

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON AUGUST 4, 2011

On the 4<sup>th</sup> day of August 2011, 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.

Consent Calendar: Mayor McNeil 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 July 21, 2011.
- b. Approval of supplemental appropriation in the amount of \$28,000 for Vehicle Purchase – Water Department.

Council Member Bicego requested moved to pull item 1b from the consent agenda.

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

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Approval of supplemental appropriation in the amount of \$28,000 for Vehicle Purchase – Water Department.

Following Council discussion Council Member Bicego moved to approve the supplemental appropriation in the amount of \$28,000 as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Bicego, McNeil, and Simmen. Nays – Foster and Mercier.

Mayor McNeil thereupon declared the motion carried.

Authorize the Mayor to sign and submit a letter to State Water Resources Control Board commenting on the Draft General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4's).

Following Council discussion, Council Member Mercier moved to authorize the letter to the State Water Resources Control Board as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Approval of appointment to the Montague – Yreka Airport Advisory Commission.

Mayor McNeil reported that she and City of Montague Mayor John Hammond appointed Lloyd Rugg to fill the vacancy on the Montague-Yreka Airport Advisory Commission.

Following Council discussion, Council Member Mercier moved to confirm the appointment of Lloyd Rugg as the joint appointee on the Montague-Yreka Airport Advisory Commission.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, Mercier and Simmen.

Mayor McNeil thereupon declared the motion carried.

Approval of Warrants issued from July 22 through August 4, 2011.

Council Members Foster and Mercier announced their recusal. Foster stating that he has a conflict of interest with one of the warrants listed by reason of his employment relationship with one of the proposed payees, namely, Madrone Hospice, and therefore recused himself and left the Council Chamber. Mercier stating that he has a conflict of interest with one of the warrants listed by reason of his contractual relationship with one of the proposed payees, namely, Siskiyou County Employment Development Council, and therefore recused himself and left the Council Chamber.

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

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

Mayor McNeil thereupon declared the motion carried.

Council Members Foster and Mercier returned to their seats at the Council table.

Information Only – Report from Planning Commission regarding possible Ordinance Modification – Hens in City limits.

City Attorney Mary Frances McHugh reported to the Council that this matter was reviewed by the Planning Commission at their meeting of July 20, 2011 and upon unanimous vote, it was their recommendation that the City Council not modify the existing Yreka Municipal Code Section 8.04 specifically as it relates to fowl.

The Council heard public comment from numerous residents as proponents and opponents to the possible modification of the City's Ordinance to allow hens in city limits.

Following Council discussion, Council Member Mercier requested that this matter be placed on the 9-1-2011 City Council agenda as a possible direction to the City Attorney to prepare a draft Ordinance and to take any other necessary action as Council may direct.

**CLOSED SESSION:**

1. Klamath FERC case Pending Litigation Government Code § 54956.9(a) – Conference with Legal Counsel: – PacifiCorp Application for Hydropower license, Federal Energy Regulatory Commission, Project Number 2082-027.
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. Two cases – 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.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney Mary Frances McHugh reported that there was no reportable action.

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

Attest:

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Rory McNeil, Mayor  
Minutes approved by Council  
Motion 8-18-11

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Elizabeth E. Casson, City Clerk