

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON JANUARY 17,2013

On the 17TH day of April 2013, 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, Rory McNeil, and John Mercier. Absent – Bryan Foster and David Simmen.

Consent Calendar: Mayor Pro-Tempore Bicego 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 December 20, 2012.
- b. Approval of Warrants issued from December 21, 2012 through January 17, 2013.

Following Council discussion, Council Member Mercier 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: Bicego, McNeil, and Mercier.

Mayor Pro-Tempore Bicego thereupon declared the motion carried.

Adopt Resolution No. 3000 vacating portions of sewer and water easements at 1906 Ft. Jones Road (Walmart) and authorizing acceptance of an easement for a relocated sewer line.

Public Works Director Steve Neill reported that in 1985 the City of Yreka accepted an easement for public sewer and water lines through the Walmart property at 1906 Ft. Jones Road. In 2010 Walmart requested approval to relocate a portion of the sewer line. Council approved an Agreement for construction of a new sewer line and the dedication and abandonment of related sewer and water easements. Construction of the new sewer line was completed in October 2011, and after receiving all required information, it was accepted into the City system as of October 29, 2012.

Director of Public Works Neill further reported that there is no prospective use or need to retain a portion of the easement for the existing sewer line and a portion of another easement for a water line. This action will have no impact upon the existing utilities located within the easements because they have been maintained by the property owner as private services. Therefore, the easements can be summarily vacated in accordance with Section 8333 of the California Streets and Highways Code. Because the proposed vacation results from a utility relocation, no notice or public hearing is required. Vacating the easements is in conformance with the City's Master Water Plan, Master Sewer Plan and General Plan. This action does not reduce access to any properties and will not terminate any public utility easements. Therefore it is not barred by California Streets and Highways Code Section 8330.

The 2010 Agreement specified that a new easement would be created for the relocated sewer line. A Resolution is required to record this transaction, therefore it is staff's recommendation

that the City Council adopt Resolution No. 3000 vacating portions of the sewer and water easements and authorizing acceptance of the easement for the relocated sewer line.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 3000 as submitted.

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

Mayor Pro-Tempore Bicego thereupon declared the motion carried.

Adopt Resolution No. 3007 Approving the Initial Study/Mitigated Negative Declaration for the Yreka Creek Trail Development Project.

Director of Public Works Neill reported that this project covers a 16 acre work site north of Oberlin Road that extends under Interstate 5 and northerly to the property containing the Klamath National Forest Service Center. The proposed work includes approximately 4,000 LF of new primary (paved) and secondary (gravel) trails. All trails will be ADA compliant and will provide access for emergency and maintenance vehicles; several new crossings over Yreka Creek and the adjacent overflow channels. One primary bridge will be above the 100-year flood elevation, and the others will be culverts or will be anchored to safely float-aside in high water conditions. Recreational amenities such as a small surfaced parking lot, picnic tables, trash receptacles, a drinking fountain, and interpretive signage; and excavation and restoration of approximately 1 acre of floodplain. The Initial Study/Mitigated Negative Declaration for this project was released for public comment on December 12, 2012. The public comment period closed on January 11, 2013.

Jeannette Hook, Administrative Assistant provided the Council with an updated report from Pacific Municipal Consultants regarding the response to the comment letters received from Mr. Marcellino Gonzales of the California Department of Transportation (Caltrans) dated December 18, 2012 and from Mr. Neil Manji of the California Department of Fish and Wildlife (CDFW) dated January 11, 2013.

The Caltrans letter indicates that the Department has reviewed the environmental document for the project and notes that the City of Yreka, as the Lead Agency for the project, will be required to submit plans to and receive approval of an Encroachment Permit for all work on the project undertaken on or within right-of-way owned by the Department.

The CDFW letter described the role of the Department as a Trustee Agency in fulfillment of its role to protect Statewide Fish and Wildlife resources. The letter further identifies that the Department may take on the role of a Responsible Agency as defined by CEQA due to the potential of the Department to rely on the environmental analysis undertaken by the Lead Agency (City) as a result of the need for Department issued permit.

Mrs. Hook reported that minor modifications have been made to the environmental review document as a result of the comment letters received.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 3007 as submitted.

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

Mayor Pro-Tempore Bicego thereupon declared the motion carried.

City of Yreka Community Development Block Grant (CDBG) Program:

Public hearing to solicit comments from the public regarding the intention of the City of Yreka to approve by Resolution, the City of Yreka CDBG Program Income (PI) Reuse Plan. This plan describes how the City will utilize PI, as generated from both economic and general revolving loan accounts. It is the City's intention to amend its PI Reuse Plan, as requested by the California Housing and Community Development (CAHCD).

This being the time and date scheduled for the public hearing, Mayor Pro-Tempore Bicego opened the hearing to the audience. There being no statements or comments, Mayor Pro-Tempore Bicego closed the public hearing.

Adopt Resolution No. 3008 approving an amended Reuse Plan for all Program Income generated by Community Development Grant Program Assisted Activities.

Jeannette Hook, Administrative Assistant, reported that the City participates in a Revolving Loan Account Program through the Community Development Block Grant. The account generates program income from the repayment of prior loans, and with approval from the grant program, program income funds may be used for additional projects in the city without a new competitive award procedure.

The Federal Housing and Urban Development Department has updated its regulations for program income reuse which requires the City to update its Program Income Reuse Plan to remain in compliance and allow continued use of these funds. The plan is now template-driven and will be valid for a 5-year period.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 3008 as submitted.

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

Mayor Pro-Tempore Bicego thereupon declared the motion carried.

Approval of all Warrants payable to Siskiyou County Economic Development Council from December 20, 2012 through January 17, 2013.

City Manager Baker reported that due to the absence of Council Members Foster & Simmen, the recusal of Council Member Mercier would leave the Council without a quorum; therefore this item has been pulled from the agenda.

CLOSED SESSION:

1. Pending Litigation: 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. Pending Litigation: Conference with Legal Counsel pursuant to Government Code § 54959.9 - On the Matter of RiverWatch v. City of Yreka, U.S District Ct., Northern Calif. District, Case No.3:12-CV-05872 JSC.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: Assessor Parcel No. 062-011-200
 - 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: Assessor Parcel No. 053-681-070
 - Third Party Negotiator: Cliff Brown, Phillip Lane Industrial Park
 - 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: 320 Miner St., Yreka, CA
 - Third Party Negotiator: to be determined
 - City Negotiators: City Manager and City Attorney
 - Under Negotiation: Possible sale including price, terms of payment, or both.
6. 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
7. Conference with Legal Counsel - Anticipated Litigation
 Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 1 - The names of the parties are not disclosed as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

RETURN TO OPEN SESSION: Upon return to open session, City Attorney Dohn R. Henion reported out the following:

#2 Pending Litigation: Conference with Legal Counsel pursuant to Government Code § 54959.9 - On the Matter of RiverWatch v. City of Yreka, U.S District Ct., Northern Calif. District, Case No.3:12-CV-05872 JSC.

Councilmember McNeil moved to authorize the City Manager to negotiate and execute a professional services agreement not to initially exceed the sum of \$15,000 and to expend such other sums as the City Manager deems necessary to facilitate a settlement of the litigation. The motion was seconded by Councilmember Mercier and passed on the affirmative vote of Councilmembers, Bicego, McNeil and Mercier with Councilmembers Simmen and Foster being absent.

#5 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 sale including price, terms of payment, or both.

Direction was given to staff to negotiate sale.

No further reportable action was taken in closed session.

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion February 7, 2013

Elizabeth E. Casson, City Clerk