

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON MAY 17, 2012

On the day of 17TH day of May 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 May 3, 2012.
- b. Approval of Warrants issued from May 4 through May 17, 2012.

Following Council discussion, Council Member Mercier moved to approve the items 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.

PUBLIC HEARING: to receive comments on Environmental Review for the proposed improvements to the City of Yreka Wastewater Treatment and Collection System.

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

MINER STREET GRANT PROGRAM

Project Assistant Benjamin Matts reported to the Council that the City received five applications for the Miner Street Grant Program, three applications for the Façade Grant Program and two for the Community Projects Grant Program.

Façade Grant Program Applications totaling \$8,985:

Following review of the applications received and Council discussion, Council Member Foster moved to approve the Façade Grant Applications as submitted by: Bray & Associates Engineering for 329 W. Miner Street in an amount up to \$5,485; Kim Freeze for 200 & 202 W. Miner Street known as the Audacity and Bella Art Works in an amount up to \$3,500; and preliminary approval of the initial application submitted on behalf of the Mason's Lodge for 101 Third Street (corner of Third & Miner Street) subject to program guidelines and submission of a full application.

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.

Community Grant Program Applications totaling \$26,326.10:

City Manager Steve Baker reported that the two applications received were both for City owned buildings and staff is seeking preliminary approval from Council with direction to prepare the necessary contract documents for a public building.

Project Assistant Matts reviewed the following two applications with the Council:

- Yreka Volunteer Fire Department application in the amount of \$16,549.84 for restoration of Ley Station located at 401 W. Miner Street, which would include repairing and painting the exterior, as well as the replacement of the existing sign. Mr. Matts further reported that this project application is well over the \$10,000 limit; however, since the Fire Station is such a large and prominent building, staff is recommending an exception to the grant limit.
- Yreka Beautification Volunteers application as part of their effort to rehabilitate the building commonly known as the Black's Building at 320 W. Miner Street. Their proposed improvements include repairing/replacing the stucco, recover surface of stucco with a protective coat, paint building, restore/repaint Yreka Seed and Grain sign, and repair transom windows, for a total project cost of \$9,776.26.

Following Council discussion, Council Member Bicego moved to direct staff to prepare the necessary contract documents on the two Community Project grant applications for council consideration at a future meeting.

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.

Adopt Resolution No. 2973 setting the delinquency date for licensing of dogs and setting the fractional prorate registration fee schedule for dog licenses pursuant to Ordinance No. 829.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2973 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.

Report regarding status of Stormwater Permit Regulations and request to authorize City Manager to participate as a signatory in comment letters prepared by the Statewide Stormwater Coalition

regarding storm water Permit Regulations, including, but not limited the second draft of the Phase II MS4 Stormwater Permit.

Following Council discussion, Council Member Foster moved to authorize the City Manager to participate as a signatory in comment letters prepared by the Statewide Stormwater Coalition regarding Stormwater Permit regulations, including, but not limited to the Second Draft of the Phase II MS4 Stormwater Permit.

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.

Approve Agreement and Supplemental Appropriation for legal services of William D. Ayres in the matter of City of Yreka v. Kimberlee Abbott et al, Siskiyou County Superior Court Case No. 11-1001.

Council Member Mercier announced his recusal stating that he has a conflict of interest with the warrant listed by his contract relation with party, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member Bicego moved to approve the Agreement with William D. Ayres as submitted and approve a supplemental appropriation for legal services in an amount not to exceed \$10,000.

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. Council Member Mercier returned to his seat at the Council table.

CLOSED SESSION:

1. 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.

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. 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.

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

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.
 The Council conferred with its legal adviser. 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. 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.

The Council conferred with the City Attorney on three matters. No other reportable action was taken.

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

Attest:

 Rory McNeil, Mayor
 Minutes approved by Council
 Motion 6-7-2012

 Elizabeth E. Casson, City Clerk