

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON JULY 19, 2012

On the 19<sup>TH</sup> day of July 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.

Approve appointment to the Yreka Volunteer Fire Department.

Following Council discussion, Council Member Bicego moved to approve the appointment of Paul Lebron to the Yreka Volunteer Fire Department.

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.

Election of Mayor and Mayor Pro-Tempore:

City Manager Steve Baker assumed the chair and opened nominations from the Council Members for the election of Mayor.

Council Member Mercier moved to nominate Council Member Simmen.  
Council Member Foster moved to nominate himself.

There being no further nominations, City Manager Baker closed the nominations and called for a vote. Upon roll call, the following voted for Simmen: Bicego, Mercier, & Simmen.  
The following voted for Foster: McNeil & Foster.

City Manager Baker thereupon declared the motion to elect David Simmen Mayor as carried.

**ELECTION OF MAYOR PRO-TEMPORE**

Mayor Simmen opened nominations from the Council for the election of Mayor Pro-Tempore.

Council Member McNeil moved to nominate Council Member Bicego. There being no further nominations, Mayor Simmen closed the nominations and called for a vote. Upon roll call, the following voted for Bicego: Foster, Mercier, McNeil & Simmen.

Mayor Simmen thereupon declared the motion to elect Rob Bicego Mayor Pro-Tempore as carried.

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 Warrants issued from June 22, 2012 through July 19, 2012.
- b. Approval of Minutes of the meeting held June 21, 2012.
- c. Approval of Workshop Consortium Contract with Liebert Cassidy Whitmore for fiscal year 2012-2013.
- d. Approval of Treasurer's report and budget to actual for the month of May.

Council Member Bicego requested item d be removed from the consent calendar for discussion.

Following Council discussion, Council Member Mercier moved to approve items a, b & c on the consent calendar as submitted.

Council Member Bicego 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 Treasurer's report and budget to actual for the month of May 2012.

Council Member Bicego asked City Treasurer/Finance Director Rhetta Hogan to give a status report on the City's expenditures and revenues.

Following the report from Treasurer Hogan and Council discussion, Council Member Bicego moved to adopt the Treasurers' Report and Budget to Actual for the month of May as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2985 approving requests associated with Special Event known as the Yreka Union High School District 2012 Yreka Elk's Cross Country Invitational.

Pam Borg, Yreka High School Cross Country Coach, addressed the Council to answer any questions regarding the event and to request a change in the time for the event, extending the period to 7 pm, instead of 6 pm as stated in her letter to the Council.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2985 as amended to reflect the amended time of 7 pm.

Council Member Bicego 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. 2986 approving requests associated with the special event known as the "Kids Block Party" to be held on August 18, 2012.

Kris Taylor addressed the Council to answer any questions regarding the event and to request a change in the date to August 18, 2012, instead of August 4, as stated in her letter to the Council.

Following Council discussion, Council Member Foster moved to adopt Resolution No. 2986 as amended to reflect the change in the date to August 18, 2012.

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.

Adopt Resolution No. 2987 approving requests associated with special event known as the Taste of Siskiyou to be held October 6, 2012.

Kris Taylor addressed the Council to answer any questions regarding the event.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2987 as submitted.

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.

Unallocated General Fund Capital Projects.

Council Member Bicego requested that the Council consider moving the discussion on the Unallocated General Fund Capital Projects and the Budget Adoption Resolutions to a special City Council meeting.

City Manager Steve Baker reported one of the items on the Unallocated General Fund Capital Projects list has now risen to the point of urgent, and need of immediate attention. In this year's budget request to the City, Splash requested an operational contribution of \$32,500 and a one-time allocation of \$15,000 to cover ½ the cost for replacement of the heating units, hoping that the heaters would hold out until the fall. However, that did not prove to be the case, and Jason Darrow of Yreka Splash is here tonight to request \$10,000 for the immediate replacement of one of the heaters.

Following Council discussion, Council Member Bicego moved to table the budget items listed as agenda items 7 & 8, with the exception of the Ringe Pool Heater, to a special City Council meeting.

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.

Ringe Pool Heater:

Jason Darrow reported to the Council that the current heaters are over 25 years old and in anticipation of the need for replacement, he obtained three quotes for the replacing all 3 heating units at the cost of \$30,000, approximately \$10,000 each. The proposed systems have a much higher efficiency rating and a life expectancy of an additional 20-years, so overall operational costs can be reduced through a reduction in heating bills and maintenance can be reduced as neither the City of Yreka or Splash will need to provide additional monitoring of the system throughout the year.

Mr. Darrow further reported that they are working with the YMCA and other community partners to prepare a long-term plan for Ringe Pool and would like to present the plan to Council at a future meeting.

Following Council discussion, Council Member Bicego moved to approve the request for an allocation of \$10,000 to Yreka Splash from the Unallocated General Fund Capital Projects one-time funds for the replacement of one water heater at Ringe Pool.

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.

Direct City Attorney to review the City of Yreka Conflict of Interest code as required by California Government Code Section 87306.5.

City Attorney Mary Frances McHugh reported that the Political Reform Act requires each local government agency to review its conflict of interest code biennially to determine its accuracy or, alternatively, that the code must be amended. The City's Conflict of Interest Code was last amended on September 16, 2010, to add the positions of Fire Chief and Fire Department Secretary-Treasurer in disclosure category 2. To meet the requirements of the Political Reform Act, the City Attorney will have to review the Conflict of Interest Code to determine whether amendments are necessary.

Following Council discussion, Mayor Simmen moved to direct the City Attorney to review the City's Conflict of Interest Code.

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.

Approval of all Warrants payable to Siskiyou County Economic Development Council from June 21, 2012 through July 19, 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 Bicego moved to approve the warrants payable to Siskiyou County Economic Development Council as submitted.

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

Mayor Simmen thereupon declared the motion carried. Council Member Mercier thereupon 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, Phillippe 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. 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.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney Mary Frances McHugh reported out that no 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 8-2-2012

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Elizabeth E. Casson, City Clerk