

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON NOVEMBER 1, 2012

On the 1ST day of November 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 Simmen 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 special meeting held October 11, 2012 and the regular meeting held October 18, 2012.
- b. Approval of Warrants issued from October 19, 2012 through November 1, 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 Simmen thereupon declared the motion carried.

Adopt Resolution No. 2997 approving the Department of Forestry and Fire Protection Agreement No. 7FG12080 for Volunteer Fire Assistance Wildland Gear.

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

City Manager Baker reported that in March, 2012 the Yreka Fire Department submitted an application for a Cal Fire Volunteer Fire Assistance (VFA) grant. The grant is a 50/50 local match grant primarily for wildland firefighting safety gear. The total requested amount for the grant is \$12,280.13. The funds used for the purchase of the safety gear will come out of the fire department's benefit fund. No money will be used out of the fire departments budget for this purchase.

On October 2nd, 2012 the Department received approval for the VFA grant in the amount of \$6,141 and it is staff's recommendation that the City Council adopt the resolution to accept the grant to complete the approval process.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2997 as submitted.

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

Mayor Simmen thereupon declared the motion carried. Council Member Bicego returned to his seat at the Council Table.

Presentation – Yreka Police Department Chief of Police – Brian Bowles:

- Yreka Police Facility Needs Assessment Report

Brian Bowles, Chief of Police, addressed the Council to present a facility needs assessment report as prepared by the Siskiyou Design Group. Chief of Police Bowles reported that the Police Department has outgrown their current facility located on Miner Street. The building is very old and will continue to need many fixes to keep it operational. The department has worked creatively and effectively to utilize the existing building layout. However, the existing three levels of the facility are antiquated in their design, layout, exiting arrangement, construction and do not promote efficiency.

Introduction of Ordinance No. 831 repealing and amending by adding various sections of Title 11 of the Yreka Municipal Code relating to the adoption by reference of Uniform Construction Codes; Adding New Chapter 11.50 relating to Placards used to denote conditions relating to continued occupancy of buildings; and repealing certain Ordinances.

City Attorney Mary Frances McHugh reported that the California Building Standards Codes are published every 3 years by the California Building Standards Commission. The California Building Standards Commission has published the 2010 California Building Standards Codes by amending Title 24 of the California Code of Regulations, effective January 1, 2011. By California law, these codes became enforceable within the jurisdiction of the City of Yreka six months after adoption.

City Attorney McHugh further reported that the City has the power at any time to make jurisdiction specific modifications to the Building Standards if certain findings are made in connection with the particular changes. This Ordinance will amend California Building Code Chapter 16, and California Code of Regulations R301.2 Snow load, to fix the minimum snow load at 40 pounds per square foot of roof snow and establishing the basic wind speeds at 80 mph except the area east of Butcher Hill, which shall be 90 mph. These standards have been required by the Building Official of the City for many years, without the support of appropriate amendment to the Building Standards Codes. The changes include the adoption of the current appendix now referenced as Appendix J in place of Appendix 33, the grading requirements. The 2010 California Building Standards Codes requires any adopting ordinance specifically reference the grading appendix in order for it to be enforceable. Once adopted, this ordinance will be filed with the State Commission.

Following the reading of the body of the Ordinance and Council discussion, Council Member McNeil moved to introduce Ordinance No. 831 as amended.

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

Mayor Simmen thereupon declared the motion carried.

Introduction of Ordinance No. 832 amending certain sections of the Yreka Municipal Code in Chapters 2.28 Fire Department, 6.08 Garbage, Rubbish & Waste, 8.04 Animals-General Provisions, and 10.32 Vehicles & Traffic and 16.46 Zoning – Special Provisions.

City Attorney McHugh reported that Ordinance 832 contains amendments to a variety of chapters of the Yreka Municipal Code with the principal purpose to bring the ordinances into alignment with existing practices or law. And that City staff recommends the introduction of Ordinance 832 as amended to reflect changes in Chapter 6.08 relating to burn permits, Chapter 8.04 relating to disturbance by animals, and Chapters 10.31 and 16.46 relating to street vendors. The proposed amendment to Chapter 2.28 relating to the Fire Department Advisory Board has been removed from the proposed Ordinance 832.

Tom Laurent addressed the Council in favor of the amendment to Chapter 8.04, stating that under the existing ordinance little could be done by the Animal Control Officer to control disturbance by animals, so he has been working with the Chief of Police to come up with a solution to give the Animal Control Officer the authority and tools to solve the problem.

Following the reading of the body of the Ordinance and Council discussion, Council Member Bicego moved to introduce Ordinance 832 as amended.

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

Mayor Simmen thereupon declared the motion carried.

Approval of all Warrants payable to Siskiyou County Economic Development Council from October 19, 2012 through November 1, 2012.

Council Member Mercier announced his recusal stating that he has a conflict of interest with one of the warrants listed by reason of his employment relationship with one of the proposed payees, namely, Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to approve the warrants as submitted.

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

Mayor Simmen thereupon declared the motion carried.

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

Approval of Request for Proposals for Contract City Attorney services.

City Attorney McHugh presented the Council with a draft request for proposals for Contract City Attorney Services.

Following Council discussion, Council Member McNeil moved to approve the request for proposals as submitted, and authorized the City Attorney to proceed with the process.

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

Mayor Simmen thereupon declared the motion carried.

CLOSED SESSION:

1. 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.
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.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 013-110-130 & 140
Third Party Negotiator: County of Siskiyou
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both
4. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: 320 Miner St., Yreka, CA
Third Party Negotiator: to be determined
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: 307 North St., Yreka, CA
Third Party Negotiator: to be determined
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both

6. 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.

RETURN TO OPEN SESSION at 9:30 pm: Upon return to open session, City Attorney Mary Frances McHugh reported out the following:

1. 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.

The Council conferred with its legal advisors and gave direction. No other reportable action was taken.

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.

On one matter the Council conferred with its legal advisor and gave direction. The two remaining matters were taken off calendar at the request of the City Attorney. No other reportable action was taken.

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

Councilmember Rory McNeil announced a recusal due to proximity of property she owns to the project, and left the room.

Property: Assessor Parcel No. 013-110-130 & 140
 Third Party Negotiator: County of Siskiyou
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

All Councilmembers except Councilmember Mercier present.

Property: 320 Miner St., Yreka, CA
 Third Party Negotiator: to be determined
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

Property: 307 North St., Yreka, CA

Third Party Negotiator: to be determined

City Negotiators: City Manager and City Attorney

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

The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

6. 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 real property negotiators and gave direction. No other reportable action was taken.

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion 11-15- 2012

Elizabeth E. Casson, City Clerk