

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON FEBRUARY 7, 2013

On the 7th day of February 2013, 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.

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 January 17, 2013.
- b. Approval of Warrants issued from January 18, 2013 through February 7, 2013.
- c. Approval of Budget to Actuals and Monthly Treasurer's Report for the month of November 2012.

Councilmember Bicego requested consent calendar item c be removed for discussion.

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

Councilmember 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.

Due to the necessary recusal of Councilmembers Bicego and Foster, the action taken on item b of the consent calendar was reconsidered later on the agenda as detailed on page 12055 of these minutes.

Approval of Budget to Actuals and Monthly Treasurer's Report for the month of November 2012.

Councilmember Bicego asked City Manager Steve Baker to give a status report on the City's expenditures and revenues.

Following the report from City Manager Baker and Council discussion, Councilmember Bicego moved to adopt the Treasurer's Report and Budget to Actual for the month of November as submitted.

Councilmember 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 the Miner Street Grant Program Community Project for the Miner Street Plaza Bike Racks and the grant totaling \$1,784.00.

Councilmember Foster announced his recusal stating that he has a conflict of interest with this agenda item by reason of his employment relationship with one of the proposed vendors, and therefore recused himself and left the Council Chamber.

Project Assistant Benjamin Matts reported to the Council that the final grant application in the amount of \$1,784.00 from the Northern California Resource Center, acting as the Non-Profit sponsor for the Economic Growth Group/SCBTB's Engage Business Committee. This application is for the fabrication and installation of two bike racks to be placed in the Miner Street/Broadway plaza. The bike racks are modeled after antique bikes from the 19th century and the proposed colors are red and gold. Mr. Matts further reported that the Planning Commission has reviewed and approved the plan to install the bicycle racks in the Miner Street/Broadway plaza.

Following Council discussion, Councilmember Mercier moved to approve the Miner Street Grant Program Community Project application for the Miner Street Plaza Bike Racks in the amount of \$1,784.00.

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

Mayor Simmen thereupon declared the motion carried. Councilmember Foster returned to his seat at the Council table.

Approve appointment of Dan Lindley to the Yreka Volunteer Fire Department.

B. J. Laustalot reported to the Council that Mr. Lindley has completed all of the required steps in connection with the Fire Department application and that the fire department is recommending that the City Council approve the appointment.

Following Council discussion, Councilmember Bicego moved to approve the appointment of Dan Lindley to the Yreka Volunteer Fire Department.

Councilmember 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.

Approve the construction of a pump track in Greenhorn Park by the Jefferson Mountain Bike Association.

Jill Harris addressed the Council on behalf of the Jefferson Mountain Bike Association (JMBA), with their proposal to construct a "pump track" for mountain bikes in Greenhorn Park.

Ms. Harris reported that pump tracks are some of the fastest growing attractions for mountain bikers, and over the last decade they have dramatically gained in popularity.

Pump tracks are a collection of bumps (rollers) that riders go over and curved corners (berms) that allow riders to turn without having to slow down, all connected in a loop. This allows the rider to endlessly circle the pump track. Riders propel themselves by shifting or pumping their body weight in conjunction with the track. The pumping allows the rider to circle the track without having to pedal.

JMBA will provide the volunteers, equipment and materials and will partner with IMBA's Trail Solutions to design the pump track and supervise construction of the track. JMBA will provide the maintenance to the track.

In closing Ms. Harris stated that a pump track would make an excellent addition to Yreka as riders of all ages and ability can hone skills and techniques on the pump track, and then put those skills to use at Greenhorn Park or on the many other trails near Yreka. In addition, it would further enhance the area as a destination for mountain bikers.

Following Council discussion, Councilmember Mercier moved to approve the construction of a pump track in Greenhorn Park by the Jefferson Mountain Bike Association, with the location to be approved by City Staff.

Councilmember 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.

Re-consideration of Agenda item listed on the Consent Calendar:
Approval of Warrants issued from January 18, 2013 through February 7, 2013.

Councilmember Bicego announced his recusal due to the warrant relating to his membership in the Yreka Volunteer Fire Department, and left the Council Chamber.

Councilmember Foster announced his recusal due to his financial interest with one of the vendors listed, and left the Council Chamber.

Following Council discussion, Councilmember Mercier moved to approve the warrants issued from January 18, 2013 through February 7, 2013 as submitted.

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

Mayor Simmen thereupon declared the motion carried. Councilmember Bicego and Foster returned to their seats at the Council table.

Ratify Warrant #99888 dated January 4, 2013 payable to Siskiyou County Economic Development Council in the amount of \$3,333.33; and approve all Warrants payable to Siskiyou County Economic Development Council from January 18, 2013 through February 7, 2013.

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, Councilmember McNeil moved to ratify Warrant #99888, and to approve the warrants as submitted.

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

Mayor Simmen thereupon declared the motion carried. Councilmember Mercier returned to his seat at the Council table.

CLOSED SESSION:

1. 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).
2. 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.
3. Pending Litigation: Conference with Legal Counsel pursuant to Government Code § 54959.9 - On the Matter of RiverWatch v. City of Yreka, U.S District Ct., Northern Calif. District, Case No.3:12-CV-05872 JSC.
4. 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.
5. Conference with Legal Counsel pursuant to Government Code § 54959.9
On the Matter of City of Yreka v. Ken Salazar, etc., et al., United States Court of Appeals for the Ninth Circuit, Case No. 11-16820.

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

City Attorney Dohn Henion reported that the City Council met in closed session for the reasons listed on the agenda. On the motion of Council Member Simmen, the City Council unanimously passed a motion, authorizing the City Manager to enter a Cancellation of the Purchase Agreement regarding Item No. 2.

With respect to Items 3 and 5 the City Council gave direction to the City Manager, that once formally concluded, will be disclosed to any person upon inquiry. Council Member Mercier recused himself relating to Items 4 and 5. Council Member McNeil recused herself with respect to Item 5.

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion February 21, 2013

Elizabeth E. Casson, City Clerk