

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON OCTOBER 6 , 2011

On the 6th 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, and John Mercier. Absent – David Simmen.

Mayor McNeil announced that due to the absence of Council Member Simmen, item no. 10 has been pulled from the agenda.

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 September 15, 2011.
- b. Adopt Resolution No. 2934 authorizing the City Manager to expend funds for relocation assistance in connection with the new Yreka Courthouse project and authorize a supplemental appropriation for the expenditure of these funds from the Crandall Fund.

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, and Mercier.

Mayor McNeil thereupon declared the motion carried.

Approval of Warrants issued from September 16, 2011 through October 6, 2011.

Council Member Mercier announced his recusal 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, Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

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

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

Mayor McNeil thereupon declared the motion carried.

Council Member Mercier returned to his seat at the Council table.

Acceptance of Audited Financial Report Fiscal Year 2009-2010.

Following Council discussion, Council Member Bicego moved to accept the Audited Financial Report as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Adopt Ordinance No. 817 adding a new Chapter 9.25 (Medical Marijuana Distribution Facilities) to Title 9 (Public Peace, Morals, and Welfare) and a new Chapter 16.100 (Medical Marijuana Distribution Facilities) to Title 16 (Zoning) and Modifying Chapters 16.12 and 16.34 of the Yreka Municipal Code.

Following the reading of the title of the Ordinance and Council discussion, Council Member Foster moved to waive the reading of the body of the Ordinance and to adopt the Ordinance as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Introduction of Ordinance No. 827 amending Title 8, Animals, by amending Section 8.04.020(a); adding Section 8.04.020(c) and amending Title 16, Zoning, by adding Section 16.18.050.(f) and amending 16.24.050.(e) of the Yreka Municipal Code for the purpose of allowing backyard chickens

Following the reading of the title of the Ordinance and Council discussion, Council Member Foster moved to waive the reading of the body of the Ordinance and to introduce the Ordinance as submitted.

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

Mayor McNeil thereupon declared the motion as failed.

Direction to Staff – Dissolution of the Historic District and Landmarks Commission and Designation of Responsibilities to the Planning Commission and Staff.

City Manager Steve Baker reported that the Historic District and Landmarks Commission (“Historic Commission”) was established to implement and regulate the requirements of the Historic District. With restructuring due to budget considerations and the upcoming retirement of the Planning Director, staff is reviewing ways to streamline the development process and lessen staff time. One of the proposals is to eliminate the Historic Commission and allocate its responsibilities to either the Planning Commission or delegate to staff. The Historic

Commission's responsibilities are outlined in Section 17.04 and 17.05 of the Yreka Municipal Code. The proposed allocation of responsibilities is outlined below:

Allocate to Planning Commission:

- Landmark Designation –YMC 17.04.052
- Historic District designation – YMC 17.04.054
- Adopt minimum performance conditions – any changes – YMC 17.04.058
- Appeals– YMC 17.04.061
- Permits to construct, change, alter, modify, remove or remodel any improvement, building structure as to its exterior appearance– YMC 17.04.056
- Requests showing of hardship – YMC 17.04.180
- Applications for Mills Act Agreements – YMC 17.05.010

Delegate to Staff:

- Requests to construct or modify fences, roofing, exterior painting - YMC 17.04.051.b (staff)
- Requests for signs – placed, erected, altered or relocated on any property within the historic district or landmark site – YMC 17.04.080 (staff)
- Requests for sidewalk encroachments, sandwich signboards, tables or chairs for dining purposes – YMC 17.04.110 (staff)

City Manager Baker further reported that recently, the vast majority of actions by the Historic Commission have to do with the approval of signs, which would be delegated to staff under this proposal. A few items have dealt with alterations to buildings in the Historic District, which would be handled by the Planning Commission under this proposal. Changing the process will help streamline the sign permit process and lower costs associated with most items currently before the Historic Commission.

Following Council discussion, Council Member Bicego moved to direct staff to examine the issue and steps necessary to transfer duties of the Historic District and Landmarks Commission to Planning Commission and staff as requested for a trial period of 1 year, without dissolving the Historic District and Landmark Commission.

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

Mayor McNeil thereupon declared the motion carried.

Approve Supplemental Revenue Appropriation of \$100,000 for the Citizens Options for Public Safety or COPS operating grant.

Following Council discussion, Council Member Bicego moved to approve the supplemental revenue appropriation as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Discussion – Water Rates

Finance Director Rhetta Hogan gave a presentation on the history, usage and impacts of the City's Utility billing.

Direction to Staff: Klamath Facilities Removal Public Draft- Environmental Impact Statement/Environmental Impact Report regarding Secretarial Determination to be made by the Secretary of the Interior – Removal of the four PacifiCorp Dams on the Klamath River under the Klamath Hydroelectric Settlement Agreement.

Following Council discussion, Council Member Mercier moved to appropriate up to \$20,000 and authorize the City Attorney to commit services of consultants for preparation of timely comment on this EIS/EIR.

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

Mayor McNeil thereupon declared the motion carried.

CLOSED SESSION:

1. 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.
2. 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.
3. 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
4. Conference with Real Property Negotiator (Government Code Section 54956.8)

Property:	Assessor Parcel No. 53-361-100
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Third Party Negotiator: To be determined
 City Negotiators: City Manager and City Attorney
 Under Negotiation: price/rental rate and terms

5. 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
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. 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.

No reportable action was taken.

2. 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.

This matter was continued to Thursday, October 20, 2011, otherwise, no reportable action was taken.

3. 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

This matter was continued to Thursday, October 20, 2011, otherwise, no reportable action was taken.

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

Property: Assessor Parcel No. 53-361-100
 Third Party Negotiator: To be determined
 City Negotiators: City Manager and City Attorney
 Under Negotiation: price/rental rate and terms

Direction was given to the City's Real Property Negotiators, Motion by Councilmember Mercier, second by Councilmember Bicego, and the motion was carried unanimously. Councilmember Simmen was absent.

5. 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

This matter was continued to Thursday, October 20, 2011, otherwise, no reportable action was taken.

6. Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of City Manager.

This matter was continued to Thursday, October 20, 2011, otherwise, no reportable action was taken.

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

Attest:

 Rory McNeil, Mayor
 Minutes approved by Council
 Motion 10-20-11

 Elizabeth E. Casson, City Clerk