

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON DECEMBER 6, 2012

On the 6th 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, John Mercier and David Simmen. Absent – None.

City Attorney Mary Frances McHugh announced that Closed Session No. 5 Personnel pursuant to Government Code Section 54957(b)(1), consider appointment for the position of City Attorney, went off calendar due to the reported action taken by the Council in closed session on December 3, 2012.

Addition to the agenda.

City Attorney Mary Frances McHugh submitted a request to add the following items to the agenda:

Discussion/Possible Action: Approve Execution by the City Manager of Agreement for City Attorney Services between the City of Yreka and Dohn R. Henion.

Closed Session: 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.

City Attorney McHugh reported the reason for need for immediate action: After the preparation and posting of the agenda the Council had a meeting on December 3, 2012, and as a result appointed Mr. Dohn Henion as successor to Mary Frances McHugh, as City Attorney, for the City of Yreka. Mr. Henion's appointment was conditioned upon negotiation of an Agreement for Services, which the City Manager and City Attorney have done and are recommending to Council for approval. Mary Frances McHugh will be leaving office effective December 7, 2012, at 4:45 PM. Direction to Mr. Henion on some pending matters should be accomplished before Ms. McHugh's departure.

Following Council discussion, Council Member McNeil moved to add Discussion/Possible Action: Approve Execution by the City Manager of Agreement for City Attorney Services between the City of Yreka and Dohn R. Henion, as item # 9 to the agenda.

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

Mayor Simmen thereupon declared the motion carried.

Following Council discussion, Council Member McNeil moved to add to the closed session portion of the agenda as the new no. 5: Closed Session: 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.

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

Mayor Simmen thereupon declared the motion carried.

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 November 15, 2012.
- b. Approval of Warrants issued from November 16, 2012 through December 6, 2012.
- c. Approval of Budget to Actual and Treasurer's Report for the month of September 2012.
- d. 2011-2012 Final Year End Closing Budget Revision.

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

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

Discussion/Possible Direction to staff – Fats, Oils and Grease (FOG) Source Control Program.

Don Rolph, Water Efficiency Coordinator, for the Department of Public Works, addressed the Council to present a draft of the proposed Fats, Oils and Grease (FOG) Source Control Program.

Mr. Rolph reported that a Sewer System Management Plan was prepared as required by the General Waste Discharge Requirements of the State Water Resources Control Board and approved by the City Council in April of 2010. And a required element of the plan is an evaluation to determine if fats, oils and grease (FOG) buildup in the sewer lines is causing blockages and sanitary sewer overflows. If deposition of FOG is found to be significant, a FOG source control program must be prepared and implemented to reduce the amount discharged into the City's sewer system.

Mr. Rolph further reported that an evaluation was completed by Public Works, and the findings are that some commercial and institutional food service establishments are discharging significant amounts of FOG. The results have been some FOG caused sanitary sewer overflows with extra cleaning costs for some sewer lines and fines issued to the City of Yreka from the Regional Water Quality Control Board for the overflows. A draft of the proposed FOG Program is submitted tonight for Council review. The proposed program includes the required evaluation of current and potential FOG disposition and recommendations for an effective program to reduce the amount of FOG discharged. When the FOG program is approved in its final form and successfully implemented, then potential reductions in sanitary sewer overflow fines, and reductions in costs of extra cleaning of sewer lines are expected to offset the required budget amounts.

Following Council discussion Council Member Bicego thanked Mr. Rolph for his presentation of the proposed FOG program and moved to authorize the preparation of a final document, proceed with initial implementation of the FOG Program, primarily - education for Food Service Establishments, and to complete the necessary amendments to the Yreka Municipal Code to fully implement the FOG Program.

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

Adopt Resolution No. 2999 Finding Certain City Equipment as Surplus Property and Authorizing Sale by City Manager.

City Manager Baker reported that the Yreka Volunteer Fire Department is recommending the sale of certain equipment due to their age and that they are no longer needed, as they have been replaced. Said items being: 5 Survivair 2.2 Sigma LoPro, fire-rated 1992 Spec, 14 Survivair 2.2 Panther LoPro, fire-rated 1992 Spec, 12 Survivair Face Mask, 20/20, 49 Survivair, 30/2216 – Aluminum Cylinder, and 49 Survivair Low Pressure Cylinder Valves.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2999 as submitted.

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

Adopt Ordinance No. 832 of the City Council of the City of Yreka amending certain sections of the Yreka Municipal Code in Chapters 6.08 Garbage, Rubbish & Waste, 8.04 Animals-General Provisions, 10.32 Vehicles & Traffic and 16.46 Zoning-Special Provisions.

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 Ordinance No. 832 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

PUBLIC HEARING – To discuss the accomplishments of Community Development Block Grant No. 08-EDBG-5874 and to give citizens an opportunity to make their comments known. The tasks completed under this grant were technical assistance and training for eligible microenterprise businesses to enable them to create and retain local jobs.

This being the time and date scheduled for the Public Hearing, Mayor Simmen opened the hearing to the public.

Pete LaFortune, JEDI Program Manager provided the Council a brief presentation to highlight the accomplishments of the project.

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

City Attorney - Report and request authority to extend services of outside Counsel; Supplemental Appropriation for Continuing Legal Services.

City Attorney McHugh submitted a report of Counsel engaged to perform legal services on behalf of the City and requested authority to extend services of outside Council and supplemental appropriation for continuing legal services.

Fiscal Impact: The following supplemental appropriation/expenditure is requested:

2A: In re Abbott: General fund reserves appropriate to fund 01-040-0000-525-000, general fund in the amount of Ten Thousand Dollars (\$10,000.00).

2B: In re River Watch Claim: Authorize further expenditure of \$5,000 from funds 80-550-0600-525-000 and 80-560-0000-525-000 (Wastewater Capital Projects and Wastewater Operating Funds, in equal shares).

City Attorney McHugh recommended that the Council exclude item 2A and handle that item as a separate matter, due to the conflict of interest of Council Member Mercier.

Following Council discussion, Council Member Bicego moved approve the request for extension of contract services of outside Counsel and supplemental appropriation as requested with the exclusion of the financial matter listed as 2 A.

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

Mayor Simmen thereupon declared the motion carried.

2A: In re Abbott: General fund reserves appropriate to fund 01-040-0000-525-000, general fund in the amount of Ten Thousand Dollars (\$10,000.00).

Council Member Mercier announced his recusal stating that he has a conflict of interest and left the Council Chamber.

Following Council discussion, Council Member Bicego moved to approve the supplemental appropriation in the amount of \$10,000 as requested.

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

Introduce 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 waive the reading of the body of the Ordinance and to Introduce Ordinance No. 833 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Approval of all Warrants payable to Siskiyou County Economic Development Council from November 16, 2012 through December 6, 2012.

Council Member Mercier announced his recusal 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, Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to approve the warrants 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. Council Member Mercier returned to his seat at the Council table.

Approve Execution by the City Manager of Agreement for City Attorney Services between the City of Yreka and Dohn R. Henion.

Following Council discussion, Council Member Bicego moved to authorize the City Manager to execute the Agreement for City Attorney Services as amended.

Council Member Foster seconded the motion, and upon roll call, the following voted YEA: Bicego, Foster, McNeil, 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. 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, Phillip Lane Industrial Park
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both.
5. Personnel pursuant to Government Code §54957(b)(1), consider appointment for the position of City Attorney. Removed from the agenda.

Added to agenda in its place by motion McNeil, second by Bicego, all Councilmembers voting aye. 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.

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

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. Conference with Real Property Negotiator (Government Code Section 54956.8)
 Councilmember Rory McNeil announced a recusal due to proximity of property she owns to the project, and left the room.

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.
 The Council conferred with its real property negotiators and gave direction. No other reportable action was taken.

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

Property: 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.
 The Council conferred with its real property negotiators 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. Item Personnel pursuant to Government Code Section 54957(b)(1), consider appointment for the position of City Attorney, went off calendar due to the reported action taken by the Council in closed session on December 3, 2012, as reported by the City Attorney at the beginning of the Council meeting on December 6, 2012.

Added to agenda in its place by motion McNeil, second by Bicego, all Councilmembers voting aye. 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. Councilmember Mercier was recused and left the room. The Council conferred with its legal advisers and gave direction. No further reportable action was taken.

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

Attest:

 David Simmen, Mayor
 Minutes approved by Council
 Motion December 20, 2012

 Elizabeth E. Casson, City Clerk