9:20 PM.

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

Attest:

Rory McNeil, Mayor
Minutes approved by Council
Motion 4-19-2012

Elizabeth E. Casson, City Clerk