

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON APRIL 7, 2011

On the 7th day of April 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, John Mercier and David Simmen. Absent – None.

PUBLIC COMMENTS: Jan Osborn addressed the Council to express her concerns regarding the proposed change to the Yreka Municipal Code relating to raising hens within the City Limits and our current barking dog Ordinance and procedures. She suggested that the City should reconsider the complaint procedure currently in place.

Council Member Mercier moved to amend the agenda to move item no. 6 to item no. 1.

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. 2909 approving and authorizing acquisition of equipment and an appropriation for that purpose, and authorizing execution of all necessary documents for acquiring and financing of equipment for the Yreka Volunteer Fire Department. (Compressed Air Foam Brush Truck)

Council Member Bicego recused himself and left the Council Chambers stating a conflict of interest due to his membership in the Yreka Volunteer Fire Department.

Volunteer Fire Chief Joe Suter addressed the Council to answer any questions regarding the Compressed Air Foam Brush Truck.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2909 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

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

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 March 17, 2011.

- b. Adopt Resolution No. 2908 authorizing the County of Siskiyou to submit a Household Hazardous Waste Grant Program Regional Application on behalf of the County of Siskiyou as lead agency and the City of Yreka as one of the participating agencies.
- c. Approval of Agreement between the County of Siskiyou and the City of Yreka regarding distribution of taxes upon detachment of real property from City to County (Karuk Tribe Property).
- d. Approve and Authorize City Manager to execute on behalf of the City of Yreka a Memorandum of Understanding between the City of Montague and the City of Yreka, a Release and Hold Harmless Agreement and an Agreement not to sue in connection with the repair and maintenance of the runway at the Montague/Yreka Airport.

Council Member Bicego requested items 1 a & c be removed for discussion.

Following Council discussion, Council Member Simmen moved to approve items b & d 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 Minutes of the meeting held March 17, 2011.

Following Council discussion, Council Member Bicego requested the City Clerk to make the correction noted and moved to approve the minutes as corrected.

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.

Approval of Agreement between the County of Siskiyou and the City of Yreka regarding distribution of taxes upon detachment of real property from City to County (Karuk Tribe Property).

Following Council discussion, Council Member Bicego moved to approve the agreement 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 Warrants from March 18 through April 7, 2011.

Council Members Foster and Mercier announced their recusal. Foster 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, Madrone Hospice, and therefore recused himself and left the Council Chamber. Mercier stating that he has a conflict of interest with one of the warrants listed by reason of his contractual relationship with one of the proposed payees, namely, Siskiyou County Employment Development Council, and therefore recused himself and left the Council Chamber.

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

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

Mayor McNeil thereupon declared the motion carried.

Council Members Foster and Mercier returned to their seats at the Council table.

Review Proposed Changes to Yreka Municipal Code Section 8.04 to allow the raising of hens within the City Limits. Council Member Foster.

Holly Baun, Jennifer Silveira, and Rachael Jereb all addressed the Council as proponents to the request to amend the Ordinance to allow the raising of hens within the City Limits.

Following Council discussion, Council Member Foster moved to direct the City Attorney to prepare an outline and process for further review and possible referral to the Planning Commission.

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.

Approve and authorize City Manager to Sign Interagency Consulting Agreement between the County of Siskiyou and the City of Yreka.

Following Council discussion, Council Member Simmen moved to approve the Interagency Consulting Agreement 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

Siskiyou Association of Government Entities. (SAGE)

Following Council discussion, Council Member Bicego moved to support the restructuring of SAGE and the development of draft bylaws.

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.

City Attorney Report – Charter Cities:

Following Council discussion, Council Member Foster moved to direct the City Attorney to report back to Council with fiscal information relating to Charter Cities vs. General Law Cities.

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 Labor Negotiator Government Code Section 54957.6 (a)
 Agency negotiators: Steven Baker and Mary Frances McHugh
 Employee Organizations: Yreka Management Team Association, Confidential Unit, Yreka City Employees Association, Yreka Police Administration Unit, Yreka Police Sergeants Association, and the Yreka Police Officer's Association.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
 Property: APN# 053-681-080
 City Negotiators: City Manager and City Attorney
 Third Party Negotiator: Timber Products
 Under Negotiation: acquisition of portion, price and terms of payment or both
3. Conference with Legal Counsel - Pending Litigation (Gov Code Section 54956.9) - State Water Resources Control Board, Division of Water Rights, Extension of Time and Place of Use Petitions of the City of Yreka filed for Permit 15379.
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 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.

- 5. 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.
- 6. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: Butte Street right of way between Oregon and Fourth; Fourth Street right of way between South and Butte;
 - City Negotiators: City Manager and City Attorney
 - Third Party Negotiator: County of Siskiyou/Administrative Office of Courts;
 - Under Negotiation: price and terms, including possible donation.
- 7. Pending Litigation: Government Code § 54956.9(a) Yreka Holdings II v. City of Yreka, Siskiyou Superior Court No. SC CV CV 0700693.

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:

 David Simmen, Mayor Pro-Tempore
 Minutes approved by Council
 Motion 4-21-11

 Elizabeth E. Casson, City Clerk