

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON NOVEMBER 6, 2008.

On the 6th day of November 2008, 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: Tom Amaral, Jason Darrow, Jim Griffin, Rory McNeil and David Simmen. Absent ó None.

**PUBLIC COMMENTS:** Billy Winterburn, business owner - 213 S. Broadway ó addressed the Council as a strong opponent of the issuance of parking tickets along Broadway.

Michael and Angelia Pitts addressed the Council expressing their concern with the drug traffic at the apartment complex known as õPine Gardensö on W. Miner Street.

**PUBLIC HEARING** ó Consideration of Proposed fee increase relating to dogs pursuant to Ordinance 806 to be effective December 31, 2008.

This being the time and place set for the public hearing, Mayor Amaral opened the public hearing to the audience.

There being no statements or comments from the audience, Mayor Amaral closed the public hearing.

Adoption of Resolution No. 2739 Establishing fees relating to dogs pursuant to Ordinance 806 effective December 31, 2008.

Following Council discussion, Council Member Griffin moved to adopt Resolution No. 2739 as submitted.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Consent Calendar: Mayor Amaral 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 or audience wishes to remove an item for discussion.

- a. Approval of Minutes of the meeting held October 16, 2008.
- b. Approval of Warrant Listing dated October 30, 2008 and supplemental warrants dated November 6, 2008.

Following Council discussion, Council Member Griffin moved to approve the items on the consent calendar as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Approval of Supplemental Appropriation in the amount of \$63,000.00 - Rob Taylor, Water Manager.

Following Council discussion, Council Member Simmen moved to approve the supplemental appropriation as submitted.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Adoption of Resolution No. 2743 declaring intent to sell real property and referring the matter to the Planning Commission for review and report whether proposed disposal of real property is consistent with general plan pursuant to Government Code Section 65402. Real Property: 350 Foothill Boulevard, Yreka, California.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2743 as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Affirm, reverse or modify the decision of the Planning Commission on the application for a use permit for a Planned Unit Development ó Liberty Hills Planned Unit Development.

Due to a conflict of interest relating to ownership of property within 500 feet of the proposed development, Council Member McNeil recused herself from the Council table and left the Council Chamber.

Following Council discussion, Council Member Griffin moved to affirm the decision of the Planning Commission as submitted.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, & Simmen.

Mayor Amaral thereupon declared the motion carried.

Council Member McNeil returned to her seat at the Council table.

Approval of Treasurer's Report for the Month of September 2008.

Following Council discussion, Council Member Griffin moved to approve the Treasurer's Report for the month of September as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Approval of Treasurer's Quarterly Report dated September 30, 2008.

Following Council discussion, Council Member Griffin moved to approve the Treasurer's Quarterly Report as submitted.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Approval of Budget to Actual Report dated September 30, 2008.

Following Council discussion, Council Member Simmen moved to approve the Budget to Actual Report as submitted.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Adoption of Resolution No. 2740 authorizing the City to apply for funds to the State of California, enter into a funding agreement, and designate representatives to sign Proposition 84 Agreement and any amendments thereto, for the Yreka Creek Trail Development Project.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2740 as submitted.

Council Member Griffin seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Adoption of Resolution No. 2741 authorizing the City to apply for funds to the State of California, enter into a funding agreement, and designate representatives to sign proposition 84 Agreement, and any amendments thereto, for the "Central Yreka Creek Acquisition Project" and the "South Yreka Creek Acquisition Project".

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2741 as submitted.

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Adoption of Resolution No. 2742 Establishing Penalties for parking violations for multiple violations in any one year pursuant to Yreka Municipal Code Section 10.74.010 (2) and (3).

Following Council discussion, Council Member Darrow moved to table this item to the November 20, 2008 meeting.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Darrow, Griffin, McNeil & Simmen. Nays ó Amaral.

Mayor Amaral thereupon declared the motion carried.

Approve agreement with Robert N. Black, Esq. for legal services in connection with inquiries of the City of Yreka to PacifiCorp relating to water rights and energy development.

Following Council discussion, Council Member Griffin moved to approve the agreement with Robert N. Black as submitted.

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

Introduction of Ordinance No. 807 amending section 1.24.010 of Chapter 1.24 of the Yreka Municipal Code relating to City Council Regular Meetings.

Following the reading of the title of the ordinance and Council discussion, Council Member McNeil moved to waive the reading of the body of the Ordinance and to introduce Ordinance No. 807 with the insertion of 6 p.m. as the start time for the regular meetings.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Darrow, Griffin, McNeil & Simmen. Nays: Amaral.

Mayor Amaral thereupon declared the motion carried.

Review and approval of Response to Notice of Preparation, State Water Resources Control Board: Environmental Review preparation for the 401 Water Quality Certification of the Klamath Hydroelectric Project.

Following Council discussion, Council Member Simmen moved to authorize the Mayor to execute the letter of response.

Council Member McNeil seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, McNeil & Simmen.

Mayor Amaral thereupon declared the motion carried.

**CLOSED SESSION:**

1. Conference with Labor Negotiator

Agency negotiators: Brian Meek, Mary Frances McHugh  
Employee Organization: Yreka Police Officer's Association  
Yreka Police Administrative Unit.

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 ó 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.

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

Property:	APN# 053-651-160
City Negotiators:	City Manager and City Attorney
Third Party Negotiator:	Siskiyou Family YMCA
Under Negotiation:	Possible purchase including price, terms of payment, or both.

4. Personnel. Public Employee Performance Evaluation. Government Code § 54957 - Title: City Manager.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney McHugh reported that no action was taken to report out of closed session.

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

Attest:

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Liz Casson, City Clerk

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Tom Amaral, Mayor  
Minutes approved by Council  
Motion November 20, 2008