

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON NOVEMBER 19, 2009

On the 19th day of November 2009, 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: Tom Amaral, Jason Darrow, Jim Griffin, Rory McNeil and David Simmen. Absent – None.

PUBLIC COMMENTS:

Venus Dunn, Kevin Dunn, and Chris Witcher addressed the Council as proponents to the proposed Medical Marijuana Dispensary in Yreka.

Michael Pitts, Angelia Pitts and Yreka Police Chief Brian Bowles addressed the Council opponents to the opening of a Medical Marijuana Dispensary in Yreka.

Mayor Amaral announced that he has received a request from city staff to add an item to the agenda as an urgency matter. The reason for need for immediate action is that the matter came to staff's attention after the preparation and posting of the agenda and there is the need to take action immediately because of limited time the City can take action for the proposed action, and action needs to occur before the next regularly scheduled Council meeting. The item being: Approve a request for Extension of the Safe Routes to Schools Grant, Authorize the Mayor to sign the Extension and, authorize the City Manager or his designee to take all necessary action to submit and obtain the Extension from Caltrans and the Department of Finance.

Following Council discussion, Council Member McNeil moved to add the item to the agenda as item no. 12 a.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

PUBLIC HEARING – to consider the imposition of an interim ordinance as an urgency measure pursuant to Government Code Section 65858, placing a temporary forty-five (45) day moratorium on the establishment and operation of medical marijuana dispensaries, collectives or cooperatives within the City limits. The purpose of the proposed moratorium and any extension thereof, is to allow the City sufficient time to study the potential impacts of such facilities on the public health, safety and welfare, and to determine whether such facilities should be banned, or, if not banned, whether they should be regulated by amendments or additions to the Yreka Municipal Code, including the zoning ordinance.

This being the time and date scheduled for the public hearing, Mayor Amaral opened the public hearing to the audience.

City Attorney Mary Frances McHugh asked that the public hearing administrative record reflect the comments made under the public comment portion of the agenda and the memorandum from

the City Attorney dated November 10, 2009 regarding Medical Marijuana Dispensaries together with all referenced materials.

Adoption of Ordinance No. 816 – An Urgency Ordinance of the City of Yreka adopting a Moratorium on Medical Marijuana Dispensaries.

Following Council discussion, Council Member McNeil moved to adopt Urgency Ordinance No. 816 as submitted.

Council Member Griffin seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Introduction of Ordinance No. 817 and Order referring to Planning Commission for review and report pursuant to Government Code Section 65853 – an Ordinance Amending Title 16, Chapter 16.46 of the Yreka Municipal Code adding Section 16.46.150 – Prohibited Uses – prohibiting Medical Marijuana Dispensaries, Collectives, Cooperatives, and the Cultivation of Marijuana in any Zoning District, and added definitions for Medical Marijuana Dispensaries, Collectives, Cooperatives and the Cultivation of Marijuana.

Following Council discussion, Council Member Simmen moved to introduce Ordinance No. 817 as amended.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

PUBLIC HEARING: Consideration of an update of the City of Yreka General Plan Housing Element, which was adopted in December 2003.

This being the time and date scheduled for the public hearing, Mayor Amaral opened the public hearing to the audience. Planning Director Pam Hayden addressed the Council to report that the Planning Commission recommends the Council approve the update.

There being no further statements or comments from the audience, Mayor Amaral closed the public hearing.

Adopt Resolution No. 2814 approving update of the City of Yreka General Plan Housing Element and submittal to the State of California Department of Housing and Community Development.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2814 as submitted.

Council Member Griffin seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

PUBLIC HEARING – Consideration of an application for a General Plan Amendment to designate property proposed to be annexed into the city limits of Yreka with a General Plan designation of I (Industrial). The proposed annexation is an approximately 2.5 +/- acre parcel known as Assessor's Parcel No. 013-300-300. And consideration of pre-zoning a 2.5 +/- acre parcel that is proposed to be annexed into the city limits of Yreka to M-2 (Heavy Industrial) zone designation. Assessor's Parcel No. 013-300-300.

Applicant: Shasta Forest Products, Inc. by Richard Conroy
Location: 1412 E. Highway 3

This being the time and date scheduled for the public hearing, Mayor Amaral opened the public hearing to the audience.

City Attorney McHugh asked that the administrative record reflect into record the staff reports submitted as a part of this public hearing.

There being no statements or comments from the audience, Mayor Amaral closed the public hearing.

PUBLIC HEARING – Consideration of an application for a General Plan Amendment to designate property proposed to be annexed into the city limits of Yreka with a General Plan designation of LDR (Low Density Residential). The proposed annexation is approximately 17,275 sq. ft. (.39 +/- acres) of the 49.51 acre parcel known as Assessor's Parcel No. 013-060-190. And consideration of pre-zoning approximately 17,275 sq. ft. (.39 +/- acres) of Assessor's Parcel No. 013-060-190 to R-1 (Single Family Residential) that is proposed to be annexed into the City of Yreka and bisects a parcel of property located within the city limits of Yreka which is also zoned R-1.

Applicant: Tom & Kris McCullough
Location: Adjacent to 898 North View Drive

This being the time and date scheduled for the public hearing, Mayor Amaral opened the public hearing to the audience.

City Attorney McHugh asked that the administrative record reflect into record the staff reports submitted as a part of this public hearing.

There being no statements or comments from the audience, Mayor Amaral closed the public hearing.

Consent Calendar: Mayor Amaral 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 or audience wishes to remove an item for discussion:

- a. Approval of Minutes of the meeting held November 5, 2009.
- b. Approval of Warrants issued from November 6, 2009 to November 19, 2009.

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

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Review terms of Contract proposed by Page & Turnbull for Historical Architectural Services and authorize contract terms to be negotiated by the City Attorney.

Following Council discussion, Council Member Simmen moved to authorize the City Attorney to negotiate the terms of the proposed contract with Page & Turnbull.

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Authorize City Manager to obtain proposals for feasibility and revenue study on a potential Utility User Tax Ballot Initiative and bring proposed contract to Council for approval.

Following Council discussion, Council Member Griffin moved to authorize the City Manager to obtain the proposals for a feasibility and revenue study as requested.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Darrow, Griffin, McNeil & Simmen. Oppose - Amaral

Mayor Amaral thereupon declared the motion carried.

Approval of Treasurer's Report and Budget to Actual for the month of October 2009.

Following Council discussion, Council Member McNeil moved to approve the Treasurer's Report and budget to actual as submitted.

Council Member Griffin seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Adopt Resolution No. 2815 authorizing the City to apply for Bicycle Transportation Account Funds to the State of California, enter into a funding agreement, and designate representatives to sign related documents for the Oregon Street Drainage Inlet Grate Replacement Project.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2815 as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Approve a request for Extension of the Safe Routes to Schools Grant, Authorize the Mayor to sign the Extension and, authorize the City Manager or his designee to take all necessary action to submit and obtain the Extension from Caltrans and the Department of Finance.

Following Council discussion, Council Member McNeil moved to authorize the extension and authorize the City Manager or his designee to take all necessary action to submit and obtain the extension.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Adopt Resolution No. 2817 authorizing a sub-grant agreement with the Siskiyou County Economic Development Council (SCEDC) for Project Management Services, and designating representatives to sign related documents, for the Brownfields Assessment Project.

Council members Jason Darrow, and Jim Griffin and City Manager Brian Meek all recused themselves from this agenda item due to a conflict of interest. Council Member Darrow as an employee of Siskiyou County Economic Development Corporation (SCEDC) which has an interest or potential contract interest with the City of Yreka in this matter; Council Member Griffin who, as a member of the Board of Directors of SCEDC, has a remote financial interest in this matter, and Brian Meek, who, as a member of the Board of Directors of SCEDC, has a remote financial interest in this matter.

Following Council discussion, Council Member Simmen moved to approve adopt Resolution No. 2817 as submitted.

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

Mayor Amaral thereupon declared the motion carried.

Council Members Darrow and Griffin & City Manager Meek returned to their seats at the Council Table.

Adopt Resolution No. 2816 rescinding Resolution No. 2753 establishing the Yreka Development Commission of the City of Yreka.

Following Council discussion, it was the consensus of the Council to table this item to the December 13, 2009.

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. 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.
2. Pending Litigation: Government Code § 54956.9(a) Yreka Holdings II v. City of Yreka, Siskiyou Superior Court No. SC CV CV 0700693.
3. Conference with Real Property Negotiator Government Code Section 54956.8

Property:	APN# 053-711-030 & 053-711-100
City Negotiators:	City Manager and City Attorney
Third Party Negotiator:	Yreka Holdings II
Under Negotiation:	Possible acquisition, including price & terms of payment.

RETURN TO OPEN SESSION: Upon return to open session, City Attorney Mary Frances McHugh reported that there was no reportable action taken in closed session.

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

Attest:

Tom Amaral, Mayor
Minutes approved by Council
Motion December 3, 2009

Elizabeth E. Casson, City Clerk