

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF YREKA
HELD IN SAID CITY ON NOVEMBER 4, 2010

On the 4th 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.

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 21, 2010.
- b. Approval of Warrants issued from October 22 thru November 4, 2010.
- c. Adopt Resolution No. 2887 approving execution of Memorandum of Understanding signed by the Yreka City Employees Association for term from July 1 2010 to June 30, 2011.
- d. Approval of budget to actual and Treasurers Report for the month of September 2010.
- e. Approval of Treasurers Quarterly report dated September 30, 2010.
- f. Adopt Resolution No. 2889 approving and authorizing City Manager to execute Contract of Purchase of Real Property by the City of Yreka for 116 S. West Street, Yreka, from the Estate of John A. Martin, deceased and appropriating the sum of \$80,000 for the purchase price.

Council Member Foster requested to remove item 1b, due to a conflict of interest stating that he has a conflict with one of the warrants listed by reason of his employment relationship with one of the proposed payees, namely, Madrone Hospice.

Don Pollard requested item 1c be removed for discussion.

Following Council discussion, Council Member Simmen moved to approve items 1 a,d,e & f 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.

1b Approval of Warrants: Council Foster recused himself and left the Council Chamber.

Following Council discussion, Council Member Mercier moved to approve the warrants and 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.

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

1c - Adopt Resolution No. 2887 approving execution of Memorandum of Understanding signed by the Yreka City Employees Association for term from July 1 2010 to June 30, 2011.

City Attorney Mary Frances McHugh reported the details of the Memorandum of Understanding with the Yreka City Employees Association stating that the agreement is for a one year term and provides for no cost of living increases, does increase the City's contribution for the employees' health benefit minimally in light of expected rate increases effective January 1, 2010, and allows a four hour floating holiday to be used during the contract term only.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2887 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.

Reject bids for Greenhorn Road and Oregon Street 2010 Bike Lane Project.

City Manager Steve Baker reported that on October 14, 2010, the Department of Public Works opened bids for the Greenhorn Road and Oregon Street 2010 Bike Lane Project and that as staff and Caltrans evaluated the City's options to expand the project to utilize all available funds, Caltrans discovered that it did not update the project description in the Federal Transportation Improvement Plan (FTIP) at the same time that it approved the additional funding for the project. Due to this inconsistency and the extra scrutiny applied to American Reinvestment and Recovery Act (ARRA) projects, the Local Assistance Engineer at Caltrans recommended that this project not be awarded until Caltrans updated the FTIP to match the actual, current project description. This is expected to occur before the end of the year.

City Manager Baker further reported that current bid contract documents require that a contract be awarded within 30 days of the bid opening, or by November 15, 2010. Therefore, City staff recommends that the bids be rejected and the project be advertised again after Caltrans updates the FTIP with a current and complete project description.

Following Council discussion, Council Member Mercier moved to reject all bids and authorize staff to advertise for bids again at a later date.

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.

Interim Ordinance of the City of Yreka Extending Ordinance 816, Adopting a Moratorium on Medical Marijuana Dispensaries, for twelve months, pursuant to Government Code Section 65858:

- Public Hearing to consider the proposed adoption of Ordinance No. 823 Extending Ordinance 816, adopting a Moratorium on Medical Marijuana Dispensaries, for twelve months.
- Adopt Report and Interim Ordinance No. 823 Extending Ordinance 816, adopting a Moratorium on Medical Marijuana Dispensaries, for twelve months.

This being the time and place scheduled for the public hearing, Mayor McNeil opened the public hearing to the audience. There being no statements or comments received from the audience, Mayor McNeil thereupon closed the public hearing.

Report and Interim Ordinance No. 823 Extending Ordinance 816, adopting a Moratorium on Medical Marijuana Dispensaries, for twelve months.

Following Council discussion and the reading of the title of the proposed Ordinance, Council Member Simmen moved to waive the reading of the body of the Ordinance and to adopt the Report and Interim Ordinance No. 823 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.

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.

Following the reading of the title of the Ordinance and Council discussion, Council Member Bicego moved to waive the reading of the body of the Introduce Ordinance No. 821 with alternative B2 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. 2888 approving Agreement with Yreka Transfer for the collection of solid waste within the City of Yreka.

Following Council discussion, Council Member Simmen moved to adopt Resolution No. 2888 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.

CLOSED SESSION:

1. 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.

2. 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.

3. 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 known to the potential litigant(s), which facts need not be disclosed, and, to do so would jeopardize City's ability to effectuate service of process upon one or more unserved parties.

4. 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 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.

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 11-18-10

 Elizabeth E. Casson, City Clerk