

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON DECEMBER 17, 2009

On the 17th day of December 2009, 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: Tom Amaral, Jason Darrow, Jim Griffin, and David Simmen. Absent – Rory McNeil.

PUBLIC COMMENTS:

New California Highway Patrol Yreka Area Office Captain Doug Uhlik addressed the Council and audience to introduce himself to the community.

Mary Ellen Bryan and Joan Favero addressed the Council on behalf of the Red Scarf Society to give a “Red Scarf State of the Union Address”.

Karl Greiner addressed the Council in opposition to Item # 7 on the agenda stating that he is against spending reserve funds for the creation and funding of an Economic Development Department.

Claudia East addressed the Council and audience to let them know that the Yreka Committee for Historic Preservation submitted an application to This Old House magazine nominating Yreka for “The Best Place to Buy an Old House”.

Mrs. East also addressed the Council in opposition to using reserve funds to fund an economic development department. She stated that she is not opposed to the idea of an economic development department, but suggested that perhaps the City could sell some of its property that is currently unused rather than depleting its reserve funds.

Ken Barns addressed the council in opposition to increasing the Development Impact Fees.

PUBLIC HEARING – to solicit public comments regarding the City’s intention to adopt a Resolution to approve the Annual Development Impact Fee Report and Updating the City’s Capital Improvement Plan and Development Impact Fee Program.

This being the time and date set for the public hearing, Mayor Amaral opened the public hearing to the audience. There being no further statements or comments from the audience, Mayor Amaral closed the public hearing.

Adopt Resolution No. 2820 Approving the Annual Development Impact Fee Report and Updating the City’s Capital Improvement Plan and Development Impact Fee Program.

Following Council discussion, Council Member Darrow moved to adopt Resolution No. 2820 as submitted.

Council Member Amaral seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, and Simmen.

Mayor Amaral thereupon declared the motion carried

PUBLIC HEARING – to solicit public comments regarding the City’s intention to adopt Ordinance No. 818, an interim Ordinance of the City of Yreka Extending Ordinance 816, a Moratorium on Medical Marijuana Dispensaries, for 10 months and 15 days.

This being the time and date set for the public hearing, Mayor Amaral opened the public hearing to the audience.

Ken Barnes addressed the Council stating that we need to send a loud and strong message that dispensaries will not be accepted in our community.

Claudia East addressed the Council in support of the ban of dispensaries in our community.

Yreka Police Chief Brian Bowles addressed the Council in support of a ban on dispensaries in Yreka.

There being no further statements or comments from the audience, Mayor Amaral closed the public hearing.

Issue Report of Council and Adopt Ordinance No. 818, an Interim Ordinance of the City of Yreka Extending Ordinance # 816, a Moratorium on Medical Marijuana Dispensaries, for 10 months and 15 days.

Following Council discussion, Council Member Simmen moved to Issue Report as prepared by the City Attorney and adopt Ordinance No. 818 as submitted.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, and Simmen.

Mayor Amaral thereupon declared the motion carried

Adopt Resolution No. 2821 appointing a representative to the Board of Directors – Small Cities Organized Risk Effort (SCORE).

Following Council discussion, Council Member Darrow moved to adopt Resolution No. 2821 as submitted.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, and Simmen.

Mayor Amaral thereupon declared the motion carried

Approval of proposal on new Courthouse and authorize City Manager to perform any and all acts necessary to carry the proposal into effect.

Following Council discussion, Council Member Darrow moved to approve the proposal and authorize the City Manager to perform any and all acts necessary to carry the proposal into effect.

Council Member Simmen seconded the motion, and upon roll call, the following voted YEA: Amaral, Darrow, Griffin, and Simmen.

Mayor Amaral thereupon declared the motion carried

Discussion/Possible Action:

1. Authorize the creation of an Economic Development Department.
2. Approve a supplemental appropriation from the reserve funds in an amount not to exceed \$150,000 to fund the Economic Development Department.

Following Council discussion, Council Member Simmen moved to amend the agenda item to add the development of a Strategic Plan for Economic Development as item no. 1, as it represents the key element and to table this matter to the special meeting of December 21, 2009.

There being no second to the motion, Mayor Amaral called for a vote, upon roll call the following voted Yea: Simmen, Nays: Amaral, Darrow & Griffin. Mayor Amaral declared the motion as failed, and entertained a new motion from the Council.

Following Council discussion, Council Member Simmen moved to amend the Council item to add the development of a Strategic Plan for Economic Development as item no. 1 as it represents the key element and to table this matter to the regular meeting of January 21, 2010.

Council Member Darrow seconded the motion, and upon roll call, the following voted YEA: Darrow & Simmen, Nays: Amaral and Griffin.

Mayor Amaral declared the motion as failed.

Following further discussion, Council Member Simmen withdrew his item from the agenda.

Consent Calendar: Mayor Amaral 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 or audience wishes to remove an item for discussion. The reading of the full text of all Resolutions will be waived unless a Council Member requests otherwise:

- a. Approval of Minutes of the meeting held December 3, 2009
- b. Approval of Warrants issued from December 4, 2009 to December 17, 2009.
- c. Adopt Resolution No. 2822 authorizing the filing with the Local Agency Formation Commission of an amendment to the Sphere of Influence of the City of Yreka and Annexation of the area commonly known as the McCullough Annexation.
- d. Adopt Resolution No. 2823 Adopting General Plan Amendment #3 for the Annexation of the area commonly known as the McCullough Annexation.

- e. Adopt Resolution No. 2824 authorizing the filing with the Local Agency Formation Commission of a request to approve annexation of the area commonly known as the Shasta Forest Products Annexation.
- f. Adopt Resolution No. 2825 adopting General Plan Amendment #4 for the annexation of the area commonly known as the Shasta Forest Products Annexation.

Council Member Darrow announced his recusal on the Consent Calendar and left the Council Chamber, 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, Siskiyou County Economic Development Council and with items c & d due to the proximity of residence.

Following Council discussion, Council Member Simmen moved to approve items on the consent calendar as submitted.

Council Member Griffin seconded the motion, and upon roll call, the following voted YEA: Amaral, Griffin, & Simmen.

Mayor Amaral thereupon declared the motion carried. Council Member Darrow returned to his seat at the Council table.

**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. 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.
2. Personnel. Schedule Public Employee Performance Evaluation. Government Code § 54957 - Title: City Manager.

**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:

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Tom Amaral, Mayor  
Minutes approved by Council  
Motion 1-21-2010

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Elizabeth E. Casson, City Clerk