

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON DECEMBER 20, 2012

On the 20TH day of December 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.

Presentations: Steve Neill, Director of Public Works, presented David Peterson and Randy Horn with certificates of appreciation in recognition of their retirement from City Service.

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 regular meeting held December 6, 2012.
- b. Approval of Warrants issued from December 7, 2012 through December 20, 2012.
- c. Adopt Resolution No. 3002 approving the destruction of certain City Records identified by the Finance Director.
- d. Approval of September 2012 Quarterly Treasurer's Investment Report.
- e. Approval of budget to actual and Treasurer's Report for the month of October 2012.

Council Member Bicego requested item 1e, be pulled from the consent agenda for discussion.

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

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

Mayor Simmen thereupon declared the motion carried.

Approval of budget to actual and Treasurer's Report for the month of October 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 October as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Approve a Supplemental Appropriation for the Yreka Creek Flood Hazard Reduction Project.

Director of Public Works, Neill, reported that the City was awarded a \$5 million grant from the State Department of Water Resources from the Flood Corridor Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 known as Proposition 84, and the Disaster Preparedness and Flood Prevention Bond Act of 2006 known as Proposition 1E. This project will further implement the goals of the Yreka Creek Master Plan and the Master Plan of Drainage. The proposed project includes land acquisition from willing sellers, rough grading for floodway restoration, native plant re-vegetation, building relocation at the Forest Service yard and as necessary, bridge reconstruction. This grant provides a restricted creek maintenance endowment fund of approximately \$191,000. Only the interest generated by this endowment fund will be available for maintenance purposes, and maintenance activities will be reported annually for five years after the close of the grant.

Director of Public Works Neill further reported that this project is leveraged by five other current and past projects in the amount of \$6.7 million, as well as volunteer contributions of approximately \$16,300 from Tom Hesseldenz and the Yreka Creek Committee. A supplemental appropriation of \$40,000 of expenditures and \$32,500 of revenues is requested to incorporate this grant into the City's budget. This project was not included in the FY 2012-2013 budget because the State's timetable for preparing grant agreements was unknown. This supplemental appropriation would add budget authority to enable the Department of Public Works to initiate the project in the current fiscal year.

Following Council discussion, Council Member McNeil moved to approve the supplemental appropriation as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Annual Development Impact Fee Report:

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 scheduled for the Public Hearing, Mayor Simmen opened the hearing to the audience.

City Manager Baker reported that Resolution No. 3001 has been pulled from the agenda, and that it is staff's recommendation that the City Council approve, by minute order, the Development Impact Fee Reports and the Update to the City's Capital Improvement Plan and Development Impact Fee Program as submitted.

Finance Director Rhetta Hogan stated that the Utility Services, Impact and Connection fees for the current fiscal year had been inadvertently omitted from the report and requested a continuation of the public hearing, while she copied the additional document for the Council to review.

With Council consensus, Mayor Simmen tabled the public hearing on the Annual Development Impact Fee Report and moved to item No 4 on the agenda.

Supplemental Law Enforcement Grant Funds (COPS) Fiscal Year 2012/2013:

Public Hearing - to discuss the proposed spending plan submitted by the Chief of Police for the Supplemental Law Enforcement Grant Funds (COPS) Fiscal Year 2012/2013.

This being the time and date scheduled for the Public Hearing, Mayor Simmen opened the hearing to the audience. There being no statements or comments, Mayor Simmen closed the public hearing.

Adopt Resolution No. 3003 Authorizing the Spending Plan of the Supplemental Law Enforcement Grant Funds for Fiscal year 2012-2013.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 3003 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 3004 adopting the 2013 meeting calendar for the Yreka City Council.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 3004 as amended.

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

Mayor Simmen thereupon declared the motion carried.

Continuation of Public Hearing - Annual Development Impact Fee Report:

Finance Director Hogan presented the Council and audience with a the annual report which gave a brief description of the type of fee collected; the amount of the fee; the beginning and ending balance of each type of fee; the amount of fees collected, and interest earned; identification of each public improvement and amount expended; identification of the approximate date the construction would be complete; and a description of each inter-fund transfer or loan made.

Finance Director Hogan further reported that the draft report was completed and made available for public review at City Hall on November 20, 2012.

Mayor Simmen re-opened the hearing to the audience. There being no statements or comments, Mayor Simmen closed the public hearing.

Following Council discussion, Mayor Simmen moved to approve the Development Impact Fee Report and Update to the City's Capital Improvement Plan and Development Impact Fee Program as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution 3005 approving the amended Constitution and Amended Bylaws of the Yreka Volunteer Fire Department.

Council Member Bicego announced his recusal, stating that he has a conflict by reason of his membership relationship with the Yreka Volunteer Fire Department and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to adopt Resolution No. 3005 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Adopt Ordinance No. 833 Amending Ordinance 831 regarding Section 11.01.080 of the Yreka Municipal Code in Title 11, Buildings and Construction.

Following the reading of the title of the Ordinance and Council discussion, Council Member McNeil moved to waive the reading of the body of the Ordinance and to adopt the Ordinance as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 3006 authorizing the listing of 307 North Street and related actions.

City Manager Baker reported that the City has requested proposals for the sale of the North Street Apartments from local brokers. Three brokers responded, and two were judged to be responsive. Both brokers were well qualified and experienced in our local market, and both have outlined how they would market the project. Ray Singleton of Minton Hometown Properties proposed a fee schedule of 6%, while Chris Kutzkey of Coldwell Banker proposed a 10% commission, and both brokers have indicated that these commissions are negotiable.

Following staff's review of the proposals, it is staff's recommendation to select Ray Singleton of Minton Hometown Properties.

Following Council discussion, Council Member Bicego moved to adopt Resolution No. 3006 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

CLOSED SESSION:

1. Pending Litigation: Conference with Legal Counsel pursuant to Government Code § 54959.9 - On the Matter of City of Yreka v. Kimberlee Abbott., et al., Siskiyou County Superior Court Case No.11-1001.
2. Conference with Real Property Negotiator (Government Code Section 54956.8)
 - Property: Assessor Parcel No. 062-011-200
 - Third Party Negotiator: County of Siskiyou
 - City Negotiators: City Manager and City Attorney
 - Under Negotiation: Possible purchase including price, terms of payment, or both.
3. 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 purchase including price, terms of payment, or both.
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 Legal Counsel - Anticipated Litigation

Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 1 - The names of the parties are not disclosed as it is believed that that to do so would jeopardize the City's ability to serve process or to conclude existing settlement negotiations to the City's advantage).

RETURN TO OPEN SESSION: Upon return to open session, City Attorney Dohn R. Henion reported out the following:

A motion was made by council member Bicego and seconded by Mayor Simmen to authorize initiation of litigation.

Ayes: Bicego, Foster, McNeill, Simmen

Notes: None

Absent: Mercier

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion January 17, 2012

Elizabeth E. Casson, City Clerk