

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
YREKA HELD IN SAID CITY ON APRIL 18, 2013

On the 18th day of April 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 read into record a Proclamation proclaiming May as National Bike Month and Bicycle Safety Month, the week of May 13-17, 2013 as Bike to work Week and Friday May 17, 2013 as Bike to Work Day.

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 April 4, 2013.
- b. Approval of Warrants issued from April 5, 2013 through April 18, 2013.

Following Council discussion, Council Member Foster moved to approve the items 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.

Adopt Resolution No. 3013 Authorizing a Use Agreement with Yreka Splash for the exclusive use of Ringe Pool and appropriating a contribution in the amount of \$32,500 to Yreka Splash for the operation of Ringe Pool.

Jason Darrow, President of Yreka Splash, submitted the following letter to the Council:

March 26, 2013

City of Yreka
701 4th Street
Yreka, CA 96097

Attn: Steve Baker, City Manager
Re : Ringe Pool Operating Agreement

Dear Steve;

The 2013 season is upon us and Yreka Splash (Splash) is again ready to assume the duties of operation to provide recreational swim opportunities to the families of the City of Yreka (City).

As you are aware, during the past several years, the City and Splash have worked together to continue to address operations and maintenance at the pool. We have jointly funded the replacement of the filtration system and the heating system and we have worked collaboratively to address on (and off) season maintenance. We continue to appreciate working together to ensure Yreka's families have a safe and enjoyable place to spend their Summer and the youth have programs to provide fitness, education and teambuilding opportunities.

This year we will need to continue our ongoing maintenance with the significant patching of the pool liner and the upgrade/replacement of the chlorinator. We estimate the combined cost for these items to be +/\$5,000.00.

This past year, the City funded Splash in an amount of \$32,500.00, plus an additional \$10,000.00 to offset the cost of the new heater. The organization has utilized the funds well and has augmented the City funds with over an identical amount from the community. Deferred maintenance is (as you know) just that- deferred.

This year we will rehabilitate the chlorinator and patch fiberglass to provide yet another year of life to the facility. Fortunately, these are items which we believe we can manage through minimal (\$2-3k) materials purchase and Splash volunteers. Thus we do not feel it necessary for the City to provide any additional funds beyond those provided for operation.

I do feel it prudent to also provide you with a bit more clarity regarding the activities of this past year and the current status of our proposed operations. As you may be aware, in early 2012 the then President and coach of Yreka Swim Team resigned and the Yreka Swim Team Board discontinued its activity. The program was effectively dead. As Yreka Splash became aware of the situation, I presented to my Board the suggestion that Yreka Splash provide one additional year of life to the swim team by taking over the team operations. It must be clear that the Yreka Splash charter is the operation of the pool and the provision of day-use, lessons and to provide availability for other community based programs. The operation of a swim team is far outside its charter or previous responsibilities.

Nevertheless, the Splash Board agreed to assume the additional responsibility for the 2012 season in the hopes that additional community members would emerge to assume the significant responsibilities of managing a competitive swim team. The season was a tremendous success from the standpoint of youth participation; however the community did not produce any additional leadership. Thus, while we will continue to make the pool available and will readily help any interested group with their forming, Yreka Splash will not be able to provide an additional swim team program.

As an additional component to the use of the pool, this past year Yreka High School expressed their inability to continue to fund the operational costs of a High School Swim Team. Again as the result of a commitment by the Splash Board, we elected to conduct additional fund-raising to offset the costs of the facility use beyond the sum the High School was able to provide. This past year, the operational costs for the 10-week High School season were in excess of \$15,000.00 and the School provided only \$3,000.00, thus Splash absorbed \$12,000.00 to continue the program through 2012.

The Splash Board acknowledged this year as an effort to provide the High School some time and also provide an interim year for the children, so they did not experience an abrupt end to what for many has been a four-year activity. It is unfortunate, but the High School did not provide any additional solutions or funding and this year Splash cannot again offset the costs of another organization's program.

Yreka Splash is comprised of a small group of individuals who over the past 7-years have given countless hours to the community to help support the longevity of swimming in Yreka. The past 12-months we have been central in coordinating a community-wide, multi-agency group to produce a long-term solution to the deferred maintenance and operation. However, in spite of our efforts, it does not appear that any other group is in a position to help drive a process, provide a funding commitment or provide institutional support. Thus we (the community) are at a crossroads.

Operating a pool is a significant endeavor which is usually undertaken by a Recreation Department within a city or in many cases a YMCA or fitness center. Revenues are generated from memberships in the case of fitness facilities and Y's and through tax revenue or recreation fees in the case of a City. Many communities face the same dilemma with their pools (and other infrastructure) as Yreka- it is old and there is not money in the current budget to conduct the necessary repairs. Additionally, most cities have been through a budget reduction and subsequent personnel layoffs and are "rethinking" their core missions and what it means to them to have a community. In this I am sure Yreka is no different.

Seven years ago, there was a call to action for the community. The pool was in danger of closing. The then council was conducting their decision-making process and the community showed a level of solidarity that let the policy-makers know that swimming was important. From that call to action, Yreka Splash was born, yet unfortunately that provision of a group seemed to allow the remainder of the community to feel that "things were in hand" and thus there was no longer a crisis. It is distressing, because as you are aware each year has been a crisis. Each year the Yreka Splash volunteers have done hundreds of hours of work to maintain the facility. Each year we have come back to the City to ask for "just one more extension, and just a bit more money."

Our pool is broken. It is beyond crisis and it requires a full-blown community development and funding campaign to get it fixed. As Yreka Splash has researched the costs for upgrading Ringe Pool, we have discovered that there is no easy or inexpensive solution. Our estimates indicate a 3-5 year process, with a total project cost of over \$1,000,000.00. Yreka Splash alone, without the human and financial support of the City, the High School, the YMCA and other stable partners will not be able to manage this process.

Many in the community will readily claim that we can receive grants to get a new pool. While there are certainly grant funds available, the process for generating the necessary documentation, community support and physically writing the applications would be a full-time commitment. This is to say nothing of the management of a construction process should we be successful. Additionally, grant funds are not a panacea.

As you are aware, grants will often have matches of local funds, will require detailed demonstration of the ability to cover the operating costs and maintenance post grant, and finally will often produce an additional cost to the community through administration and maintenance upon completion of the project. To have a new pool will require *more*, not less attention by the community. The maintenance costs may decrease, but the utility of the pool must be additionally leveraged which will mean "someone" to operate it, i.e. a Pool Manager. All of these things are possible; however as a starting point it will take money.

We (the community) would need to hire a full-time project manager who can engage the services of a community analyst to scope the capacity for revenue/endowment requirements for a new facility. The parents of Yreka Splash are heartbroken that we may not have a summer swim team this year and that we as a small group cannot offset the costs of the High School program and thus may not have a High School Team. We will do everything in our power to continue to offer programs at the facility until a solution presents itself or the pool reaches a state from which there is no further recovery. The patching and chlorinator may achieve additional year, after which it will (probably) be necessary to recoat the liner again. The tarps to retain heat are in tatters, the gutters are insufficient to provide current standards of circulation, the deck is buckled in numerous areas, the bathrooms are non-ADA compliant and the roof leaks ... we have an old pool.

Having outlined these items, Yreka Splash, at the Council's pleasure, will provide the following activities for the 10-week season to operate from June 1-August 9, 2013:

Daily Public Swim

Evening Public Swim

Daily Lap Swim

Swim Lessons

Water Aerobics

Mom & Me

Masters Swim Time

Opportunity for Events

Time for Swim Team

Thus, as we enter the season this year we make only one financial request: Provide an annual contribution of \$32,500.00 to allow Splash to provide identical services to the community as we did in 2012. I am pleased at any point to have a detailed conversation, should you wish to discuss the long-term future of the facility.

Thank you for your consideration.

Jason Darrow

City Manager Steve Baker reported that City staff has been meeting with representatives of Splash, the YMCA and the high school to come up with a long term solution to the pool's need for long term repairs. While all of these partners are supportive, the meetings have not resulted in a long term strategy for the capital investment needed nor the long term management of the pool.

Splash has been a great resource for the community and has kept the pool open for the last seven years. Staff is recommending providing the funding that Splash needs to operate the pool for the ten week season.

However, even the work of Splash's dedicated volunteers cannot erase the fact that the pool is old, needs significant upgrades and repairs and without an implemented long term plan, will reach the point where closure will be recommended. Staff recommends that the Council maintain its commitment to a long term plan, working together with our community partners.

Following Council discussion, Council Member Mercier moved to adopt Resolution No. 3013 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.

Approve the purchase of a used Bucket Truck to replace the existing Bucket Truck.

Director of Public Works, Steve Neill, reported that the bucket truck is in need of costly repairs once again. This vehicle is used primarily to maintain and repair street lights and to trim trees in the parks. Due to cumulative breakdowns, the Maintenance Division cannot perform these tasks in an efficient manner. The estimated cost to repair the vehicle is \$12,300. The bucket truck will need to be retired from the fleet in 2016 in order for continued compliance with the California Air Resource Board requirements, and due to the age of the vehicle, it does not qualify for funding assistance for repower or replacement. The estimated cost of a good used bucket truck could be up to \$60,000. Staff is requesting permission to purchase a used bucket truck utilizing Unallocated Capital Outlay Funds.

Following Council discussion, Council Member McNeil moved to authorize the purchase of a bucket truck utilizing unallocated Capital Outlay Funds.

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.

Direction to staff – National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer Systems (MS4's)

Steve Neill, Director of Public Works reported that on February 5, 2013, the State Water Resources Control Board adopted a Water Quality Order, which is a National Pollutant Discharge Elimination System Permit known as NPDES, that creates Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4's), typically referred to as the General Permit. The NPDES MS4 program is a federal mandate of the Clean Water Act.

The General Permit designates the City of Yreka as a Traditional Small MS4 and requires the City to manage its storm drain system in compliance with regulations in the General Permit such as file required reports and pay annual fees. Yreka is also required to implement controls to reduce the discharge of pollutants from its MS4 to waters of the State to the Maximum Extent Practicable. This means applying Best Management Practices that are effective in reducing or eliminating the discharge of pollutants to the waters of the State, which includes Yreka Creek.

The Department of Public Works recommends a proactive approach to compliance with the General Permit. An experienced consultant will be best to assist in preparing the required plan. Public Works staff will look for a consultant experienced with NPDES MS4 Permits and the North Coast Region who can assist with developing a plan that will minimize the impact to existing staff and project resources.

Following Council discussion, Council Member McNeil moved to authorize staff to begin the activities and tasks necessary to comply with the General Permit including issuing a Request for Proposals, selecting a consultant to prepare a plan and executing a consultant agreement.

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.

CLOSED SESSION:

1. Conference with Labor Negotiator Government Code Section 54957.6 (a)
Agency negotiators: Steven Baker and Liz Casson.
Employee Organizations: Yreka Police Officer's Association.
2. 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).
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. Laurie Gann, et al., Siskiyou County Superior Court Case No. YK-CV-UD-13-00175.
5. Conference with Real Property Negotiator (Government Code Section 54956.8)
Property: 307 North St., Yreka, CA
Third Party Negotiator: to be determined

City Negotiators: City Manager and City Attorney
Under Negotiation: Possible purchase including price, terms of payment, or both

- 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 Attorney Dohn R. Henion reported that the Council gave instructions to its real property negotiators, and that no further action was taken in closed session.

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

Attest:

David Simmen, Mayor
Minutes approved by Council
Motion May 5, 2013

Elizabeth E. Casson, City Clerk