

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON OCTOBER 21, 2010

On the 21st day of October 2010, 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 October 7, 2010.
- b. Approval of Warrants issued from October 8 thru October 21, 2010.
- c. Approval of budget and closing entry adjustments to meet Traffic Congestion Relief Fund Maintenance of Effort Requirements.

Council Member Bicego requested item 1c be pulled for discussion.

Following Council discussion, Council Member Simmen moved to approve the items a & b on the consent calendar 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 budget and closing entry adjustments to meet Traffic Congestion Relief Fund Maintenance of Effort Requirements.

Finance Director Rhetta Hogan reported to the Council that the City receives funds from the State known as Traffic Congestion Relief Funds (TCRF). These funds have a Maintenance of Effort (MOE) requirement that was determined from the City's spending of its general fund on roads and streets back in 1998. The maintenance of effort requirement measures that new funds received do not result in cuts (supplanting) of existing spending (efforts). In 1998 the City certified that it spends \$495,858 annually for road and street maintenance. This historic number was probably high, for two reasons: 1) nearly all fleet services were included, and detailed cost accounting to record to what services were provided to what departments, were not carefully monitored, and 2) streets was the default department for public works, meaning that everything not charged out to another department/fund remained in streets.

During an onsite review, the State Controllers auditor determined that the City did not meet its Maintenance of Effort requirement for Traffic Congestion Relief Funding for 2009-10. The City now has two options: 1: The City can meet the MOE requirement by transferring back the funds from the special grants to fund to the local transit fund and instead transfer funds from the general operating fund to the special grants fund (fiscal impact, increase general operating fund

deficit spending by \$167,320) or 2: the City does not meet the MOE requirement and repay the State back its 2009-10 allocation of TCRF funds of \$67,238.

In closing, Finance Director Hogan stated that it is her recommendation that the Council authorize meeting the Maintenance of Effort requirement by transferring from the general operating fund \$167,320 to cover STIP projects as a closing adjusting journal entry and that a corresponding 2009-10 budget transfer is made to reflect the closing adjusting journal entry.

Following Council discussion, Council Member Bicego moved to approve the budget and closing entry adjustments to meet Traffic Congestion Relief Fund Maintenance of Effort Requirements 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 request to close a portion of North Oregon Street from Knapp Street to E. Lennox Street on October 31, 2010 from 5 p.m. to 9 p.m.; authorize the Chief of Police to modify the hours as necessary and authorize the Yreka Police Department to provide, setup, and take down barricades for this street closure.

Following Council discussion, Council Member Simmen moved to approve the request to close the street; authorize the Chief of Police to modify the hours as necessary and authorize the Yreka Police Department to provide, setup and take down barricades for the street closure.

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 Ordinance No. 822 amending Title 8 of the Yreka Municipal Code, Dogs, Section 8.08.060 – Penalty for Delinquency.

Following the reading of the title of the Ordinance and Council discussion, Council Member Mercier moved to waive the reading of the body of the Ordinance and to adopt Ordinance No. 822 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.

Adopt Resolution No. 2886 establishing penalties relating to late registration of dogs pursuant to Ordinance No. 822.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2886 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. 2887 authorizing the City Manager to award and execute a construction contract to Traffic Solutions; execute related agreements for the Greenhorn Road and Oregon Street 2010 Bike Lane Project, and approve a supplemental appropriation of ARRA-TE-Funds in the amount of \$19,376.

Mayor McNeil stated that this item has been pulled from the agenda.

Introduce Ordinance No. 821 amending Title 11, Buildings and Construction, Chapter 38 Water Efficient Landscaping adopting the Department of Water Resources Model Efficient Landscape Ordinance by amending Sections 11.38.010 and 11.38.020 and repealing Sections 11.38.030 through 11.38.070.

Louise Gliatto addressed the Council in opposition to Ordinance No. 821.

Following the reading of the title of the Ordinance and Council discussion, Council Member Bicego moved to pull this item from the agenda for further review.

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.

Adopt Resolution No. 2885 in Support of Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Louise Gliatto addressed the Council in opposition to Resolution No. 2885.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2885 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

CLOSED SESSION:

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

Employee Organizations: Yreka City Employees Association

2. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: APN# 053-672-500 & 510 (1391 Montague Rd)
 - City Negotiators: City Manager and City Attorney
 - Third Party Negotiator: Gary and Danna Truttman
 - Under Negotiation: Possible purchase including price, terms of payment, or both.

3. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: Assessor Parcel No 053-681-070; 053-681-060
 - Third Party Negotiator: Phillipe Lane Industrial Park, Inc., and Jim Freeze and Linda Freeze
 - 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.

4. Pending Litigation Government Code § 54956.9(a) – Conference with Legal Counsel: – Tulelake Irrigation District v. All Persons Having or Claiming, etc., et al., Superior Court, State of California, County of Siskiyou, Case number SCCVPT 10-0463.

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:

 Rory McNeil, Mayor
 Minutes approved by Council
 Motion 11-4-10

 Elizabeth E. Casson, City Clerk