

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON AUGUST 16, 2012

On the 16th day of August 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 meeting held August 2, 2012
- b. Approval of Warrants issued from August 3, 2012 through August 16, 2012.

Following Council discussion, Council Member Bicego 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.

Siskiyou County Economic Development Council – Project Status update

Tonya Dowse, Executive Director of the Siskiyou County Economic Development Council addressed the Council to give a status update on the various projects they are currently working on and also gave a status report on the Enterprise Zone, stating that in 2012 374 vouchers were issued, 206 of which were for employees in Yreka.

Tourism Friendly Improvements to Miner Street – Miner Street Grant Program.

Project Assistant Benjamin Matts gave a brief overview of the proposal received from the Bicycle Tourism Engage Business Committee. The proposal is to utilize up to \$10,000 of the Miner Street Grant funds to install custom bike racks, replacement of street light banners with themed banners, installation of additional benches, and installation of bicycle themed art.

City Manager Baker stated that this item was placed on tonight's agenda to give the committee members a chance to discuss their proposal in concept with the Council prior to the submission of an application for approval.

Council Member Bicego stated that in concept, this is a great idea, however, he expressed his concerns that the themed banners seemed to be limited to bicycle tourism, and he would prefer that they reflect the many recreational activities we have to offer.

Following Council discussion, Council Member Bicego moved to direct staff to work with the applicant to develop an application with detailed information regarding the design and proposed

site plans for submittal to the Planning Commission for review, and that the Planning Commission report to the City Council their specific recommendations regarding processing of the siting of the park benches, bike racks, art, and banners.

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.

Greenhorn Park Host.

Peg Boland, President of the Siskiyou Gardens, Parks and Greenways Association, and Grace Bennett, County Supervisor addressed the Council regarding the Greenhorn Park Host proposal.

Following Council discussion, Council Member Bicego moved to authorize staff to further proceed to develop the organizational materials as proposed.

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.

Miner Street Grant Community Projects:

- a. Adopt Resolution 2988 rejecting bids submitted for the Yreka Seed and Grain building Project and authorizing the City Manager to cause the work to be performed by day labor or through open market purchases of materials and supplies and dispense with further bidding.
- b. Approve and Award Contract for the Ley Station Project and Authorize the City Manager to do all acts and execute all necessary Documents to Implement the Contract.

Adopt Resolution 2988 rejecting bids submitted for the Yreka Seed and Grain building Project and authorizing the City Manager to cause the work to be performed by day labor or through open market purchases of materials and supplies and dispense with further bidding.

City Manager Baker reported to the Council that only one bid was received in the amount of \$37,095, which was in excess of the contemplated budget of \$10,000, and therefore it is staff's recommendation to reject the bid as received.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2988 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.

Approve and Award Contract for the Ley Station Project and Authorize the City Manager to do all acts and execute all necessary documents to implement the Contract.

City Manager Baker reported that two bids were received: Rodriguez Corporation in the amount of \$24,747 and North State Painting in the amount of \$16,950 and it is staff's recommendation that the Council award the contract to North State Painting in the amount of \$16,950.

Following Council discussion, Council Member Bicego moved to approve and award the Contract for the Ley Station Project to North State Painting in the amount of \$16,950. and to authorize the City Manager execute all necessary documents to implement the Contract.

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.

Authorize City Manager and City Attorney to prepare a Resolution and Notice of Intent to Sell Real Property for Council consideration regarding the disposal of City owned property Assessor's Parcel No. 053-361-110, commonly known as 307 North Street, Yreka, Ca.

City Manager Baker reported that the City acquired 307 North Street in 2003 for the purpose of holding the property for future development as a parking facility with access to the Miner Street business district.

The Council has studied the use of that property extensively over the past 4 years. At the budget workshop held on August 2, 2012, it was the consensus of the Council to review the continued ownership of this property by the City. The determination on whether the City should continue to retain the property should be based on whether the City Council wishes to retain the option of creating a parking lot at this location in the future.

If the Council decides to dispose of the property, the initial step will be to comply with applicable state law which covers the methods of disposition of public property, referral to the Planning Commission for compliance with the General Plan, and compliance with the California Environmental Quality Act. The decision to dispose of property requires the adoption of a Resolution giving Notice of Intent to Sell Real Property and a public hearing is conducted for that purpose. No sale can occur until that requirement is satisfied.

Following Council discussion, Council Member Bicego moved to direct staff prepare the necessary documents to initiate the procedure for possible sale at "no loss" to the City.

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Bicego, McNeil, Mercier and Simmen. Nays – Foster, stating that he is not against the sale, just the wording of the motion.

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2983 adopting the Budget for Fiscal Year 2012-2013 Fund 30-all Measure H Special Tax Fund, Fund 03 all the Volunteer Fire Department Benefit Fund, and Fund 01-210-0000 all expenditures of the Volunteer Fire Department.

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.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2983 as submitted.

Council Member Foster 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.

Direct the City Attorney to undertake audit of Chapter 11 of the Yreka Municipal Code and report to Council on recommended modifications and adoption of various Uniform Codes.

City Attorney Mary Frances McHugh reported that the City adopted various uniform building codes in 1996. They are contained in Title 11 of the Yreka municipal Code. Since that time there have been several iterations of the Uniform Codes in the State of California. Currently the 2010 California Building Code is in effect and enforceable in the City.

In conclusion, City Attorney McHugh stated that she is seeking direction to work with the Building Official to conduct a complete audit and report back to Council with any recommended changes.

Following Council discussion, Council Member McNeil moved to authorize the City Attorney to undertake the audit of Chapter 11 of the Yreka Municipal Code and that the City Attorney and Building Official report back to Council on recommended modifications and/or adoption of various Uniform Codes.

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.

Council Statements:

Council Member Bicego reported that because of a conflict of interest due to proximity, he is resigning from his position on the New Courthouse Project Committee. Mayor Simmen stated he would serve on the committee.

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) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott, etc., et al., Siskiyou County Superior Court, Case No. SCCVCV 11-1001.
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. 053-361-110
 - City Negotiators: City Manager and City Attorney
 - Under Negotiation: Possible sale including price, terms of payment, or both.
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: Assessor Parcel No. 053-681-070
 - Third Party Negotiator: Cliff Brown, Philippe 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: Upon return to open session, City Attorney Mary Frances McHugh reported out the following:

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.

The Council conferred with the City Attorney on one matter. No other reportable action was taken.

2. 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.

Due to the recusal of Councilmember Mercier due to contract relation with party, who left the room, this matter was taken first in order. Remaining Councilmembers conferred with City Attorney and Attorney William D. Ayres. No further reportable action was taken.

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.

Due to the recusal of Councilmember McNeil due to a proximity relation of property, who left the room, this matter was taken last in order. The remaining Councilmembers conferred with the City Attorney. No further reportable action was taken.

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

Property: Assessor Parcel No. 053-361-1100

City Negotiators: City Manager and City Attorney

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

The Council conferred with its legal adviser. No further reportable action was taken.

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

Property: Assessor Parcel No. 053-681-070

Third Party Negotiator: Cliff Brown, Philippe 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 legal adviser. No further 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 9-6-2012

Elizabeth E. Casson, City Clerk