

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON SEPTEMBER 6, 2012

On the 6<sup>th</sup> day of September 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.

Presentations:

- Steve Amaral in recognition of his retirement from city service – Rob Taylor, Water Manager.
- Fall Creek Water System Improvements – Project of the Year Award from the American Public Works Association (APWA), Sacramento Chapter – Steve Neill, Director of Public Works.

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 16, 2012.
- b. Approval of Warrants issued from August 16, 2012 through September 6, 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.

PUBLIC HEARING – Ordinance Amending Section 11.23.050 of the Yreka Municipal Code relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences.

City Attorney Mary Frances McHugh reported that the purpose of this public hearing is to obtain public comment on the proposed Ordinance so that any suggestions made by the public can be evaluated. Ordinance 830 is designed to implement the 2010 California Building Code which requires private fire protection in new single family residential construction. Staff has identified changes which should be made in Chapter 11.23 of the Yreka Municipal Code to reflect the new law requiring fire sprinklers.

This being the time and date scheduled for the public hearing, Mayor Simmen opened the public hearing to the audience. There being no statements or comments received from the audience, Mayor Simmen closed the public hearing.

Adopt Resolution No. 2989 authorizing the City Manager to award a construction contract, execute related documents, and add a portion of construction funds to the 2012/13 budget from the water and sewer enterprise funds for the Oregon Street Overlay, 2012.

Director of Public Works, Steve Neill reported the Engineer's estimate for the construction was \$541,196 and that two bids were received, the low bid was submitted by Sunrise Excavating of Redding in the amount of \$512,987.30.

Director of Public Works Neill further reported that the construction of the overlay, and related costs, will be paid with \$315,000 of State Transportation Improvement Program (STIP) funds. Water line improvements are in the estimated amount of \$67,000 and sewer line improvements are in the estimated amount of \$149,000, this Resolution to award this project directs the Finance Department to appropriate these amounts from the water and sewer enterprise funds.

In conclusion, Director of Public Works Neill reported the total estimated cost of \$567,000 includes the construction contract, contingencies, inspection, testing, surveying, staff time for administration, and other ancillary costs, and that it is staff's recommendation that the Council adopt Resolution No. 2989 authorizing the City Manager to award the construction contract to Sunrise Excavating in the amount of \$512,987.30 and appropriating a portion of the construction funds to the 2012/2013 budget from the water and sewer enterprise funds.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2989 as submitted awarding the construction contract to Sunrise Excavating in the amount of \$512,987.30 as submitted.

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.

Discussion Karuk Indian Gaming:

- Acknowledge receipt of draft proposed Memorandum of Understanding.
- Confirm committee appointment of Council Members Rory McNeil & John Mercier.
- Direct staff to develop recommendations and report back to Council.

Dora Bernal, Tribal Council Member of the Karuk Tribe addressed the Council to answer questions they have regarding the proposed casino.

Following Council discussion, Mayor Simmen moved to acknowledge receipt of the draft proposed Memorandum of Understanding and to confirm negotiating committee appointment of Council Members McNeil & Mercier.

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.

Following Council discussion, Council Member Foster moved to direct staff to analyze proposed Memorandum of Understanding, develop recommendations, and report back to Council.

Council Member 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.

Investigate the requirements and procedural steps necessary for the development of ten acres of City land; known as APN 013-100-140. These steps would include environmental permits and clearance, annexation, zoning, grading plan, infrastructure design and associated implementation costs. – Mayor Simmen.

Following Council discussion, Council Member Foster moved to investigate the requirements and procedural steps necessary and to report back to Council with a cost estimate.

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 August 17, 2012 through September 6, 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 Foster moved to approve the warrants payable to Siskiyou County Economic Development Council 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 thereupon returned to his seat at the Council table.

### **CLOSED SESSION:**

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
Agency negotiators: Steven Baker and Mary Frances McHugh  
Employee Organizations: Yreka Management Team Association, Confidential Unit, Yreka City Employees Association, Yreka Police Administration Unit, Yreka Police Sergeants Association, and the Yreka Police Officer's Association.
2. Threat to Public Services or Facilities, Government Code Section 54957(a), consultation with Chief of Police, City Manager and City Attorney.
3. 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.

4. 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.

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

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
 Agency negotiators: Steven Baker and Mary Frances McHugh  
 Employee Organizations: Yreka Management Team Association, Confidential Unit, Yreka City Employees Association, Yreka Police Administration Unit, Yreka Police Sergeants Association, and the Yreka Police Officer's Association. The Council conferred with the Labor Negotiators. No other reportable action was taken.

2. Threat to Public Services or Facilities, Government Code Section 54957(a), consultation with Chief of Police, City Manager and City Attorney. The Council conferred with the Chief of Police, City Manager and City Attorney. No other reportable action was taken.

3. 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 Real Property Negotiators. No other reportable action was taken.

4. 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. Councilmember Mercier declared a conflict based upon a financial interest with one of the parties to the litigation, recused and left the room. The Council conferred with the City Attorney. No other reportable action was taken.

**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 9-20-2012

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 Elizabeth E. Casson, City Clerk