

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON JUNE 5, 2008

On the 5<sup>th</sup> day of June 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, Grace Bennett, Jim Griffin, and Eric Harms. Absent ó Rory McNeil.

PUBLIC HEARING ó Consider an application for a Certificate of Public Convenience and Necessity for taxicab operation within the City Limits of Yreka. Applicant: William A. Seaver.

This being the time and date scheduled for the public hearing, Mayor Pro-Tempore Amaral opened the public hearing to the audience. There being no comments or statements from the audience, Mayor Pro-Tempore Amaral closed the public hearing.

Adoption of Resolution No. 2711 issuing a Certificate of Public Convenience and Necessity for taxicab operation within the City Limits of Yreka.

Following Council discussion, Council Member Griffin moved to adopt Resolution No. 2711 as submitted.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Consider request of the Yreka Garden Club to erect two signs at the City owned park located at the corner of North and Gold Street.

Following Council discussion, Council Member Griffin moved to approve the request to erect two signs as submitted and to authorize the Garden Club to select the name from the three submitted.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Adoption of Ordinance #803 Amending portions of the Yreka Municipal Code, Title 11, Building and Construction, Chapter 11.24; Title 12 Water and Sewers, Chapter 12.04 Waterworks; Chapter 12.08 Extension of Water Mains; and Title 15, Subdivisions, Chapter 15.32 Design Standards and Required Improvements.

Following the reading of the title of the Ordinance and Council discussion, Council Member Bennett moved to adopt Ordinance No. 803 as submitted.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Report from Greenhorn Park Advisory Committee for:

- Review of their recommendations on implementing Greenhorn Park Master Plan.
- Identify and refer to Greenhorn Park Advisory Committee Projects for their review and recommendation, such as: 1. Green waste area; 2. Horse Staging Area; 3. Loop trail to west end; 4. Ponds and locations; and 5. Mining activities, etc.

Following Council discussion, Council Member Harms moved to authorize City Staff to proceed with Pilot Projects for the Green-waste area, Horse Staging Area, Upper Loop Trail; and the Gold Panning Area, allotting an amount not to exceed \$1,000 to each project.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Approval of Appointments to the Advisory Committee for the Development of Greenhorn Park.

Following Council discussion, Council Member Amaral moved to table this item to the July 3, 2008 meeting for consideration after the new Council Members have been seated.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

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

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

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Approval of Policy Prohibiting the storage, possession or use of alcohol at Ley Station.

Following Council discussion, Council Member Harms moved to approve the Policy as submitted.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Consent Calendar: Mayor Pro-Tempore 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. The reading of the full text of all Resolutions will be waived unless a Council Member requests otherwise:

- a. Approval of Minutes of the meeting held May 15, 2008.
- b. Approval of Warrant Listing dated May 30, 2008 and supplemental warrants dated June 5, 2008.
- c. Adoption of Resolution No. 2710 amending Resolution No. 2695, to add August 1, 2008 as an approved Sumer Concert in the Park.
- d. Approval of Agreement for Special Services with Liebert Cassidy Whitmore, a Professional Corporation.
- e. Approval of Amendment to Contract ó Yreka Chamber of Commerce.
- f. Authorize City Manager to Execute Agreements Establishing Severance Benefit for Chief of Police and Director of Public Works.
- g. Adoption of Resolution No. 2708 accepting Deed of Random Investments for a Storm Drain Easement.
- h. Adoption of Resolution No. 2709 of Ken and Debbie Rush for a Storm Drain Easement.

Council Member Griffin requested to have item f of the consent calendar pulled for separate consideration.

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

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

Authorize City Manager to Execute Agreements Establishing Severance Benefit for Chief of Police and Director of Public Works.

Following Council discussion, Council Member Amaral moved to authorize the City Manager to execute the agreements as submitted.

Council Harms seconded the motion, and upon roll call, the following voted YEA: Amaral and Harms, Nay: Bennett and Griffin.

Mayor Pro-Tempore Amaral thereupon declared the motion as failed.

Following further Council discussion, Council Member Bennett moved to table this item until such time as City Staff can report back to Council with comparables from other cities and draft employment contracts for the Chief of Police and Director of Public Works.

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

Mayor Pro-Tempore Amaral thereupon declared the motion carried.

**CLOSED SESSION:**

1. Pending Litigation: In re the matter of the application of the Karuk Tribe of California before the US Department of the Interior, Bureau of Indian Affairs, for acceptance by the United States of America in trust for the Karuk Tribe of California the land known as the Yreka Clinic property located at 1519 Oregon Street, Yreka, California: whether to appeal the Notice of Decision of the Regional Director made on May 14, 2008, last day to file appeal is June 13, 2008, and authorize City Attorney to engage Michael V. Brady, Esq., for legal services in connection with this matter.
2. Conference with Legal Counsel - anticipated litigation: Re: Claim of Lisa Nixon regarding vacancy abatement of utility fees.
3. Labor Negotiation: Conference With Labor Negotiator  
Agency Negotiators: Brian Meek and Mary Frances McHugh  
Employee Organization: Yreka Police Officers Association.
4. Pending Litigation. Government Code Section 54956.9(a) - In re the Matter of City of Yreka WDID No. 1A84073OSIS, Administrative Civil Liability Complaint No. R1-2008-0059, before the California Regional Water Quality Control Board.

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

Item 1: Pending Litigation: In re the matter of the application of the Karuk Tribe of California before the US Department of the Interior, Bureau of Indian Affairs, for acceptance by the United States of America in trust for the Karuk Tribe of California the land known as the Yreka Clinic property located at 1519 Oregon Street, Yreka, California: whether to appeal the Notice of Decision of the Regional Director made on May 14, 2008, last day to file appeal is June 13, 2008, and authorize City Attorney to engage Michael V. Brady, Esq., for legal services in connection with this matter.

The City Attorney reported out from closed session that the Council authorized an appeal to be taken of the matter of the decision issued May 14, 2008 by the Regional Director of the Bureau of Indian Affairs on the application of the Karuk Tribe of California for acceptance by the USA in trust for the Karuk Tribe of California the land known as the Yreka Clinic property located at 1519 Oregon Street, Yreka, California, and, that Council authorized the City Attorney to engage

attorney Michael V. Brady for the purpose of rendering legal services for the City in this matter in an amount not to exceed \$15,000. Motion by Amaral, seconded by Bennett, all approved, motion carried.

Item 2: Conference with Legal Counsel - anticipated litigation: Re: Claim of Lisa Nixon regarding vacancy abatement of utility fees.

The Council received advice from legal counsel.

Item 3 : Labor Negotiation: Conference With Labor Negotiator  
Agency Negotiators: Brian Meek and Mary Frances McHugh  
Employee Organization: Yreka Police Officers Association.

The Council gave direction to its labor negotiators.

Item 4: Pending Litigation. Government Code Section 54956.9(a) - In re the Matter of City of Yreka WDID No. 1A84073OSIS, Administrative Civil Liability Complaint No. R1-2008-0059, before the California Regional Water Quality Control Board.

The Council authorized the City Manager to waive the right to hearing and to take all steps necessary and execute any documents necessary or required to implement the compromise proposed by the California Regional Water Quality Board for payment of \$10,750 to the State Water Pollution Cleanup and Abatement Account within the time required, and to undertake an approved Supplemental Environmental Project. Motion by Bennett, seconded by Harms, all approve. Motion carried.

**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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Rory McNeil  
Minutes approved by Council  
Motion 6-19-08