

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON MAY 19, 2011

On the 19th day of May 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, and David Simmen. Absent – John Mercier.

Mayor McNeil announced that she has received a request to add one item to the agenda, which came to the staff's attention after the preparation and posting of the agenda - need for urgency: After the preparation and posting of the agenda the City Attorney determined there was a need for Council to confer with Counsel regarding the requested matter because the next regularly scheduled Council meeting occurs on June 2, 2011 and there may be a need to take action in the interim.

Mayor McNeil stated that she would entertain a motion to add one item to the closed session portion of the agenda, said item being:

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.

Following Council discussion, Council Member Simmen moved to add the closed session item to the agenda as requested by the City Attorney.

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

Mayor McNeil thereupon declared the motion carried.

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 May 5, 2011.
- b. Approval of Warrants issued from May 6 through May 19, 2011.
- c. Approval of Treasurer's Report and budget to actual for the month of April 2011.
- d. Adopt Resolution No. 2913 approving requests associated with the Chamber of Commerce event known as Gold Rush Days.

Council Member Bicego requested that item 1c be pulled for further discussion.

Following Council discussion, Council Member Simmen moved to approve items 1 a,b, & d on the consent calendar as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Approval of Treasurer's Report and budget to actual for the month of April 2011.

City Treasurer Rhetta Hogan summarized the fund details of the Treasurer's Report. Following Council discussion, Council Member Bicego moved to approve the report as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Public Hearing – Draft Urban Water Management Plan:

As part of the public hearing on the Draft Update, the City of Yreka is conducting this public hearing to: (1) adopt a method, pursuant to California Water Code (CWC) § 10608.20, for determining its urban water use target in 2020, (2) allow community input regarding its plan for achieving the water conservation provisions of its Draft Update, and (3) consider the economic impacts of its implementation plan for achieving its 2020 urban water use target.

City Attorney Mary Frances McHugh, introduced Gwyn-Mohr Tully, Esq., of Tully & Young, Mr. Tully briefed the Council and audience members on the Draft 2010 Urban Water Management Plan which was prepared by his office.

This being the time and date scheduled for the public hearing, Mayor McNeil opened the public hearing to the audience. There being no statements or comments from the audience, Mayor McNeil closed the public hearing.

Introduction of Ordinance No. 824 repealing Ordinances 41, 59, 91, 523, 672, and amending certain sections of Title 9, Chapter 9.48 miscellaneous offenses and Title 8 Chapter 8.12

Following the reading of the title of the Ordinance, Council Member Foster moved to waive the reading of the body of the Ordinance and to introduce Ordinance No. 824 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Yreka Volunteer Fire Department:

- Adopt Resolution No. 2914 approving the amended Constitution amended Bylaws of the Yreka Volunteer Fire Department
- Introduction of Ordinance No. 825 Amending Chapter 2.28 of the Yreka Municipal Code (Fire)

Council Member Bicego announced his recusal, stating that he has a conflict by reason of his membership in the Yreka Volunteer Fire Department and therefore recused himself and left the Council Chamber.

Following Council discussion, and the reading of the title of the Resolution and the title of the Ordinance, Council Member Foster moved adopt Resolution No. 2914 as submitted and to waive the reading of the body of the Ordinance and introduce Ordinance No. 825 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.

Council Member Bicego returned to his seat at the Council Table.

Reconsideration of May 5, 2011 Action (requested by Councilmember Foster): Discussion/Possible Direction to Staff – Prepare a Resolution authorizing the submission of an application for funding from the Planning and Technical Assistance Allocation of the State Community Development Block Grant (CDBG) Program.

Council Member Foster reported to the Council that he requested this item be placed back on the agenda for reconsideration of the grant application for a Tourism Improvement District (TID) Study because it seemed that Council was not given sufficient information regarding the proposed project. Council Member Foster further reported that the intent of this study would be to create a tourism marketing strategy for the City of Yreka and explore the creation of a Tourism Improvement District (TID) in the area. In conclusion, Council Member Foster stated that it is his opinion that this proposed project might help to accomplish economic development goals, which were ranked as a high priority by the City Council at the Strategic Planning Session.

City Manager Steve Baker reported to the Council that there are two separate actions related to this item, first whether to reconsider and 2<sup>nd</sup> to adopt a Resolution authorizing the grant application.

Following Council discussion, Council Member Simmen moved to reconsider the action.

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

Mayor McNeil thereupon declared the motion carried.

Adopt Resolution No. 2915 approving an application for funding, and the execution of a Grant Agreement and any amendments thereto from the Planning and Technical Assistance (P/TA) Economic Development Allocation of the State CDBG Program.

City Manager Baker explained the concept of the TID, stating that this grant application is for a feasibility study only. The purpose of the study would be to find out if the tourism-oriented businesses were interested in creating the TID and to outline the process of creating one.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2915 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

**CLOSED SESSION:**

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.

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.

**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 6/2/11

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Elizabeth E. Casson, City Clerk