

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON APRIL 19, 2012

On the 19th 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, Rory McNeil, John Mercier and David Simmen. Absent – None.

Mayor McNeil read into record a Proclamation in honor of National Nurses Week May 6 – 12, 2012.

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 April 5, 2012
- b. Approval of Warrants issued from April 6, 2012 through April 19, 2012.

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, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

PUBLIC HEARING: - Intent to adopt a Negative Declaration regarding the application of the City of Yreka before the State Water Resources Control Board, Permit No. 1537999 (Application 22551) Fall Creek Tributary to Klamath River, Siskiyou County California regarding place of use and extension of time to put water to beneficial use.

This being the time and date set for the public hearing, Mayor McNeil opened the hearing up to the audience.

Louise Gliatto asked for clarification as to the purpose of the hearing. City Attorney Mary Frances McHugh reported that a public hearing is required to give notice that the City intends to adopt a Negative Declaration regarding the application before the State Water Resources Control Board. City Attorney McHugh further reported that in accordance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/CEQA Checklist and a Negative Declaration, which are all on file in City Hall for public review. A Negative Declaration is a statement that the project will not have a significant adverse effect on the environment.

There being no further comments or statements, Mayor McNeil closed the hearing.

Adopt Resolution No. 2969 approving requests associated with Yreka Chamber of Commerce special event to be held on June 16, 2012 known as the Yreka Gold Rush Days.

Joan Smith-Freeman, Executive Director of the Chamber of Commerce and Kris Taylor, Gold Rush Committee Chair, addressed the Council regarding this year's event. Stating that this is the 6th annual Gold Rush Days and that this year it will be a citywide event.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2969 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 Historic District Exterior Alteration Permit – Property: 320 W. Miner Street, Property Owner: City of Yreka.

City Manager Baker reported that initially several local citizens volunteered their time and skill to repaint the façade. However, due to the highly deteriorated condition of the wood, exploratory repairs were authorized to determine if the wood siding could be removed and to determine the condition of the underlying stucco. The wood siding was successfully removed on Saturday April 7, and the stucco appears to be in salvageable condition. Mr. Baker stated that since the removal of the wood siding and restoration of the original material on the building was recommended as part of the Historic District Revitalization Plan prepared by the National Trust for Historic Preservation in 1976, he is recommending approval of the permit to refurbish the building façade by permanently removing the deteriorated wood siding and restoring the existing stucco surface.

Following Council discussion, Council Member Foster moved to approve Permit No. 4151 authorizing exterior alteration to building located at 320 W. Miner Street 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.

Introduction of Ordinance No 829 amending Title 8 of the Yreka Municipal Code – Animals, amending various sections of Chapter 8.08 – Dogs.

Following the reading of the title of the Ordinance and Council discussion, Council Member Simmen moved to waive the reading of the body of the Ordinance and to introduce the Ordinance 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.

CLOSED SESSION:

1. 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. Three 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.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: APN# 053-681-070
City Negotiators: City Manager and City Attorney
Third Party Negotiator: Cliff Brown
Under Negotiation: acquisition of portion, price and terms of payment or both
3. 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.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: APN# 053-361-100
City Negotiators: City Manager and City Attorney
Third Party Negotiator: Not yet identified
Under Negotiation: Price and terms

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

1. 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. The Council conferred with the City Attorney on two matters. The Council authorized the City Attorney to engage the services of the law firm of Brady and Vinding as legal counsel to assist in pursuing a matter on which the Council received information from the City Attorney. No other reportable action.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 053-681-070
Third Party Negotiator: Cliff Brown, Phillipe Lane Industrial Park

City Negotiators: City Manager and City Attorney

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

No reportable action.

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

Property: APN# 053-361-100

City Negotiators: City Manager and City Attorney

Third Party Negotiator: Not yet identified

Under Negotiation: Price and terms

No reportable action.

1. 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 Mercier recused due to contract relation with party, left the room. Remaining Council members conferred with City Attorney. No reportable action.

3. Taken out of order. 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 and 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 9:30 PM.

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

Attest:

Rory McNeil, Mayor
Minutes approved by Council
Motion May 3, 2012

Elizabeth E. Casson, City Clerk