

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON MAY 3, 2012

On the 3<sup>rd</sup> 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: Bryan Foster, Rory McNeil, John Mercier and David Simmen. Absent – Robert Bicego.

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 19, 2012
- b. Approval of Warrants issued from April 20 – May 3, 2012.
- c. Approval of Treasurer's Report and Budget to actual dated March 2012.
- d. Approval of Treasurer's Quarterly Investment Report dated March 31, 2012.
- e. Approval of 2011-12 Preliminary Year End Budget Revisions.

Following Council discussion, Council Member Simmen moved to approve the items on the consent calendar as submitted.

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

Mayor McNeil thereupon declared the motion carried.

**PUBLIC HEARING** – to receive public comments regarding the proposed closeout and acceptance of final product - Community Development Block Grant (CDBG) Planning and Technical Assistance Grant #08-PTAG-6494 for two (2) General Planning Studies (Water Use Efficiency and Humbug Gulch Stormwater Detention Facility Feasibility).

Steve Neill, Director of Public Works, addressed the Council and audience to answer questions regarding the studies, and introduced Don Rolph, Public Works Water Efficiency Coordinator, and Gary Gordon of Wildan Group, Inc.

Director of Public Works Neill reported that Don Rolph completed the Water Use Efficiency Plan after developing and testing ways to help low-income customers to reduce their water usage, and therefore their water bills. This Plan was also extremely beneficial to help meet the obligations for water conservation planning which is a condition of a current State Revolving Fund Loan. The Plan was well received by the community and identified several potential ways the City can help its income eligible citizens. Implementation of the recommendations will be subject to fund availability and direction from the Council.

Director of Public Works Neill further reported that Gary Gordon of Wildan Engineering prepared the Humbug Gulch Stormwater Detention Facility Feasibility Study. The Wildan Group also prepared the City's Master Plan of Drainage in 2005, and designed many of the recently completed storm drain improvements in the Stormwater Attenuation Project. In closing, Director

Neill stated that this study is intended to examine the alternatives for addressing flood reduction in Humbug Creek, one of the City's largest tributaries to Yreka Creek.

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

Resolution No. 2970 accepting as complete Community Development Block Grant (CDBG) Planning and Technical Assistance Grant #08-PTAG-6494 for two (2) General Planning Studies (Water Use Efficiency and Humbug Gulch Stormwater Detention Facility Feasibility).

Following Council discussion, Council Member Foster moved to adopt Resolution No. 2970 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Resolution No. 2971 adopting the Siskiyou County Hazard Mitigation Plan.

City Manager Baker reported that in July of 2010 a coalition of representatives from the County of Siskiyou, 7 Cities, and 2 special services districts joined in a planning process to prepare for and lessen the impacts of specified natural hazards, responding to Federal Mandates in the Disaster Mitigation Act of 2000. The planning area for the hazard mitigation plan encompasses all of Siskiyou County. The result of the organizational efforts has been to produce a Federal Emergency Management Agency (FEMA) and the California Emergency Management Area (CalEMA) approved multi-agency multi-hazard mitigation plan, a draft of which is on file in the City Clerk's office for public review.

In closing City Manager Baker stated that once the hazard mitigation plan is adopted by all of the jurisdictional partners and approved by FEMA, the partnership will collectively and individually become eligible to apply for hazard mitigation project funding from both the Pre-Disaster Mitigation Grant Program (PDM) and the Hazard Mitigation Grant program (HMGP).

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2971 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Adopt Resolution No. 2972 adopting the Initial Study/Negative Declaration for the City of Yreka Fall Creek Water Permit application for extension of time to put water to full beneficial use and

place of use State Water Resources Control Board Application Permit Number 15379, Application Number 22551.

City Attorney Mary Frances McHugh reported that staff has been working with the State Water Resources Control Board on an update for the Place of Use and an Extension of Time to put to full beneficial use the water rights associated with its Fall Creek Water Permit No. 15379. The application for administrative approval of these actions was made to the State Water Board in December of 2005. After extensive review and revisions, the Board acted on August 5, 2010 to approve the City's application for approval of the Place of Use, and requested additional information regarding the Application for Extension of Time. That request specifically requested the City to prepare and circulate additional California Environmental Quality Act (CEQA) documents to evaluate any impacts on public trust resources resulting from these actions.

City Attorney McHugh further reported that the Initial Study/Negative Declaration documents have been available for public comment from March 12, 2012 to April 19, 2012 and that no comments were received, therefore, no modification of the Initial Study/Negative Declaration is required to be considered.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2972 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

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

Finance Director Rhetta Hogan reported that as a follow up to the Council direction given at the April 5, 2012 meeting, this Ordinance was prepared to amend the animal control ordinance relating to dogs to modify language to allow for the proration of dog license fees on a quarterly basis for newly licensed dogs, to be set by City Council Resolution, and for the removal of a fixed penalty date from the Ordinance to allow the date to be set by Council Resolution. Upon adoption of this Ordinance, staff will prepare the necessary Resolution for Council consideration at the next City Council meeting.

Following the reading of the title of the Ordinance and Council discussion, Council Member Foster moved to waive the reading of the body of the Ordinance and to adopt Ordinance No. 829 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Authorize City Attorney to engage services of outside Counsel Brady & Vinding for assistance regarding negotiations with the Karuk Tribe of California in connection with the Tribe's interest in establishing a casino in the City of Yreka, authorize executing agreement and approve supplemental appropriation.

City Attorney McHugh reported that she is seeking authorization from the City Council to engage the services of Brady & Vinding to provide specialized legal services related to negotiations concerning the proposed casino, and to authorize a supplemental appropriation in an amount not to exceed \$20,000 for these services, to be allocated one-half from the general fund reserves and one-half to be paid from enterprise funds.

Following Council discussion, Council Member Mercier moved to authorize the City Attorney to engage services of outside Counsel Brady & Vinding and to approve supplemental appropriation in the amount not to exceed \$20,000.00.

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

Mayor McNeil thereupon declared the motion carried.

Approval of all Warrants payable to Siskiyou County Economic Development Council from April 20, 2012 through May 3, 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 Simmen moved to approve the warrants as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: 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. 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. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott, etc., et al., Siskiyou County Superior Court, Case No. SCCVCV 11-1001.

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

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, Councilmember Bicego was absent. The City Council gave direction to the City Attorney on Motion by Councilmember Mercier, second by Foster regarding declination to waive City of Yreka insurance requirements, which carried unanimously. No other reportable action was taken.

2. Conference with Legal Counsel pursuant to Government Code § 54959.9 On the Matter of City of Yreka v. Kimberlee Abbott., et al., Siskiyou County Superior Court Case No. 11-1001.

Councilmember Mercier recused due to contract relation with party, and left the room. Councilmember Bicego was absent. Remaining Council members conferred with City Attorney. On motion by Foster, seconded by Councilmember Simmen, the City Attorney was authorized to engage the services of William D. Ayres, Esq., to serve as trial counsel of the matter and to bring an appropriation for those services to the City Council, which carried unanimously. No further reportable action was taken.

**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 May 17, 2012

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Elizabeth E. Casson, City Clerk