

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON NOVEMBER 18, 2010

On the 18<sup>th</sup> day of November 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.

Mayor McNeil announced that she has received a request to add two items to the agenda which came to the staff's attention after the preparation and posting of the agenda. Mayor McNeil stated that she would entertain a motion to add the items to the agenda, said items being:

1. Adopt Resolution No. 2890 consenting and authorizing the assignment solely for security of the Cable Television Franchise granted to Northland Cable Television.
2. Closed Session: Conference with Labor Negotiator Government Code Section 54957.6(a) Agency Negotiators: City Manager and City Attorney, Employee Organizations: Yreka Police Officers Association, Yreka Police Sergeants Association, Yreka Police Administration, Management Team, and Confidential Unit.

Following Council discussion, Council Member Simmen moved to add Resolution No. 2890 to the agenda as item no 5 and the Labor Negotiations as item no. 3 on the Closed Session portion of the agenda.

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 November 4, 2010.
- b. Approval of Warrants issued from November 5, thru November 18, 2010.

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 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.

Following the reading of the title of the Ordinance and Council discussion, it was the consensus of the Council that they did not approve of the state mandated Ordinance, but would agree to adopt the Ordinance under protest. Council Member Bicego moved to waive the reading of the body of the Ordinance and to adopt Ordinance No. 821 under protest 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.

Discussion/ Possible Direction to Staff – Community Preservation Issues, Such as: Open Containers, Noisy Parties, and Panhandling.

Following Council discussion, it was the consensus of the Council to direct the City Attorney to survey and report back to Council with separate recommendations for possible enforcement mechanisms for noisy parties, non-traffic open container policy, and pan-handling.

Approval of appointment to the Yreka Historic District and Landmarks Commission.

Following Council discussion, Council Member Mercier moved to appoint Selma George to a 3-year term on the Historic District and Landmarks 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.

Adopt Resolution No. 2890 consenting and authorizing the assignment solely for security of the Cable Television Franchise granted to Northland Cable Television.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2890 with the following addition:

WHEREAS, when and if the need should arise again for Northland Cable Television to seek the City's consent again, Northland Cable Television shall give the City sixty (60) days prior written notice of the request for the consent, and the consent will be limited to the original indebtedness only and not to any future indebtedness;

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.

**CLOSED SESSION:**

1. 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.

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. One case – 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. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
 Agency negotiators: City Manager and City Attorney  
 Employee Organizations: Yreka Police Officers Association, Yreka Police Sergeants Association, Yreka Police Administration, Management Team, and Confidential Unit.

**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 12/2/10

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 Elizabeth E. Casson, City Clerk