

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON MAY 7, 2009

On the 7<sup>th</sup> day of May 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.

Mayor Pro-Tempore Griffin read into record the following Proclamations:

- American Cancer Society, Relay for Life July 24 & 25, 2009.
- Veteran Appreciation Month.

Adoption Resolution No. 2774 adopting the mitigated negative declaration and the mitigation monitoring program for the City of Yreka Fall Creek Water Improvements Project.

Mark Teague of Pacific Municipal Consultants addressed the audience and Council to answer any questions regarding the draft Initial Study/Mitigated Negative Declaration for the proposed Fall Creek Water Improvements project.

Following Council discussion, Council Member Darrow moved to adopt Resolution No. 2774 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 Resolution No. 2775 accepting a financing offer from the United States Department of Agriculture (USDA) ó Rural Development (RD) and authorizing submission of a final application for funding to the USDA ó RD for the Fall Creek Water Project Improvements.

Steve Neill, Director of Public Works and Kevin Demers, Area Specialist for the United States Department of Agriculture Rural Development California addressed the audience and Council to answer any questions regarding the proposed Fall Creek Water Improvements project financing options.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2775 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.

Approval of Lease Agreement with Yreka Splash for the use of Ringe Pool.

City Attorney Mary Frances McHugh reported that she would like the record to reflect that Council Member Darrow informed her that he has resigned from the board of Yreka Splash and that she has verified that fact with board President Mike Solano.

Michael Solano, President of Yreka Splash, addressed the Council to present their plan to manage Ringe Pool for the 2009 season. Mr. Solano stated that it is the goal of Yreka Splash to expand programs and operational hours compared to past years. The Yreka Splash Board is committed to a vision based on a vibrant, multi-use community pool, annual improvements, and an attractive showpiece for our city and county. As such, our board is not willing to operate the pool with a bare bones contribution from the City of Yreka, which will only leave us with a patchwork of programs and minimal maintenance abilities. Mr. Solano further stated that he just recently received an amended quote for the liability insurance which is \$4,000 less than the previous quote, so he is therefore reducing their request and asking the City to contribute \$36,500.00.

Following Council discussion, Council Member Darrow moved to authorize the City Manager to execute a lease with Yreka Splash with a contribution amount from the City to be an amount not to exceed \$40,500, pending receipt of final insurance quote.

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

Mayor Pro-Tempore Griffin thereupon declared the motion carried.

Adoption of Resolution No. 2776 authorizing City Manager to execute agreement with Yreka Church of the Nazarene regarding payment of Development Impact Fees for Church facility expansion.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2776 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.

Approval of policy establishing procedures for delinquent utility/tax/user fees.

Following Council discussion, Council Member Simmen moved to approve the policy establishing procedures for delinquent utility/tax/user fees 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.

Approval of Treasurer's - Quarterly Investment Report dated March 31, 2009, Report to Council for the month of March 2009 and the Budget to Actual Report thru March 31, 2009.

Following Council discussion, Council Member McNeil moved to approve the Treasurer's - Quarterly Investment Report dated March 31, 2009, Report to Council for the month of March 2009 and the Budget to Actual Report thru March 31, 2009 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.

Approval of 2008/2009 budget revisions.

Mayor Pro-Tempore Griffin announced that this item has been pulled from the agenda at the request of the Finance Director.

Discussion - Develop process to address budget priorities, contingencies, and changes to revenue and expenses of Council Member Darrow.

Council Member Darrow reported that he has received an offer from an agency that would be willing to facilitate a Strategic Planning Session for the City Council at no charge to the city and if the Council is interested he would pursue the offer and report back to Council with possible dates and further details.

Following Council discussion, it was the consensus of the Council to authorize Council Member Darrow to accept the offer and to coordinate a Strategic Planning Session.

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 April 16, 2009
- b. Approval of Warrants issued from April 17, 2009 thru May 7, 2009.

Following Council discussion, Council Member McNeil 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: Darrow, Griffin, McNeil & Simmen.

Mayor Pro-Tempore Griffin thereupon declared the motion carried.

**CLOSED SESSION:**

1. Conference with Labor Negotiator:

Agency negotiators: Brian Meek & Mary Frances McHugh

Employee Organizations: Confidential Unit, Management Team Unit, Yreka City Employees Association and Yreka Police Department Administration 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: Assessor Parcel No 053-681-070; 053-681-060

Third Party Negotiator: Phillippe Lane Industrial Park, Inc., and John and Patricia Giannaros  
Property: Assessor Parcel No. 013-100-140 & 013-110-130

Third Party Negotiator: Hi-Ridge Lumber Company

City Negotiators: City Manager and City Attorney

Under Negotiation: Possible Purchase - including purchase price and terms.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney McHugh reported that there was no reportable action 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 5-21-09

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Elizabeth E. Casson, City Clerk