

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON AUGUST 2, 2012

On the 2<sup>nd</sup> 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, and David Simmen. Absent – Rory McNeil and John Mercier.

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 July 19, 2012
- b. Approval of Warrants issued from July 19, through August 2, 2012.
- c. Authorize Expenditure of Additional Funds not to exceed \$1,300 for continuing legal services in the matter known as City of Brisbane et al. v. The California State Board of Equalization, San Francisco Superior Court case numbers CPF-09-509231, - 232 and CPF 09-5099234.

Council Member Foster requested item 1c be pulled for discussion.

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

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

Mayor Simmen thereupon declared the motion carried.

Authorize Expenditure of Additional Funds not to exceed \$1,300 for continuing legal services in the matter known as City of Brisbane et al. v. The California State Board of Equalization, San Francisco Superior Court case numbers CPF-09-509231, - 232 and CPF 09-5099234.

Following a brief status report from City Attorney Mary Frances McHugh, Mayor Simmen moved to authorize the expenditure of funds as requested in an amount not to exceed \$1,300.

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

Mayor Simmen thereupon declared the motion carried.

Discuss Bicycle Tourism – Engage Business Committee’s Ideas for Miner Street.

Council Member Foster announced his recusal stating that he has a conflict of interest with this agenda item by reason of his employment relationship with one of the proposed vendors, and therefore recused himself and left the Council Chamber.

City Attorney McHugh stated for the record that with the absence of Council Members McNeil and Mercier, and the recusal of Council Member Foster from this item, the Council no longer has a quorum, and therefore no formal action can be taken by the Council on this item. However, the staff presentation can be made and public comment taken.

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.

Following discussion, Mayor Simmen stated that this item will be placed on the next City Council agenda scheduled for August 16, 2012. Council Member Foster returned to his seat at the Council table.

#### Unallocated General Fund Capital Projects.

City Manager Baker provided the Council with an updated proposed list of the small capital projects for funding consideration.

Following Council discussion, Mayor Simmen moved to allocate \$3,000 for the shared cost proposal with Rotary International for the Greenhorn Park Site Survey; \$7,000 for the grease trap at the Community Center; \$35,000 for the breezeway roof supports at the Community Theater; and \$7,000 for a brush and limb chipper for the Department of Public Works.

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

Mayor Simmen thereupon declared the motion carried.

#### Budget: Fiscal Year 2012-2013:

City Attorney McHugh reported that with to the absence of Council Members McNeil & Mercier, and the necessary recusal of Council Member Bicego, due to his membership in the Fire Department, Resolution No. 2983 adopting the Budget for Fiscal Year 2012-2013 for the Volunteer Fire Department, has been pulled from the agenda.

Adopt Resolution No. 2981 setting forth the Appropriations Limit for the City of Yreka for Fiscal Year 2012 – 2013.

Adopt Resolution No. 2982 adopting the Budget for Fiscal Year 2012-2013.

Adopt Resolution No. 2984 adopting the Budget for Fiscal Year 2012-2013 Fund 01-090-0000-560-001 (Siskiyou County Economic Development Council).

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2981 setting forth the Appropriations Limit for the City of Yreka for Fiscal Year 2012 – 2013; Resolution No. 2982 adopting the Budget for Fiscal Year 2012-2013; and Resolution No. 2984 adopting the Budget for Fiscal Year 2012-2013 Fund 01-090-0000-560-001 (Siskiyou County Economic Development Council) as submitted.

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

Mayor Simmen thereupon declared the motion carried, and stated that Resolution No. 2983, adopting the Budget for Fiscal Year 2012-2013 for the Volunteer Fire Department will be placed on the August 16 agenda.

Approval of all Warrants payable to Siskiyou County Economic Development Council from July 20, 2012 through August 2, 2012.

Following Council discussion, Council Member Bicego moved to approve the warrants 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.

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

Property:	Assessor Parcel No. 053-681-070
Third Party Negotiator:	Cliff Brown, Phillipe 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 that no reportable action was taken in closed session.

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

Attest:

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David Simmen, Mayor  
Minutes approved by Council  
Motion 8-16-2012

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Elizabeth E. Casson, City Clerk