

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON OCTOBER 20, 2011

On the 20th day of October 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.

Mayor McNeil announced that she has received a request to add one item to the agenda, which came to the staff's attention after the preparation and posting of the agenda - need for urgency: After the preparation and posting of the agenda, the City Attorney determined there was a need for Council to act on this Resolution before the next regularly scheduled Council meeting on November 3, 2011. There is a need to take action in the interim as negotiations have just been concluded with the Grantors and the project is underway.

Mayor McNeil stated that she would entertain a motion to add one item to the agenda, said item being:

Adopt Resolution No. 2938, authorizing execution of Agreement for Acquisition of Fee Interest and accepting Grant Deed from Bert Christophe Murphy and Ronald Lee Star and authorizing appropriation of payment regarding certain real property relating to the Fall Creek Water Improvement Project.

Following Council discussion, Council Member Foster moved to add Resolution No. 2938 to the agenda as item no. 9.

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.

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 October 6, 2011.
- b. Approval of Treasurer's Report and Budget to Actual for the month of August 2011.
- c. Approval of Warrants issued from October 7, 2011 through October 20, 2011.

Following Council discussion, Council Member Foster 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. 2937 approving requests associated with Special Event known as the Chris Lopez Classic to be held at Upper & Lower Greenhorn Park on June 16, 2012.

Pam Borg and Stacey Willison addressed the Council to answer any questions regarding the event, stating that last year's event was very successful with 171 participants.

Following Council discussion, Council Member Foster moved to adopt Resolution No. 2937 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. 2935 authorizing a performance period extension request to Community Development Block Grant (CDBG) Grant # 08-EDEF -5874 for Microenterprise Assistance Program.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2935 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.

Report from Pacific Municipal Consultants (PMC) regarding September 28, 2011 workshop.

Mark Teague of Pacific Municipal Consultants presented the Council with a summary of his Development Services Review for the City of Yreka, which included a summary of the comments received at the Workshop held September 28, 2011 and interviews conducted before and after the workshop.

Approve 2011-2012 Local Transportation Fund Claim.

Director of Public Works Steve Neill addressed the Council to answer any questions regarding the 2011-2012 Claim stating that Local Transportation Funds (LTF) are distributed to cities and counties in California because of the Transportation Development Act (TDA) that was passed in the late 1970's to subsidize public transit. The County receives 0.25 cents of each 8.25 cents of State sales tax collected from the County. The major use of the funds is for public transit. However, counties with a population of less than 200,000 are allocated a portion of the funds for streets and roads after the County transit needs are met and a public hearing on Unmet Needs is held. Siskiyou County distributes any remaining funds to the County and cities in Siskiyou County based on population.

The LTC staff has estimated that the allocation of streets revenue for the City of Yreka is \$162,520 for fiscal year 2011-2012 and the County estimated that it will use \$161,391 of the City's allocation for public transit. Therefore, the City claim is for \$1,129.

Following Council discussion, Council Member Foster moved to approve the claim 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.

Supplemental Law Enforcement Grant Funds (COPS) Fiscal Year 2011/2012.

Public Hearing - to discuss the proposed spending plan submitted by the Chief of Police for the Supplemental Law Enforcement Grant Funds (COPS) Fiscal Year 2011/2012.

This being the time and date scheduled for a public hearing, Mayor McNeil opened the public hearing to the audience. There being no statements or comments, Mayor McNeil closed the public hearing.

Adopt Resolution No. 2936 Authorizing the Spending Plan of the Supplemental Law Enforcement Grant Funds for Fiscal year 2011-2012.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2936 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 appointment to the Yreka Planning Commission.

Mayor McNeil reported that it is her recommendation to appoint Paul McCoy to fill the unexpired term on the Planning Commission.

Following Council discussion, Council Member Simmen moved to approve the appointment of Paul McCoy to the Yreka Planning Commission.

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.

Adopt Resolution No. 2938, authorizing execution of Agreement for Acquisition of Fee Interest and accepting Grant Deed from Bert Christophe Murphy and Ronald Lee Star and authorizing

appropriation of payment regarding certain real property relating to the Fall Creek Water Improvement Project.

City Attorney Mary Frances McHugh reported that at the time of initiation of the Fall Creek Water Improvement Project the land was acquired for the placement of the 2.5 mg clearwell from Mr. Bert Christophe Murphy and Mr. Ronald Lee Star, which was 1.53 acres. After further surveying and engineering, it was determined that an additional strip of land totaling approximately .69 acres was required for the full build out of the benches above the clearwell. Murphy and Star granted the City the right to continue the project while negotiations were conducted for this additional strip. Those negotiations have concluded and the strip is being conveyed in fee to the City in exchange for full releases and the additional sum of \$30,000. The compensation for the full fee acquisition thus totals \$63,300, which is roughly \$1.72/sq.ft., and is well within recent City market transactions of raw land per square foot. This was a willing seller/buyer transaction. Consideration included not only land value but full releases of liability.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2938 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.

CLOSED SESSION:

1. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott and Roger Abbott, Siskiyou County Superior Court case number SCCVCV 11-1001.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property:	Assessor Parcel No. 013-100-140 & 013-110-130
Third Party Negotiator:	To be determined (Broker contact: Ursula Bendix)
City Negotiators:	City Manager and City Attorney
Under Negotiation:	price/rental rate and terms
3. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property:	Assessor Parcel No. 054-185-040, -050, -060, -130, -170 and alley lying to the north of parcel 054-185-170
Third Party Negotiator:	Administrative Office of the Courts
City Negotiators:	City Manager and City Attorney
Under Negotiation:	Possible donation/price/terms
4. 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. Pending Litigation: Government Code § 54956.9(a) – Conference with Legal Counsel - City of Yreka v. Kimberlee Abbott and Roger Abbott, Siskiyou County Superior Court case number SCCVCV 11-1001. Councilmember Mercier recused due to financial interest and did not participate. Motion by Bicego/second by Foster giving authority to the City Attorney in connection with the litigation; motion carried unanimously by Councilmembers McNeil, Simmen, Bicego and Foster. No other reportable action taken.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 013-100-140 & 013-110-130
Third Party Negotiator: To be determined (Broker contact: Ursula Bendix)
City Negotiators: City Manager and City Attorney
Under Negotiation: price/rental rate and terms
Motion by Simmen, second by Mercier giving Real Property Negotiators direction to prepare documents for further Council review and action. Motion carried unanimously: McNeil, Simmen, Bicego, Mercier and Foster. No other reportable action taken.
3. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: Assessor Parcel No. 054-185-040, -050, -060, -130, -170 and alley lying to the north of parcel 054-185-170
Third Party Negotiator: Administrative Office of the Courts
City Negotiators: City Manager and City Attorney
Under Negotiation: Possible donation/price/terms
In connection with parcel 054-185-060 and -170, Councilmembers McNeil and Mercier were recused due to financial interest and did not participate. Motion by unanimous consent: Simmen, Foster and Bicego to direct the City's Real Property Negotiators to prepare documents for further Council review and action. No further reportable action.
4. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager.

Matter continued to Monday October 24, 2011, at 5:15 P.M. 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 11/3/11

Elizabeth E. Casson, City Clerk