

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON OCTOBER 18, 2012

On the 18<sup>th</sup> day of October 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: Bryan Foster, John Mercier and David Simmen. Absent – Robert Bicego and Rory McNeil.

Consent Calendar: Mayor Simmen 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 4, 2012.
- b. Approval of Warrants issued from October 5, 2012 through October 18, 2012.
- c. Approval of Treasurer's Report and Budget to Actual for the months of July and August 2012.
- d. Approval of transfer of funds from the Fairgrounds Waterline Relocation Project to the Water Meter Replacement Project.
- e. Approve the Transportation Claim for the 2012/2013 Local Transportation Fund and authorize the Mayor to sign the Claim on behalf of the City.

Council Member Mercier requested item 1d be pulled for discussion.

Following Council discussion, Council Member Foster moved to approve items a,b,c & e on the consent calendar as submitted.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Approval of transfer of funds from the Fairgrounds Waterline Relocation Project to the Water Meter Replacement Project.

Steve Neill, Director of Public Works, reported to the Council that they have been making better than expected progress on the Water Meter Replacement Project. The current supply of meters is depleted as well as the \$65,000 in this year's budget, and they would like to keep the momentum going and purchase another 1,000+- meters for this year. The Fairgrounds Water Line Replacement was budgeted for \$625,000, however, we anticipate only being able to complete the engineering this fiscal year. Transferring \$200,000 from the Fairgrounds Water Line Replacement Project to the Water Meter Replacement Project will enable the City to take advantage of the cost savings when buying the meters in large quantities. The Fairgrounds Water Line Replacement Project construction is scheduled for the next fiscal year, and will be budgeted accordingly.

Following Council discussion, Council Member Foster moved to approve the transfer of funds to the Meter Replacement Project as requested.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2992 authorizing the City Manager to award a construction contract to Precision Builders in the amount of \$39,887, allocate additional \$10,075 from the Unallocated General Fund Capital Projects funds and execute related documents for the Community Theater Beam Repair.

Director of Public Works, Neill, reported to the Council that project will replace existing rot damaged beams in the Community Theater's breezeway and provide a new weatherization system at the exposed portions of the beams. Bids were opened on October 3, 2012 and only 1 bid was received in the amount of \$39,887. Director Neill further reported that the total estimated cost of \$45,075 includes the construction contract and contingencies, inspection, staff time for administration, and other ancillary costs.

Following Council discussion, Council Member Mercier moved to Adopt Resolution No. 2992 as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2993 amending Resolution No. 2739 establishing fees relating to dogs pursuant to Ordinance 806, effective December 31, 2012.

Finance Director Rhetta Hogan reported that the City is on track with maintaining the 50% cost recovery model that originally brought the dog license rates from \$5 per animal for altered and \$10 for unaltered in 2008, to the present \$25 for altered and \$50 for unaltered in 2012. The Finance Department is recommending small incremental increases over the next five (5) years to keep pace with departmental costs for animal control (personnel, equipment, trucks, collections, kennel maintenance), and allow for some small improvements at the kennel, e.g. potential solar heating of kennels instead of outdoor open-air heaters.

Finance Director Hogan further reported that this \$1 increase for altered and \$2 for unaltered would result in approximately \$1,434 in increased fee revenue from 1,275 registered dogs. Over 5 years, this would result in \$21,510 of increased revenue, with an additional \$7,170 in revenue every year after that.

Following Council discussion, Mayor Simmen moved to Adopt Resolution No. 2993 as submitted.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2994 donating surplus property (1979 Dodge D400 Mini Pumper) to the Klamath River Volunteer Fire Company.

City Manager Steve Baker reported that with the arrival of the new brush truck, the Fire Department is now in a position to retire the 1979 Dodge D400 Mini Pumper. In the past the City's surplus fire trucks have been auctioned or sold. The Fire Department believes that donating the unit to another fire department with lower call volume that cannot afford this type of unit is beneficial to the City and to the fire service in the County in general. Having an active engine in other areas of the County will help to suppress fires that could otherwise need mutual aid from Yreka, including fires that could threaten Yreka or other communities. The Chief is recommending that the engine be transferred to the Klamath River Volunteer Fire Department and that CalFire will be able to maintain the unit if transferred to the Klamath River Volunteer Fire Department.

Following Council discussion, Council Member Foster moved to Adopt Resolution No. 2994 as submitted.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2995 approving requests associated with the Yreka Chamber of Commerce Special Events to be held on November 24, and December 7, 2012.

Rick Butler addressed the Council to once again express his opposition to the Holiday Parade being scheduled at night. Stating that it is simply too risky to have horses and old cars that do not have lights or good tires out on icy roads.

Joan Smith Freeman, Executive Director of the Chamber of Commerce and Parade Committee Co-Chairs Duane and Debbie Kegg, addressed the Council stating that they do not want to alienate anyone especially not the veterans. One option may be to have the City cinder the parade route prior to the event and place the military vehicles in the front of the parade with point guards with lights walking along with the vehicles. We will also have several "helper elves" running around the parade to keep control and help the parade entries.

In closing Debbie Kegg stated that the Chamber received a very positive response from the community for the 2011 nighttime parade, the attendance and participation numbers increased dramatically. The committee has spent nearly a year preparing for this year's parade and a shift in time at this late date would be very difficult. It is the committee's goal to get as many people involved as possible to make the parade a successful event for everyone, and they would welcome suggestions as to how they can accommodate the veterans and military vehicle clubs to enable them to be a part of the nighttime parade.

Following Council discussion, Council Member Foster moved to Adopt Resolution No. 2995 as submitted.

Mayor Simmen seconded the motion, and upon roll call, the following voted YEA: Foster, McNeil, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Lighting of Miner Street Roof Tops – Miner Street Grant Program.

City Manager Baker reported that the Chamber of Commerce has proposed a project for installation of 1760 feet of commercial grade LED rope lighting along the Miner Street facing root tops of buildings. The purpose of the lights is to light up Miner Street during the holiday season and the lights would be operated from the first Saturday after Thanksgiving through January 4<sup>th</sup>.

The City has long supported lighting up downtown; however, the maintenance of the lighting has become an issue. The difficulties in attaching the lights to the buildings; having the proper equipment (e.g. bucket truck) ready and available; and limited staffing in the maintenance division are all constraints to the City maintaining the lighting. Staff would recommend that a plan be developed for long term maintenance of the lighting which does not require the use of city staff, prior to approving the funding request.

The request is for this project to be funded through the Miner Street Grant Program. Although it is on private property, given the multiple ownerships and area-wide benefit of the project, staff would recommend that it be eligible for the public portion of the program with 100% of the project eligible for funding.

Chamber of Commerce Executive Director, Joan Smith-Freeman, addressed the Council to give the commitment of the Chamber of Commerce to take full responsibility for the installation and all future maintenance of the Miner Street Lights.

Following Council discussion, Council Member Mercier moved to approve the project as part of the public portion of the Miner Street Grant Program in the amount of \$5,000 with the Chamber's commitment to take full responsibility for the installation and all future maintenance.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

Adopt Resolution 2996 Authorizing the Mayor and the City Manager to Prepare and Execute Response to the 2011-2012 Grand Jury Report and Submit to the Superior Court As Required by Penal Code Section 933.05(A).

City Attorney Mary Frances McHugh submitted to the Council a draft letter responding to the 2011-2012 Civil Grand Jury Report regarding Behavioral Health responses to Welfare and Institutions Code 5150 situations. City Attorney McHugh stated that the City Manager, Police Chief and City Attorney all concur in this proposed response, and recommend adoption of Resolution No. 2996 directing the response to be delivered to the Presiding Judge of the Superior Court pursuant to statute.

Following Council discussion, Mayor Simmen moved to Adopt Resolution No. 2996 as submitted.

Council Member Mercier seconded the motion, and upon roll call, the following voted YEA: Foster, Mercier and Simmen. Mayor Simmen thereupon declared the motion carried.

**CLOSED SESSION:**

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
 Agency negotiators: Steven Baker, Mary Frances McHugh, and Liz Casson.  
 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. 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. Liability Claim: Claimant: Siskiyou County Auditor. Agency claimed against: City of Yreka. Government Code Section 54956.95.
4. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: Assessor Parcel No. 053-681-070  
 Third Party Negotiator: Cliff Brown, Phillipe Lane Industrial Park  
 City Negotiators: City Manager and City Attorney  
 Under Negotiation: Possible purchase including price, terms of payment, or both.
5. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: Assessor Parcel No. 013-110-130 & 140  
 Third Party Negotiator: County of Siskiyou  
 City Negotiators: City Manager and City Attorney  
 Under Negotiation: Possible sale including price, terms of payment, or both.

**RETURN TO OPEN SESSION:** Upon return to open session, City Attorney Mary Frances McHugh reported out the following:

Councilmembers McNeil and Bicego were absent.

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)  
 Agency negotiators: Steven Baker, Mary Frances McHugh, and Liz Casson.  
 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. The Council conferred with its labor negotiators and gave direction. No other reportable action was taken.

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. This matter was taken off calendar at the request of the City Attorney.

3. Liability Claim: Claimant: Siskiyou County Auditor. Agency claimed against: City of Yreka. Government Code Section 54956.95. The Council conferred with its legal counsel and gave direction. No other reportable action was taken.

4. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: Assessor Parcel No. 053-681-070  
 Third Party Negotiator: Cliff Brown, Phillipe Lane Industrial Park  
 City Negotiators: City Manager and City Attorney  
 Under Negotiation: Possible purchase including price, terms of payment, or both.  
 The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

5. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: Assessor Parcel No. 013-110-130 & 140  
 Third Party Negotiator: County of Siskiyou  
 City Negotiators: City Manager and City Attorney  
 Under Negotiation: Possible sale including price, terms of payment, or both.  
 The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

**ADJOURNMENT** There being no further business before the Council the meeting was adjourned.

Attest:

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 David Simmen, Mayor  
 Minutes approved by Council  
 Motion 11-1-2012

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 Elizabeth E. Casson, City Clerk