

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

On the 20th day of September 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: Rory McNeil, John Mercier and David Simmen. *Tardy – Robert Bicego, due to coaching a Yreka High School varsity sports team. Absent – Bryan Foster.

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 September 6, 2012.
- b. Approval of Warrants issued from September 7, 2012 through September 20, 2012.
- c. Approval of Treasurer's Report and budget to actual for the Month of June 2012.
- d. Approval of Treasurer's Quarterly Report dated June 2012.
- e. Discussion of AT&T Notify System, and authorize the City Manager and all other proper officers and officials of the City to execute such other agreements, documents, and certificates, and to perform such other acts and deeds, as may be necessary or convenient to implement the AT & T Notify System.

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

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

Mayor Simmen thereupon declared the motion carried.

Adopt Resolution No. 2990 approving requests associated with special event known as the Chris Lopez Classic to be held at Upper and Lower Greenhorn Park on June 15, 2013.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 2990 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

*Council Member Bicego arrives and took his seat at the Council table at 6:35 pm.

Introduce Ordinance No. 830 amending Section 11.23.050 (c) of the Yreka Municipal Code relating to Developer Impact fees for Fire Sprinkler Systems in single family residences.

City Manager Baker reported that this Ordinance is designed to implement the 2010 California Building Code which requires private fire protection in new single family residential construction. Staff has identified changes which should be made in Chapter 11.23 of the Yreka Municipal Code to reflect the new law requiring fire sprinklers.

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 introduce the Ordinance as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Miner Street Farmers Market - Discussion/Possible Action – Adopt Resolution No.2991 amending dates of the Special Event known as the Miner Street Market to end September 28, 2012; and authorizing City Manager to approve street closure for alternate location and dates.

City Manager Steve Baker reported that on March 15, 2012, the City Council authorized the issuance of a Special Event permit for the Miners Street Farmers Market. At the time of the approval, the City Council discussed that the market was an experiment and should be evaluated to see, among other things, if it created any problems for local businesses on Miner Street.

City Manager Baker further reported that over the last week, the City received a number of complaints about the impacts of the farmers market on businesses on Miner Street and that on September 13, he contacted businesses on the block where the farmers market was being held.

Between the complaints and the discussion with local businesses, it appears that while the Farmers Market has brought visitors to Miner Street, some merchants believe that the blocking of the street has created parking and access problems affecting their sales negatively, net of any increases from the market. While supportive of the market in general, these businesses have suggested that the market be moved.

The Economic Development Council and staff have talked to Horse Creek Farms (the market manager) to see if moving the market is feasible. Despite research of alternate location on Miner Street, the merchants did not believe this would solve the problems with access to their businesses. Other suggestions to move the market to different locations were examined, however, the spaces were not large enough for the market configuration or relocating the market on short notice to a distant or significantly less visible location would make it unlikely that it could be found easily by potential customers.

At this point, if the market cannot be successfully moved off Miner Street, staff is recommending that it be terminated for the season. The original intent was to go to the end of October. In talking with the market manager about closure, they have requested to the end of September (two markets after this date) to allow notice to their vendors.

City Manager Baker stated that it is staff's recommendation that the Council adopt Resolution No 2991 amending the closing date of the Miner Street Market to September 28, 2012; and in anticipation of relocating the market to another location acceptable to both the Farmers Market vendors as well as the other stakeholders and the merchants in the area for the remainder of the 2012 season, authorizing City staff to approve an amended permit application to close alternate city streets/property, if requested.

In closing City Manager Baker stated that it is staff's recommendation that if the farmers market is to return next year, that an alternate location must be selected, and that a stakeholders' meeting should be held prior to the final selection of the site to identify possible issues and acceptable solutions.

Jill Harris, of the Siskiyou County Economic Development Council (SCEDC) addressed the Council and audience on behalf of Horse Creek Farm, the market manager for the Miner Street Market, who could not attend the meeting and asked Jill to read their prepared statement, which was submitted to the Council prior to the meeting as a part of the Council agenda packet.

The letter reads "Mayor Simmen, Council Members, City Staff, Fellow Citizens: Regrettably, Horse Creek Farm, the market manager for the Miner Street Market, could not attend this evenings city council meeting. I have asked a member of the SCEDC to read a prepared statement on my behalf.

In response to the recent communications from some merchants on Miner Street to the City Council and now that the market status is an item for discussion on the agenda, I felt it important that the market represent its efforts, the efforts of the vendors and the support provided by the SCEDC.

First and foremost the location for a downtown market was well thought out. Miner Street was selected because we wanted to highlight Yreka's beautiful and historic downtown. We also wanted to have a very visible market that would draw tourists and citizen alike to our downtown area. It is important to us that the businesses along Miner Street and our market vendors be successful. Our hours of operation 3:30 pm until 6:00 pm where chosen so people who work traditional work hours could shop at the market after work. It is important that the council, city staff, and especially the merchants recognize that ALL marketing done to promote the market highlighted "Miner Street". The marketing efforts included print ads, radio ads and multiple forms of social media and website presence. Our very name "Miner Street Market" tells customers where we are located. All efforts encouraged people to join us downtown on Miner Street. We want people to spend money at vendor booths AND at the businesses on the street. The SCEDC has even sponsored a contest for a \$100 gift certificate if people patronized the Miner Street businesses (not the market vendors) during market hours.

There are many examples of downtowns that have embraced their farmers markets and have felt the positive impact from these markets. Examples include Ashland, Chico, Redding, San Luis Obispo and our very own Mt. Shasta City. Unfortunately, we have not enjoyed that level of participation from our downtown businesses. We have been grateful for the efforts of our

Chamber of Commerce and other community based organizations, such as the Yreka Community Garden Club and even our very own Yreka High School. Our market is more than just selling, it is about community, where people come together to discuss ideas and events. It is where you'll find our elected officials mixing with their constituents. Oftentimes we have a band or music for people to enjoy. It is where new businesses are founded and getting their start. Bella Union Bath Company and Heartsong Pasta are two examples of entrepreneurs that could in a few years, move into the vacant storefronts downtown and help revitalize this city. We recognize that some of the Miner Street businesses believe that the market has negatively impacted their business due to lack of parking, this concerns us, but we must look at the whole picture.

Recently our market has been described as "an experiment". We find this terminology to be disturbing because when the city agreed to let us have a market on the 300 block of Miner Street from June 1 2012 until October 31, 2012 we took that commitment seriously.

As market managers and owners of a viable business in Siskiyou County we have a responsibility to our vendors and our business to close the market in a professional and respectful manner. We have a consistent group of 15 vendors that participate in the market. Their weekly sales range from \$100 to \$500 per market. We take pride in the fact that our market accepts EBT (CalFresh or Foodstamps) so that locally grown produce, meat, bread, baked goods, honey eggs, and pasta that is available to those customers along with other patrons. Our business, Horse Creek Farm, sells more vegetables and produce at the Miner Street Market than we did at two other markets combined. We know of two other vendors that routinely sell out of their products at the Miner Street Market. Closing the market will have a negative effect both for the vendors, customers, and the community. Having said this, we first agreed to end the market on October 12 (2 weeks early) now under continued pressure we have agreed to end the Market on September 28th, giving up the entire month of October.

We respect the Council's need to address the concerns of the businesses on Miner Street but wish to have the council acknowledge that the market is a legitimate business venture and we have treated it as such. We the market managers and the SCEDC wish to have a professional meeting with concerned stakeholders prior to any decisions being made for a market next year.

Sincerely and respectfully Floyd Latham, Owner of Horse Creek Farm and Miner Street Market Manager.

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Jill Harris also noted for the record a letter to the Yreka City Council from Dan Daniels, owner of New Traditions and Dulcimers & Wood Crafts located at 312 S. Miner Street stating that he is "in favor of keeping the market right where it is and fixing it."

Jeff Shinn addressed the Council on behalf of several members of the Miner Street merchants, stating that the merchants are very much in favor of the Farmers Market, just not at the Miner Street location.

After numerous attempts to work out a viable solution with the Farmers Market, the Miner Street merchants sent a letter to the City Council on September 11 hoping that the City could step in to help solve the problem. The letter reads:

“Dear City Council;

Many Miner Street merchants are continuing to see falling revenues on Fridays during the Farmers Market and we have come up with some possible solutions to help make all our Fridays a more positive event for our city. We like the idea of any events that will bring more business to town, but one our biggest problem is the lack of parking, and the Farmers Market location is making that problem and our revenues worse. We do like the idea to do a City wide gift certificate drawing, so please send us flyers for that. Thank you for that creative idea!

Our major concern is:

- *Revenues are falling on Friday, costing merchants thousands in lost sales;
- *Not moving the location will continue to cause a critical effect.
- *Also, THIS Friday because of the Homecoming parade, the streets are closed from 11:30 to 6:30 which will be horrible for our sales..... hence we need to make a change immediately.

So our solution is simple and easy to put into place and absolutely crucial:

Please just move the Farmers Market and keep Miner Street open. This will bring more of the major traffic to the Farmers Market and the businesses. Ideal location would be in the City Plaza under that nice shady arbor at the corner of Miner and Broadway Streets and the Market vendors could also be on North Broadway. Closing off Broadway Street will not affect many businesses at all and it could possibly be closed off on the other side (south) of Miner Street if more room was needed later. Alternatively, Miner Street Park or Fourth Street at the mouth of Miner Street could be other locations.

Please help us out! Thank you for your prompt attention and communication with us.

Sincerely, Surroundings, Natural Selections, Strings, Brickhouse Pizza, Don’s Sporting Goods, Miner Street Antiques & Décor, Farm Girl Antiques, and Gold Nugget Printing.”

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Following Council discussion, Council Member McNeil moved to adopt Resolution No. 2991 as submitted.

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

Mayor Simmen thereupon declared the motion carried.

Authorize the City Manager to engage the services of a Commercial Appraiser for City owned property located at 307 North Street and appropriate cost from Crandall Fund.

Following Council discussion, Council Member Mercier moved to authorize the City Manager to engage the services of a Commercial Appraiser and to appropriate the funds from the Crandall Fund in the estimated amount of \$1,800.

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

Mayor Simmen thereupon declared the motion carried.

Information: Water Rights – City of Yreka - Department of Water Resources Permits.

City Manager Baker reviewed with Council the memorandum prepared by City Attorney Mary Frances McHugh regarding the City of Yreka Water Rights (Permits and Licenses) from the State Water Resources Control Board.

In the Memorandum to the City Council, City Attorney McHugh reported that on Thursday and Friday, September 13, 2012, and September 14, 2012, the City received from the State Water Resources Control Board the following licenses and permits which were issued September 10, 2012: Water Right Permit 15379 (Application 2251) Fall Creek. The term for this permit is until December 31, 2022.

Water Right Licenses 6037 and 9850 (Applications 16392 and 18186) Yreka Creek Underflow Regarding Fall Creek, in 2022 the City will have to demonstrate that continued use under the permit is required to put the water to full beneficial use, or, will need to consider whether to seek a license which would be limited to the amount of water being used at that time. Full environmental review of permit renewal should be coordinated with the update of the City's General Plan. As a point of information, this permit term coincides with the projected timeframes set out in the Secretarial Determination Regarding the Klamath Dams. There are permit conditions that will have to be evaluated and complied with, those conditions are under staff review at this time.

The place of use of all of the water rights has been modified to include the entire City and the sphere of influence of the City as described in the General Plan adopted December 18, 2003, by Council Resolution 2457.

This permit renewal has required the devotion of significant City resources. Over the past 7 years, since submittal of the renewal request in December 2005, the City Attorney, City Manager Steve Baker, former City Manager Brian Meek, former Planning Director Pam Hayden, Public Works Director Steve Neill, and Water Manager Rob Taylor, all spent considerable time, including two trips to Sacramento to confer with State Water Board staff. The costs incurred for permit renewal included the services of Jennifer Buckman of the law firm of Best, Best & Kreiger (later Somach Simmons & Dunn); and Gwyn Mohr Tully of Tully & Young, as well as the services of Mark Teague and Merle Anderson of Pacific Municipal Consultants. It will be important to plan and set aside reserves to be prepared for what will likely be higher costs upon permit renewal in 9 years.

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. 053-681-070
 Third Party Negotiator: Cliff Brown, Philippe Lane Industrial Park
 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. 062-161-240
 Third Party Negotiator: Pine Mountain Realty LLC
 City Negotiators: City Manager and City Attorney
 Under Negotiation: Possible purchase including price, terms of payment, or both.

RETURN TO OPEN SESSION: Upon return to open session, City Baker reported out the following: Council Member Mercier left the meeting prior to closed session, leaving Council Members Bicego, McNeil, & Simmen to discuss the items in closed session. Due to the recusal of Council Member McNeil as to closed session item No. 2, the order of the closed session agenda was changed.

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)
 Agency negotiators: Steven Baker and Mary Frances McHugh
 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 the Labor Negotiators. No other reportable action was taken.

#3 Taken out of order as #2:

Conference with Real Property Negotiator (Government Code Section 54956.8)
 Property: Assessor Parcel No. 053-681-070
 Third Party Negotiator: Cliff Brown, Philippe 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. No other reportable action was taken.

#4 Taken out of order as #3

Conference with Real Property Negotiator (Government Code Section 54956.8)

Property: Assessor Parcel No. 062-161-240

Third Party Negotiator: Pine Mountain Realty LLC

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. No other reportable action was taken.

#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.

Council Member McNeil recused herself on the matter and left the room, and due to the absence of Council Members Foster & Mercier, the quorum was lost, and no further action could be taken.

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion October 4, 2012

Elizabeth E. Casson, City Clerk