

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON JUNE 7, 2012

On the 7th day of June 2012, 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 David Simmen. Absent – John Mercier.

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 May 17, 2012.
- b. Approval of Warrants issued from May 18 through June 7, 2012.
- c. Adopt Resolution No. 2975 finding certain city vehicles as surplus property and authorizing sale by the City Manager.
- d. Approval of Treasurer's report and budget to actual for the month of April.

Council Member Bicego requested item d be removed for discussion.

Council Member Foster requested item c be removed for discussion.

Following Council discussion, Council Member Simmen moved to approve items a & b as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Resolution No. 2975 finding certain city vehicles as surplus property and authorizing sale by the City Manager.

Council Member Foster asked if these vehicles were offered to other City Departments before they were put up for auction. Director of Public Works Steve Neill stated that it is always the City's policy to keep the vehicles as long as they are useful. These particular vehicles are no longer needed and are not economically repairable due to age and availability of parts.

Following Council discussion, Council Member Foster moved to adopt Resolution No. 2975 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Approval of Treasurers' Report and Budget to Actual for the month of April 2012.

Council Member Bicego asked City Treasurer/Finance Director Rhetta Hogan to give a status report on the City's expenditures and revenues.

Following the report from Treasurer Hogan and Council discussion, Council Member Bicego moved to adopt the Treasurers' Report and Budget to Actual for the month of April as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Adopt Resolution No. 2974 adopting Mitigated Negative Declaration for the Wastewater Treatment and Collection System Improvements.

Administrative Assistant Jeannette Hook reported to the Council that the public comment period ended on May 29, 2012 and that the only comments received were from Caltrans and the State Water Control Board regarding permit requirements, not the environmental impacts, and therefore Staff is recommending that Council adopt the Mitigated Negative Declaration for the Wastewater Treatment and Collection System Improvements as submitted.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 2974 as submitted.

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

Mayor McNeil thereupon declared the motion carried.

Adopt Resolution No. 2976 approving the Use Agreement with Yreka Splash for Fiscal Year 2012-2013, with a contribution of \$32,500.

Following Council discussion, Mayor McNeil moved to adopt Resolution No. 2976 as submitted Approving the Use Agreement for fiscal year 2012-2013 with a contribution of \$32,500.

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

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

Property: Assessor Parcel No. 053-681-070
 Third Party Negotiator: Cliff Brown, Phillippe Lane Industrial Park
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both.

RETURN TO OPEN SESSION: Upon return to open session, City Manager Baker 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. 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. No reportable action was taken.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
 Property: Assessor Parcel No. 053-681-070
 Third Party Negotiator: Cliff Brown, Phillippe Lane Industrial Park
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both.
 The Council gave direction to staff. 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 June 21, 2012

 Elizabeth E. Casson, City Clerk