

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
YREKA HELD IN SAID CITY ON JUNE 20, 2013

On the 20<sup>th</sup> day of June 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.

Mayor Simmen announced that he has received a request to add one item to the agenda, which came to the staff's attention after the preparation and posting of the agenda – and reported that the action is necessary because the construction is scheduled to commence prior to the Council's next meeting.

Mayor Simmen stated that he would entertain a motion to add one item to the agenda, said item being: Approve changes to the Construction Plans and Specifications as shown in Change Order No. 2 for the Oregon Street Overlay.

Following Council discussion, Council Member McNeil moved to add the item to agenda as Item No. 2.

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.

Presentation: Mayor Simmen congratulated Mark Raffaelli on his retirement from the City Department of Public Works and presented him with a commendation certificate in grateful recognition of his 33 years of dedication and service to the City.

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 June 6, 2013.
- b. Approval of Warrants issued from June 7, 2013 through June 20, 2013.
- c. Approval of Treasurer's Report to Council for the month of March 2013 and Budget of Revenue and Expenditures with Actuals through March 31, 2013.
- d. Approval of Treasurer's Quarterly Report through March 31, 2013.

Council Member Bicego requested that items c & d be pulled from the consent calendar for discussion.

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

Approval of Treasurer's Report to Council for the month of March 2013 and Budget of Revenue and Expenditures with Actuals through March 31, 2013 and Approval of Treasurer's Quarterly Report through March 31, 2013.

Councilmember Bicego asked City Treasurer Rhetta Hogan to give a status report on the City's expenditures and revenues.

Following the report from Treasurer Hogan, Council Member Bicego moved to approve the Treasurer's Report and Budget to Actual for the month of March and the Treasurer's Quarterly Report through March 31, 2013 as submitted.

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. 3024 – authorizing the City Manager to award a construction contract to Marrone Construction, Inc. in the amount of \$986,675.94, and execute related documents for the North Yreka Creek Trail Project.

Mayor Simmen reported that this item has been pulled from the agenda.

Approve Changes to the Construction Plans and Specifications as shown in Change Order No. 2 for the Oregon Street Overlay:

Steve Neill, Director of Public Works, reported to the Council that on September 6, 2012, the Council adopted Resolution No. 2989 approving the construction plans and specifications and authorizing the City Manager to award a construction contract to Sunrise Excavating for the Oregon Street Overlay and that some design modifications are necessary for signs and pavement markings in school areas, and Change Order No. 2 has been prepared to effectuate the necessary changes to the construction plans and specifications.

Mr. Neill further reported that the amount of the Change Order is \$11,490, and will be paid for with funds from the budgeted project, which is State Transportation Improvement Program (STIP) funds.

Following Council discussion, Council Member McNeil moved to approve Change Order No. 2 to the Oregon Street Overlay Project 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.

Review and Approve Water and Wastewater Utility Rate Study.

Steve Neill, Director of Public Works, reported that at the June 6, 2013 Council meeting, Paul Reuter, Managing Engineer from PACE Engineering, made a presentation on the Study. Staff

responded to questions from Council and the public was given the opportunity to comment. Council tabled the item and requested staff to place the Study on next Council agenda to allow more time for questions. Mr. Neill stated that Paul Reuter of PACE Engineering is once again in attendance to answer questions regarding the study.

Following Council discussion, Council Member Bicego moved to table this item and to direct staff to bring back a Resolution for Council consideration decreasing the set-up fee for a new account to \$50.00 instead of the current fee of \$100.00.

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.

**Fiscal Year 2013-2014 Budget:**

Adopt Resolution No. 3020 adopting the Budget for Fiscal Year 2013-2014.

Following Council discussion, Council Member McNeil moved to Adopt Resolution No. 3020 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 Resolution No. 3021 setting forth the Appropriations Limit for the City of Yreka for Fiscal Year 2013 – 2014.

Following Council discussion, Council Member McNeil moved to Adopt Resolution No. 3021 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

Adopt Resolution No. 3022 adopting the Budget for Fiscal Year 2013-2014 Fund 30-all Measure H Special Tax Fund, Fund 03 all the Volunteer Fire Department Benefit Fund, and Fund 01-210-0000 all expenditures of the 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. 3022 as submitted.

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

Mayor Simmen thereupon declared the motion carried. Council Member Bicego returned to his seat at the Council Table.

Adopt Resolution No. 3023 adopting the Budget for Fiscal Year 2013-2014 Fund 01-090-0000-560-001 (Siskiyou County Economic Development Council).

Council Member Mercier announced his recusal stating that he has a conflict of interest with the warrants listed by reason of his employment relationship with Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to Adopt Resolution No. 3023 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. Council Member Mercier returned to his seat at the Council table.

Ratify Warrant No. 100890 dated June 7, 2013 payable to Siskiyou County Economic Development Council in the amount of \$3,333.33.

Council Member Mercier announced his recusal stating that he has a conflict of interest with the warrants listed by reason of his employment relationship with Siskiyou County Economic Development Council, and therefore recused himself and left the Council Chamber.

Following Council discussion, Council Member McNeil moved to ratify warrant No. 100890 dated June 7, 2013 as previously 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.

**CLOSED SESSION:**

1. Conference with Real Property Negotiator (Government Code Section 54956.8)
  - Property: 1400 Fairlane Road, Yreka, CA
  - Third Party Negotiator: to be determined
  - City Negotiators: City Manager and Chief of Police
  - Under Negotiation: Possible acquisition including price, terms of payment, or both
2. Conference with Labor Negotiator Government Code Section 54957.6 (a)
  - Agency negotiators: Steven Baker
  - Employee Organizations: Yreka Police Officer's Association.

3. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: 320 W. Miner St., Yreka, CA  
 Third Party Negotiator: Danny J. Daniels and Patti A. Daniels  
 City Negotiators: City Manager and City Attorney  
 Under Negotiation: Possible sale including price, terms of payment, or both
  
4. Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: 307 North St., Yreka, CA  
 Third Party Negotiator: Dieter D. Ruf Trust  
 City Negotiators: City Manager and City Attorney  
 Under Negotiation: Possible sale 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).
  
6. 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.

**RETURN TO OPEN SESSION:** Upon return to open session, City Manager Steve Baker reported out the following reportable action was taken on closed session items #3 and #4:

Item #3: Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: 320 W. Miner St., Yreka, CA. The City Council unanimously authorized the execution of a sales agreement in the amount of \$75,000 and terms.

Item #4: Conference with Real Property Negotiator (Government Code Section 54956.8)  
 Property: 307 North St., Yreka, CA. The City Council gave direction to its real property negotiators.

No further 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 July 18, 2013

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 Elizabeth E. Casson, City Clerk