

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF YREKA
HELD IN SAID CITY ON JANUARY 19, 2012

On the 19th day of January 2012, 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.

Mayor McNeil announced that she has received a request to amend Agenda item number 5 to allow payment of an additional warrant. Mayor McNeil reported that the City Attorney advised her that this matter came to the staff's attention after the preparation and posting of the agenda and there is a need for Council to act on these approvals for timely payment.

Mayor McNeil stated that she would entertain a motion to amend agenda item no 5 to read as follows: Discussion/Possible Action – Approval of Warrants payable to Siskiyou County Economic Development Council issued from January 6, 2012, through January 19, 2012.

Following Council discussion, Council Member Simmen moved to approve the request to amend agenda item no. 5 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

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 January 5, 2012
- b. Approval of Warrants issued from January 6, 2012 through January 19, 2012.

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

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

Mayor McNeil thereupon declared the motion carried.

Adopt Resolution No. 2951 authorizing the City to apply to the State of California for Transportation Enhancement Funds, enter into a funding agreement and designate representatives to sign related documents for the Greenhorn Road Bicycle and Pedestrian Path Project.

Following Council discussion, Council Member Bicego moved to amend Resolution No 2951 changing the language from "City will maintain the installed facilities in perpetuity;" and replace it with "*City will maintain the installed facilities consistent with its intended purposes*" and to adopt Resolution No. 2951 as amended.

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.

Direction to Staff re amending Section 11.23.050(c) Water System Fees of the Yreka Municipal Code relating to Developer Impact Fees for Fire Sprinkler Systems in Single Family Residences and schedule public hearing pursuant to Government Code Section 66016, et seq.

Following Council discussion, Council Member Bicego moved to table this item to the meeting of 2/16/2012 in order to receive a detailed presentation from the Building Official regarding the options and impacts of this proposed amendment.

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.

Approve Special Appropriation of \$2,000 for Greenhorn Park Trail Signs.

Following Council discussion, Council Member Mercier moved to approve the special appropriation request as submitted.

Council Member Simmen 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 payable to Siskiyou County Economic Development Council issued from January 6, 2012, through January 19, 2012.

Council Member Mercier announced his recusal stating that he has a conflict of interest with the warrants listed by reason of his employment relationship with Siskiyou County Economic 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, Foster, McNeil, and Simmen.

Mayor McNeil thereupon declared the motion carried. Council Member Mercier returned to his seat at the Council table.

CLOSED SESSION:

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)
Agency negotiators: Steven Baker, Liz Casson & Mary Frances McHugh.

Employee Organization: Yreka Police Officer's Association.

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. Three 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.
3. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Alameda, et al., v. California SBE, Case No. CPF-09-509231, et seq., Superior Court, State of California, County of San Francisco.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property:	Assessor Parcel No. 054-185-040, -050, -060, & 170
Third Party Negotiator:	Administrative Office of the Courts
City Negotiators:	City Manager and City Attorney
Under Negotiation:	Purchase terms-Property Purchase Agreement
5. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property:	Assessor Parcel No. 054-191-490
Third Party Negotiator:	Yreka Western Railroad
City Negotiators:	City Manager and City Attorney
Under Negotiation:	Possible purchase including price, terms of payment, or both.
6. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager.

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

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)
Agency negotiators: Steven Baker, Liz Casson & Mary Frances McHugh. Employee Organization: Yreka Police Officer's Association. By Motion made by Councilmember Mercier, second by Councilmember Foster, which carried unanimously, Council gave direction to the City's negotiators. No further reportable action was taken.
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. Three 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.

The Council conferred with its legal adviser. No further reportable action was taken.

3. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Alameda, et al., v. California SBE, Case No. CPF-09-509231, et seq., Superior Court, State of California, County of San Francisco. The Council conferred with its legal adviser. No further reportable action was taken.

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

Property: Assessor Parcel No. 054-185-040, -050, -060, & 170

Third Party Negotiator: Administrative Office of the Courts

City Negotiators: City Manager and City Attorney

Under Negotiation: Purchase terms-Property Purchase Agreement

The Council conferred with its legal adviser. By Motion made by Councilmember Foster, second by Councilmember Mercier, which carried unanimously, Council gave direction to the City's real property negotiator. No further reportable action was taken.

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

Property: Assessor Parcel No. 054-191-490

Third Party Negotiator: Yreka Western Railroad

City Negotiators: City Manager and City Attorney

Under Negotiation: Possible purchase including price, terms of payment, or both.

The Council conferred with its legal adviser. No further reportable action was taken.

6. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager. Matter is continued to February 16, 2012. No further reportable action.

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

Attest:

Rory McNeil, Mayor
Minutes approved by Council
Motion 2-2-2012

Elizabeth E. Casson, City Clerk