

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON APRIL 2, 2009

On the 2<sup>ND</sup> day of April 2009, 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: Jason Darrow, Jim Griffin, Rory McNeil and David Simmen. Absent ó Tom Amaral.

Presentation: Yreka Police Department Chief Brian Bowles and Mayor Pro-Tempore Jim Griffin presented letters of appreciation and Commendation Awards to Brandon Super, George Flippen, Jr., Wayne Courts Jr., and Nickolas Super for their assistance to the Yreka Police Department in locating the three year old girl that was abducted in Yreka on March 2, 2009.

Request to modify the agenda to move item number 3 of the Closed Session, Conference with Real Property Negotiator, to open item number 6.

Following Council discussion, Council Member McNeil moved to move item number 3 from closed session to item number 6 in open session.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried.

Approval of the appointment of Larry Blazier to the Yreka Volunteer Fire Department.

Following Council discussion, Council Member Simmen moved to approve the appointment of Larry Blazier to the Yreka Volunteer Fire Department.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried.

Authorize City Manager and City Attorney to negotiate a Lease Agreement with Yreka Splash for the use of Ringe Pool, terms subject to later approval by City Council.

Council Member Darrow stated that he had a conflict of interest because he is a member of the Board of Directors for Yreka Splash and therefore recused himself and left the Council Chamber.

Mike Solano, President of the Yreka Splash Board of Directors, addressed the Council to give an update on the progression of Yreka Splash and to submit their proposals for a Lease Agreement for the use of Ringe Pool for the 2009 season.

Following Council discussion, Council Member Simmen moved to authorize the City Manager and City Attorney to begin negotiations for a Lease Agreement, with the terms subject to Council approval.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried.

Council Member Darrow returned to his seat at the Council table.

Consent Calendar: Mayor Pro-Tempore Griffin 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 March 19, 2009.
- b. Approval of Warrant Listing dated March 26, 2009 and supplemental warrants dated April 2, 2009.

Council Member McNeil requested that the Minutes be pulled from the consent calendar for further discussion, and moved that the warrant listing and supplemental be approved as submitted.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried.

MINUTES:

Council Member McNeil stated that since she was not at the meeting, she questioned the Mayor's appointment of a temporary "Mayor Pro-Tempore" due to the fact that the council elected Mayor and Mayor Pro-Tempore were both in attendance. Council Member McNeil further stated that she was unable to find this procedure in the Yreka Municipal Code and asked the City Attorney to provide the background information.

City Attorney Mary Frances McHugh assured Council Member McNeil that it was perfectly legal and that she would be happy to review the procedures with her later if she wished.

Thereupon, Council Member McNeil moved to approve the minutes as submitted.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried

Adoption of Ordinance #815 Amending portions of the Yreka Municipal Code, Chapter 10.32, Stopping, Standing and Parking.

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 adopt Ordinance No. 815 as submitted.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried

Authorize City Manager to proceed with discussion with the County of Siskiyou for the possible formation of a Joint Powers Authority to administer Community Development Block Grants.

Following Council discussion, Council Member Simmen moved to authorize the City Manager to proceed with the discussions.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried

Conference with Real Property Negotiator

Property:	Assessor Parcel No 053-681-070; 053-681-060
City Negotiators:	City Manager and City Attorney
Third Party Negotiator:	Phillipe Lane Industrial Park, Inc., and John and Patricia Giannaros
Under Negotiation:	Possible Purchase - including purchase price and terms.

Following Council discussion, Council Member Simmen moved to authorize the real property negotiators to continue with the property negotiations and authorize the City Attorney to engage the legal services of Michael Brady of Scharff, Brady & Vinding, in an amount not to exceed \$10,000 for legal services and advice relating to brownfields and remediation in the City of Yreka and Michael Colantuono, of Colantuono & Levin, for periodic legal advice regarding a potential biomass power generation facility at the hourly rate range of \$175 - \$375 and not exceeding one hour of time until further Council approval on a specific assignment.

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

Mayor Pro-Tempore Griffin 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 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.

- 2. Conference with Legal Counsel re existing litigation (see Cal. Gov't Code § 54956.9) regarding the matter known as the Klamath Hydroelectric Project (Project No. 2082-027) pending before the Federal Energy Regulatory Commission.

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

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

Attest:

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Tom Amaral, Mayor  
 Minutes approved by Council  
 Motion 4-16-09

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Elizabeth E. Casson, City Clerk