

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
May 17, 2017– 6:00 p.m.

Meeting was called to order at 6:00 p.m. by Mayor Garnier.

Roll call of Councilmembers present: Brian Wilson, Kevin Stafford, Joe Franco, Mendy Schuster and Kathie Garnier.

Staff present: Jared G. Hancock, City Administrator; Jessica Ryan, City Attorney and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

Mr. Hancock requested an amendment of the agenda to include the addition of two items: 9H – Resolution No. 17-5383 approving a contract amendment with Mark Siemens Consulting and 9I – Proposing a relocation of the 2017 Farmers Market. In addition, a correction to Item 6A – Approval of Minutes and Item 9E – Resolution No. 17-5381 was requested due to minor corrections.

Councilmember Wilson asked if these were considered emergency items.

Mr. Hancock responded that the amendment to the contract with Mark Siemens Consulting was in anticipation of receiving the final billing, and the relocation of the Farmer's Market is something that the Lassen Land and Trails Trust has been looking at, but they contacted the City earlier today to request that the item be placed on the agenda. Due to the extra week between meetings, they were looking at receiving that authorization prior to the first event scheduled for June 3rd. The other two items were corrections which could be held over until the June 7 regular meeting, if the Council would prefer. Mr. Hancock explained that he was contacted by HUSA regarding an error they identified in the report, and in an effort to be as accommodating as possible with these requests, it was proposed that they be added to this agenda.

Ms. Ryan stated that the items were not considered to be true emergencies, and could wait until the next agenda.

Mayor pro tem Franco asked if the concern was that the public would not have adequate time to review the items.

Ms. Ryan responded that it was, and certainly the correction to the minutes is an item that could be put off until the next meeting. The request to relocate the Farmers Market is something that should have been submitted sooner. While it poses an inconvenience to not have a Farmer's Market and it is disappointing, it does not qualify it as an emergency.

Councilmember Wilson commented that he understands that there is not going to be a meeting sooner than the first scheduled Farmer's Market, however it puts the City Council in the position of having to make a decision on something that they have not been given adequate time to review. He does not support adding items at the last minute.

Mayor Garnier noted that the corrections to the HUSA Annual Report included corrections made to the end balance, and the date was listed as To Be Determined. They requested that the item be corrected prior to the meeting.

Ms. Ryan responded that correcting clerical errors were not significant material items and would not vastly change the content of the item.

Mr. Hancock explained that if the City Council did not want to add the items they could schedule a special meeting to consider these items. He understands the concerns expressed by Councilmember Wilson, however the addition of these items did not seem to meet the level of needing to interrupt councilmember schedules to hold a special meeting. However, the opportunity for the City Council to review the items, and to speak intelligently and make determinations on the subject is important and was considered. In an attempt to be as accommodating as possible to the different groups involved in these items and requests, he made the determination to add them to the agenda as opposed to scheduling a special meeting.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve the agenda with the amendments requested; motion carried. Ayes: Franco, Stafford, Schuster and Garnier. No: Wilson.

2 **PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS:** No business.

3 **CLOSED SESSION:** At 6:19 p.m. the Council entered into Closed Session to discuss the following:

- A PUBLIC EMPLOYMENT – pursuant to Government Code §54957:
Public Employee Performance Evaluation: City Administrator
- B CONFERENCE WITH LEGAL COUNSEL – anticipated litigation pursuant to Government Code 54956.9(d)(2): one
- C CONFERENCE WITH REAL PROPERTY NEGOTIATOR – pursuant to Government Code §59456.8:
 - 1 Property: Portion of APN: 107-280-09
Agency negotiator: Jared G. Hancock
Negotiation parties: City of Susanville/Sierra Pacific Industries
Under Negotiation: Price/Conditions/Terms
 - 2. Property: Susanville Municipal Airport Hangar #37
Agency negotiator: Jared G. Hancock
Negotiating parties: City of Susanville/Experimental Aircraft Association
Under negotiation: Price/Condition/Terms of Lease
 - 3. Property: APN: 101-270-10
Agency negotiator: Jared G. Hancock
Negotiating parties: City of Susanville/Lassen Community College
Under negotiation: Price/Condition/Terms of Lease
- D CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code §54957.6:
 - 1 Agency Negotiator: Jared G. Hancock
Bargaining Unit: SPOA

At 7:02 the City Council recessed closed session.

4 **RETURN TO OPEN SESSION:**

At 7:05 p.m. the City Council reconvened in Open Session.

Staff present: Jared G. Hancock, City Administrator; Jessica Ryan, City Attorney; James Moore, Fire Chief; Dan Newton, Public Works Director; John King, Police Chief; Deborah Savage, Finance Manager; Craig Sanders, City Planner and Gwenna MacDonald, City Clerk.

Mr. Hancock reported that prior to Closed Session, the City Council approved the agenda with an amendment to include the addition of Item 9H and 9I, and corrections to Item 6A and 9E. The City Council would be reconvening in Closed Session at the end of Open Session.

Mayor Garnier offered the Thought of the Day.

5 BUSINESS FROM THE FLOOR:

Tonya Peddicord, Susanville Real Estate, spoke in support of the Property Maintenance Ordinance. She explained that she has been a realtor with Susanville Real Estate for 14 years, and this ordinance will give property managers the teeth they need to require tenants to maintain their properties in the proper manner. She distributed photos of several of the properties around town that demonstrate a high level of neglect, and reinforced the need for the City to pass this ordinance.

6 CONSENT CALENDAR: Mayor Garnier reviewed the items on the Consent Calendar:

- A Approve minutes from the City Council's April 17 and 19, 2017 meetings
- B Approve vendor warrants numbered 100230 through 100342 for a total of \$330,272.70 including \$102,209.41 in payroll warrants
- C Receive and file monthly Finance Report: April 2017

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve the Consent Calendar; motion carried unanimously. Ayes: Wilson Stafford, Franco, Schuster and Garnier.

7 PUBLIC HEARINGS:

7A Consider approval of Resolution No. 17-5368 establishing and adopting Schedule of Fees for Services previously Resolution No. 16-5281 Ms. Savage explained that the City has various fees and charges for services that are established by resolution. Local governments charge fees for a wide range of purposes, from park use fees to building plan check fees and the amount the amount of the fee may not exceed the cost of government to provide the service. The fees are reviewed annually to determine that costs are being recovered and adjusted when necessary. Staff is submitting the Fee Schedule for fiscal year 2017-2018 with increases proposed in the Police, Fire, and Streets Mitigation funds based upon an annual Consumer Price Index (CPI) increase for the year ending December 2016. Ms. Savage added that the increase in those funds represents an increase of approximately \$50 for the average building permit for new construction.

Mayor Garnier opened the public hearing at 7:14 p.m. and requested comments from the public.

There being no comments, Mayor Garnier closed the public hearing at 7:15 p.m.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 17-5368; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

8 COUNCIL DISCUSSION/ANNOUNCEMENTS: None.

Commission/Committee Reports:

9 NEW BUSINESS:

9A Consider Resolution No. 17-5369 authorizing the City Administrator to execute a Utility Agreement for Reimbursement of Costs Associated with Relocation of Fire Hydrants along Main Street with Caltrans for the State's CAPM Overlay Project No. 02-4F990 Mr. Newton reported that

Caltrans has approached the City and requested the relocation of various water-related utilities to include three fire hydrants located along Main Street, relocation of a water main away from a proposed storm drain on Fair Drive and various water valve adjustments. These utilities are in conflict with proposed work associated with the installation of new ADA pedestrian ramps at several locations and desired improvements to the storm drainage system. Mr. Newton explained that the hydrant locations are at the following locations:

- Northwest corner of Park and Main Streets (Mazatlan Restaurant)
- The northwest corner of Sacramento and Main Streets (across from the T&A Lounge)
- The southwest corner of Fairfield and Main Streets (Stonehouse Sandwich Shop)

The Utility Agreement provides for reimbursement to the City once the facilities are relocated to locations outside the limits of work associated with the CAPM pavement overlay work, which is expected to begin the summer of 2018. The cost of the work presented in the agreement is based upon estimates prepared by the City and includes all material, equipment and labor necessary for bidding the project in the amount of \$112,066. Staff will prepare plans for the work and have the relocation performed by a qualified contractor in order to complete prior to the February 1, 2018 deadline. Once the work is completed, the City can request reimbursement for all costs associated with the project up to the amount of estimated cost specified in the agreement.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 17-5369; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

9B Consider Resolution Number 17-5378 authorizing Public Works Director to execute agreement with Mike Engman Company for the installation of a geothermal system drain located on South Street Mr. Newton explained that the Public Works Department has identified the need to install a geothermal drain on South Street. Due to the existing workload in the Public Works Department, Water Division, in addition to staffing constraints and the urgency of the project, staff is recommending that the improvements be performed by a qualified contractor. Mike Engman Company has been identified as being capable of performing the required work with the specialized equipment necessary. The proposal includes the labor and equipment necessary to install ductile iron pipe to bottom of drainage ditch to complete the geothermal drain. Materials to be provided by the City. The proposed cost is \$2,800 which is covered in the current 2016-2017 geothermal budget.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 17-5378; motion carried unanimously. Ayes: Wilson, Franco, Stafford, Schuster and Garnier.

Mayor Garnier announced that she would be recusing herself from consideration of the following item due to the proximity of the property to her business on Main Street.

Councilmember Wilson stated that he would also be recusing himself due to the location of his business on Main Street, and its proximity to the project location.

Mayor Garnier and Councilmember Wilson exited the Council Chambers. Mayor pro tem Franco assumed the role of chair.

9C Consider Resolution No. 17-5379 Finding of Public Convenience or Necessity (PCN) for the issuance of a Type 42, on-sale beer and wine liquor license Mr. Hancock explained that the item relates to the establishment of a new business at 2208 Main Street and the desire to sell alcohol at their

establishment. When receiving this type of request, the City utilizes Alcoholic Beverage Control's Census Tract information which establishes the number of businesses that can hold a Type 42 on-sale beer and wine license in the tract. It is necessary for the local governing body to approve the establishment of the license if there is an "undue concentration" of licenses in the census tract. The Bottle and Brush Art Gallery is a new business which will include a variety of uses including "bottle and brush" art classes, art shows, and wine tastings. The business will be open from 12 p.m. to 8 p.m. on Wednesday and Thursday, 12 p.m. to 9 p.m. on Friday and 10 a.m. to 9 p.m. on Saturday. It will be closed Sunday through Tuesday. The project is in a C-2 zoning district which requires a use permit for a bar, although the operating characteristics of the proposed use are quite different than that of a typical bar. The Planning Commission considered the use permit application on April 25th and unanimously approved the use at the proposed location and reviewed the proposed use. In order for the applicant to obtain a beer and wine license at this location, the City must make a finding that there is a public convenience or necessity for the license. Approval of this transfer will bring the number of retail locations to 8, according to ABC records. The Police Department reviewed the proposal as part of the use permit process and had comments related to parking, proximity of potentially intoxicated pedestrians to the roadway and pedestrian lighting.

Mayor pro tem Franco invited comments from the Police Chief.

Chief King stated he had received input from the patrol officers from different shifts, at different times of the week, and there are no issues with loitering or a rowdy crowd at that location, and there could be some parking issues later, but there was nothing noted that would cause any concern at this time.

Motion by Councilmember Stafford, second by Councilmember Schuster, to approve Resolution No. 5379; motion carried. Ayes: Stafford, Schuster and Franco. Abstain: Wilson and Garnier.

Mayor Garnier and Councilmember Wilson returned to the Council Chambers.

9D Consider Resolution No. 17-5380 authorizing the Fire Chief to sign the agreement with the State of California OES for Haz-Mat team training Chief Moore explained that the Fire Department was contacted by the State of California Office of Emergency Services with a need to place a Type II Hazardous Materials response team and vehicle in the area. The intent is to expedite the response time in the region, with a focus on the transportation of hazardous commodity transportation by rail. There is currently no response team in Lassen, Modoc or Plumas Counties. A formal letter was sent to Cal OES to request the assignment of the team and vehicle to be placed at the Susanville Fire Department. As part of the program, Cal OES is providing the required training for 17 team members as well as the fully complimented response vehicle. The six week training course was approved to be provided in Susanville with participation by team members from Plumas County, Lassen County, Cal Fire, and the City of Susanville.

Councilmember Wilson asked if the funding has to be expended first.

Chief Moore responded that the training occurs in six, one-week modules, and the State pays the contractor that will be coming to provide the training. The cost does not go through the City books. This part of the agreement is only related to training, and the item to approve the agreement for the vehicle would be coming at a later date.

Mayor pro tem Franco asked if the team would be subject to dispatch anywhere in the State.

Chief Moore responded that it would, and per the terms of the contract with OES, the team can be called out anywhere in the State for an assignment. There are 10 such HazMat teams located throughout the State.

The City would be reimbursed by the State for staff time when the team is called out, similar to the reimbursement process for fires.

Mayor Garnier stated that the diversity of response teams and the opportunity to have it based in Susanville is a great opportunity.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 17-5380; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

Mayor Garnier recused herself from consideration of the following item due to owning a building in the District, and she exited the Council Chambers.

9E Consider Resolution No. 17-5381, Resolution of Intention pursuant to Streets and Highways Code §36534 approving annual budget and scheduling public hearing to consider setting assessments for FY 2017/2018 Mr. Hancock reported that the Government statutes contained in the *Streets and Highways Code* that allowed for the creation of the Historical Uptown Susanville Association (HUSA) also requires the City Council to review the annual fiscal report of HUSA. The City Council may make changes or alterations to the report before approving it by Resolution. If the annual fiscal report is accepted by the City Council, then a public hearing is set to consider the levy of assessments for the upcoming fiscal year. If the City Council accepts the report, the public hearing could be set for Wednesday, June 21, 2017 at 7:00 p.m. to meet publication requirements. The report has been amended for a few minor clerical corrections, and copies have been provided to the City Council and made available to the public.

There were no questions or comments regarding the report.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Resolution No. 17-5381; motion carried. Ayes: Wilson, Stafford, Franco and Schuster. Abstain: Garnier.

Mayor Garnier returned to the Council Chambers and assumed her seat at the dais.

9F Consider appointment of 2017 League of CA Cities Annual Conference voting delegate Mr. Hancock reported the annual League of California Cities Conference is scheduled for September 13 through 15, 2017 at the Sacramento Convention Center this year. An important part of the Conference is the Annual Business Meeting, where the League membership considers and takes action on resolutions that establish League policy, change objectives and consider issues relevant to the members. In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate and up to two alternates. The voting delegate and alternate may be a Councilmember or the City Administrator. The City normally budgets for two Councilmembers to attend each year and he requested feedback from the Council regarding planned attendance.

Councilmember Wilson stated that he planned on attending the conference, and as the councilmember appointed to serve as the Committee appointed representative, he requested to serve as the voting delegate. He noted that in the past, the City has not typically limited attendance to two councilmembers.

Mr. Hancock responded that it is budgeted for two councilmembers to attend, however the budget can certainly be amended if more choose to attend. It is a valuable experience, and the attendance will be less expensive this year since it will be held in Sacramento.

Councilmember Stafford expressed interest in attending, and volunteered to be the alternate voting delegate.

Mayor Garnier stated that she would serve as the additional alternate.

Discussion occurred regarding Councilmember Schuster's interest in attending. Mr. Hancock added that there is a separate conference for newly appointed councilmembers, and it may be worthwhile attending.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to appoint Councilmember Wilson as the voting delegate, and Councilmember Stafford and Mayor Garnier as voting alternates; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

9G Consider Resolution No. 17-5382 approving Alliance for Workforce Development Job Placement program and authorizing City Administrator to execute agreement Mr. Hancock explained that staff was contacted by the Alliance for Workforce Development (AFWD) and informed that funding had been received to create a temporary job placement program to assist both individuals looking for job placement and agencies who have flood-related work to be performed due to the recent flooding events. The City provided the AFWD with a list of projects and a determination was made that the jobs associated with completion of the projects would qualify for the program. The AFWD would hire, screen and assign the staff to the City to perform jobs related to the flood-related projects, and there is no cost to the City. All wages, workers compensation, taxes and associated costs are to be paid by the Foundation for California Community Colleges through the AFWD. The City could identify team supervisors, and an assigned staff person to provide work direction, requirements and provide safety instructions and safety related equipment. In addition, the staff person would monitor and sign off on the completed work.

Councilmember Wilson asked how much of the funding received was assigned to the City of Susanville.

Mr. Hancock responded that it was estimated to be the equivalent of between 8 and 10 weeks of work for a 12-person crew, based upon a 40 hour work week. It was his impression that there are a number of agencies who expressed interest but were not able to utilize the program, based upon the nature of their projects and the requirement to be related to the flood event.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to approve Resolution No. 17-5382; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

Mr. Hancock explained that Item 9H and 9I were added to the agenda, however it was recommended by legal counsel that the City agendaize these items for consideration at a special meeting.

Ms. Ryan explained that the City has two choices; either agendaize for a special meeting, or if the City follows the provision in Government Code Section 54952, which requires a two-thirds vote, it will allow the Council to hear the item tonight.

Mayor Garnier stated that she wanted to make sure that everyone is comfortable with including the items on the agenda.

Councilmember Wilson stated that he is fine with allowing the items to be included, provided that an explanation is given as to why they should be considered tonight.

9H Consider Resolution No. 17-5383 approving Mark Siemens Consulting Agreement amendment Mr. Hancock explained that the City entered into an agreement with Mark Siemens Consulting to perform certain internal investigative work with a maximum contract value of \$25,000 in any single calendar year. Staff received notification from Mr. Siemens after the posting of the agenda it is likely with the work performed to date that the amount will exceed that amount, and to keep the process moving forward, it is proposed to increase the maximum expenditure to \$35,000 per calendar year to be funded from Risk Mitigation or Legal Services. Waiting to consider the contract increase until the June 7th meeting is determined to create an unnecessary delay in the process.

Councilmember Wilson asked if there will be a delay in the process unless the item is considered at this meeting.

Mr. Hancock responded that the other option is to schedule a special meeting, however waiting until the next regular meeting on June 7th would create an unnecessary delay.

Councilmember Stafford asked if the consultant has already exceeded \$25,000.

Mr. Hancock responded that he has not yet exceeded that amount, but he does expect to in order to complete the investigation.

Mayor pro tem Franco stated that he just wants to get the matter resolved and move on.

Mayor Garnier asked if a motion from the Council was required to move forward with Item 9H.

Mr. Hancock clarified that it requires two-thirds vote to consider the item and a majority vote for approval.

The City Clerk polled the Council and all Councilmembers were in favor of consideration of the item.

Motion by Mayor pro tem Franco, second by Councilmember Wilson, to approve Resolution No. 17-5383; motion carried by polled vote. Ayes: Franco, Wilson, Schuster and Garnier. No: Stafford.

9I Consider approval of relocation of 2017 Farmers Market to North Gay Street Mr. Hancock explained that the City Council has taken two actions in recent months that impact the Farmers Market. The Council approved a street closure to hold the Farmers Market on South Gay Street at Pancera Plaza, also, the opportunity became available through an open Transportation project to complete a significant rehabilitation of Pancera Plaza. HUSA has been supportive of the project and the City Council approved the allocation of funds to the project. The Lassen Land and Trails Trust were notified by the City that the location would not be available due to timing of construction and the project will not be completed prior to June. They have been working to identify alternative sites, and notified the City today that they had selected the site of North Gay Street which is the block on the other side of Main Street. The next City Council meeting is on June 7th and first scheduled Farmers Market is June 3rd. This item was prepared so that the council could give direction to staff, and if any of the documentation that is needed for the street closure will be brought back to Council if necessary.

Councilmember Wilson asked if the businesses on North Gay Street have been notified or are in favor of the relocation of the Farmer's Market.

Mr. Hancock responded that he believed contact has been made with the businesses, but he has not confirmed that it had.

Mayor Garnier stated that she was in favor of holding a special meeting to consider this item. There are a few Councilmembers who are uncomfortable regarding consideration of the item and it allows staff to make sure that the business owners have been contacted and agree to the relocation of the event.

Mr. Hancock responded that he would be happy to make contact with the business owners. The businesses have been very supportive of the Pancera Plaza project and staff could schedule a special meeting if there are any concerns.

Mayor pro tem Franco stated that he wanted to make it clear to the public that the City Council was not happy with the last minute changes to the agenda. It does not give the transparency to the public and the direction to staff was to hopefully reduce and avoid this situation in the future.

Mayor Garnier stated that her main concern was with Sierra Jewelry, as it would be the most affected by the relocation.

David Teeter, Board of Supervisors District 1 Supervisor, commented that the owner of the Sierra Jewelry business buys fruit every morning at the Farmer's Market, and is very supportive of the event. Mr. Teeter stated that the communication delay was his responsibility and he apologized to the City Council if a special meeting to consider the item was going to be needed.

Ms. Ryan stated that the City Council must first vote to determine whether or not it will consider and take action on the item. This would be followed by a vote to approve the item, or not.

The City Clerk polled the Council and all Councilmembers were in favor of consideration of the item.

Councilmember Wilson requested that staff make contact with the business owners on North Gay Street to be sure they were informed of the proposed change.

Motion by Mayor pro tem Franco, second by Councilmember Stafford, to allow the relocation of the 2017 Farmers' Market to North Gay Street beginning with the June 3, 2017 market; motion carried unanimously by polled vote. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

10 **SUSANVILLE COMMUNITY DEVELOPMENT AGENCY:** No business.

11 **SUSANVILLE MUNICIPAL ENERGY CORPORATION:** No business.

12 **CONTINUING BUSINESS:**

12A Consider Ordinance No. 17-1011 adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code: Waive the second reading and adopt Mr. Sanders reported that before the Council for consideration was the second reading of the Property Maintenance ordinance. The proposed ordinance adds a number of new sections and amends a few other chapters of the Susanville Municipal Code to provide the City with the appropriate tools to deal with some of the property maintenance issues that exist throughout the City. At this first reading, the City Council gave direction to make minor changes to a few of the sections. The first recommendation was related to vacant and neglected buildings. There was a

discussion regarding the length of time that a building could be boarded up and how to address the vacant property in the long-term. It was recommended that the period of time could be six months, with an additional six months if the property owner registered the building in a Vacant Building program. The program would charge a fee, which was originally listed as \$250 per quarter, however the City Council wanted to impose a higher fee of \$1,000 per quarter to participate in the program. Also included in that discussion was the concept that buildings which were destroyed by catastrophic means, such as a fire, and in those instances an additional six months, or 12 months beyond the initial six month period, would be allowed. In instances where there was a dispute with the insurance company, or some sort of investigation involving the property, it could potentially create a situation where the homeowner would not necessarily have immediate access to the property to complete the clean-up.

Mr. Sanders continued that in reference to establishing a fee, it was the recommendation of staff to establish those fees by resolution rather than ordinance. Fees that are charged for City services must be reasonable and related to the cost involved in providing the service. The City does not have direct experience with these types of monitoring tasks, and a resolution would allow more flexibility in the event that the fee needs to be modified or amended.

The second issue that the Council discussed was related to the parking of recreation and commercial vehicles. The initial proposal was to treat recreational vehicles much like you would a boat, snow mobile or those types of accessory vehicles that are typically transported by trailer. The ordinance provided that these smaller types of recreational vehicles could be parked on a driveway, provided that they didn't block the sidewalk, the garage door or access to the garage, and that the property owner could maintain the required off street parking which is typically two spaces. Direction was given to separate motor homes and recreational vehicles to allow those to be stored in a side yard or rear yard, as well as any non-recreational commercial vehicles under 20 feet, as long as they are on a paved surface if the property was developed after the year 2000 which is when City zoning required that off-street parking be paved. If the property was developed prior to that time, then the owner must demonstrate that they already had a developed gravel surface that they could utilize as a parking area.

Mr. Sanders explained that the effect of this requirement is that it will severely limit people who do not have alley access to their back yard, or are limited on the amount of space in the side yard, as is the case with many of the newer subdivisions in town. This may create a bit of push back from some of those property owners.

Mr. Sanders continued that one other issue was brought up by a member of the public regarding the property maintenance portion of the ordinance where there was no set heights for weeds or grass to be cut, so staff inserted a four inch maximum height which is consistent with the same height in the neglected buildings portion of the ordinance. Mr. Sanders invited questions and comments from the City Council.

Councilmember Wilson requested clarification regarding the requirement to pave the parking space for the RV, and asked if the homeowner had an existing gravel space next to the house, if they would be required to pave it.

Mr. Sanders responded that the requirement is based upon when the property was developed, and if the homeowner has an existing gravel space and it was developed prior to the year 2000 then it is not necessary to pave it. If the property owner is putting in a new parking space for an RV then it must be paved. He explained that the main intent of the section is to prevent people from parking the vehicles on their front lawn.

Mayor pro tem Franco commented that if there is flexibility to allow for a situation where the vehicle is being parked on gravel or in such a manner that it is not unsightly, there should be an opportunity for people to come in and have an appeal process and explain their situation.

Mr. Hancock thanked Mr. Sanders for the time that he has put into developing the ordinance and he wanted to add a few clarifying points. What the ordinance had originally was that in a residential area, if you have an RV, boat or trailer, you could park it on a paved surface and that could be in the driveway, or off to the side, or even in the front yard, provided that it did not impede access to the garage. During the first reading of the ordinance, a few members of the public keyed into a different section of the ordinance related to commercial vehicles over 25 feet. The City had already addressed recreational vehicles elsewhere in the ordinance, but they were concerned that the language in the commercial section would impact their ability to have a motor home, so staff basically amended the ordinance to read that no front yard parking would be allowed for an RV, and that it had to be maintained in a side or rear yard. As staff looked at the language further, it was determined that this would prevent many people from storing a recreational vehicle in the side yard due to the standard five foot set-back requirement that exists in many neighborhoods. The side yards are often just too narrow. With all of that taken into account, the language related to commercial vehicles or anything over 25 feet not being permitted in a residential area and anything under that length having to be in a side or rear yard is the appropriate language and should not be modified. The original language that would allow parking an RV in the front yard still makes sense, but we should clarify at what point is it required to be paved. If the parking area is already established as gravel parking, and maintained, the City could just require that newly established parking areas be paved. It could establish that if a homeowner is going to create a parking area off to the side, then gravel, concrete, or even concrete strips could work, then staff would probably recommend establishing some sort of maximum percentage of the front yard could be used as parking, or limit the number of vehicles or trailers so the entire front yard doesn't turn into a vehicle storage area.

Mr. Hancock continued, explaining that the first item to address is whether to address the requirement under the commercial section or leave it where it was originally. If there is some consensus by the Council then we can iron out a few of those details where there is still flexibility and there will be something workable as there are a number of people whose lots are narrow, with no alley access and it would be frustrating for them to not have any option to park in the front yard if they have room.

Mayor Garnier stated that she did not want to force anyone to have to store their vehicle off site or in Reno when they had a place to park it at their home. She gave the example of a homeowner who has a garage converted to become part of the home, so an RV parked in front of the garage area is not going to prevent access to a usable garage, and asked what would be done in that case.

Mr. Sanders responded that in all likelihood, the house and garage conversion probably occurred before the City Zoning Code required two off-street parking spaces, and they are most likely just parking their vehicle on the street. The City would have to look at those cases individually.

Mr. Hancock added that the situation does create a challenge because typically you have a garage, and now the homeowner has to make the conversion look like part of the house as well as create two off-street parking spaces. It is an important part of the Susanville Municipal Code because of the types of winters we experience, the requirements to plow, and there has to be a place to move the cars to in order to get them off the street.

Mayor Garnier commented that not everyone can afford concrete for a parking space, but they may be able to afford gravel.

Councilmember Wilson stated that the ordinance needs to have an improved definition of designated parking space.

Mr. Hancock stated that the first question for consideration is whether or not to leave the question of parking recreational vehicles in the old section, or put it in the commercial vehicle section.

Mayor Garnier remarked that the commercial section refers to commercial vehicles, and recreational vehicles are something else.

Councilmember Schuster stated that at the first reading, Mr. Askey informed the Council that his RV was 37 feet long.

Mayor Garnier commented that normal driveways would not accommodate a vehicle of that length, and then you would have RV's sitting in the front yard all the way down the street.

Mr. Hancock explained that at the last meeting it was requested by the public to amend the commercial section to cover that issue and it was already addressed in another section. Length was unrelated when discussing commercial vehicles, as it was addressing tractor trailers, trucks, and those types of vehicles. For the ease of people trying to look up in the Code and determine what the requirements are, they are not going to intuitively go to the commercial vehicle section to see what they have to do in order to comply. It would be his recommendation to leave the language in the original section. Mr. Hancock quoted the section related to the parking of recreational vehicles as follows:

C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational vehicles, wood splitters or other similar vehicles and equipment on residentially used property is prohibited as follows:

- 1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.*
- 2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.*
- 3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;*

4. *When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.*

5. *In an abandoned, inoperative, wrecked or dismantled condition;*

Mayor Garnier asked if the ordinance could address paved surfaces versus gravel.

Mr. Hancock referred to Section 1, and suggested that it be approved on a designated gravel, concrete strip, concrete or asphalt parking area and does not occupy more than 60 percent of the front yard. So, if it is on your driveway, and you have a pre-existing gravel driveway, then RV's could be parked there if the property was developed prior to 2000. If it was developed post 2000, then it has to be paved. If a homeowner wants to create additional parking outside of the gravel driveway, then it must be parked on concrete provided that it does not occupy more than 60 percent of the front yard.

Mr. Hancock noted that he received nods of confirmation from all council members. He indicated that the direction from legal counsel is that the reading for the ordinance at this meeting be considered the first reading, and not the second reading, due to the significance of the changes.

Councilmember Wilson referred to the last item, the establishment of a four inch maximum height for grass and weeds, and asked if it would be applied to any lot in town, since there is a lot of open land in the City or if it would be required for improved properties only.

Mr. Sanders responded that Section 6 of the proposed ordinance refers to vacant or unoccupied properties.

Councilmember Wilson responded that on his drive to City Hall, he noticed between 15 and 20 houses that would likely be in violation of that section of the ordinance.

Mayor pro tem Franco stated that the ordinance refers conditions that would be injurious to public safety, health and welfare or depreciates the value of neighboring properties.

Linda Robinette explained that she is a member of the Susanville Planning Commission but was present as a member of the public. She stated that at any given time, her yard violates a number of the requirements of the ordinance, but she is busy and with the extra rain and snow that the City received this year, the weeds are really growing, but she plans on getting out there and taking care of it. Her yard isn't bringing down the value of the neighbor's home, and this ordinance is for those egregious properties that have been blighting the neighborhood for years. This gives the City tools that it needs to be able to contact these people with broken down, rat-infested vehicles and junk piled all over the yard and tell them that they need to clean up their property. Most of the time, people will comply with the notice from the City and they clean up their property. This ordinance is meant for those citizens who won't, and it gives the tools needed to help clean up neighborhoods.

Tonya Peddicord stated that she went and took pictures of the top five worst properties, but there are plenty of others. She suggested starting at the top with the worst offenders, as there are some properties that have sat for decades in the condition that they are in. She asked if the parking section regarding recreational vehicles could include some sort of temporary allowance for people who are loading up to go fishing or camping so that they have time to pack up their vehicles.

Mr. Sanders responded that the allowed time is 72 hours and it is already in the Streets Code.

Mayor pro tem Franco noted that the discussion seemed to be stuck on the four inch grass height.

Councilmember Wilson commented that he did not think that it was necessary.

Mayor Garnier stated that the ordinance needs to include some sort of standard, and it helps prevent the grass and weeds from getting taller and turning into a fire hazard. Including a limit provides consistency so it isn't just a person interpreting when the grass is too tall, and it is consistent with the height listed in the vacant buildings section.

Raj Baines stated that he has been dealing with his neighbor's property for ten years, and the City needs a guideline for residential and commercial properties. The majority of people take care of their yards, but the City needs something for those who don't, like his neighbor. The City has some bad apples who do not want to take care of their property.

Mr. Hancock explained that the City has to remember the remedy, which would first be to issue a courtesy notice and provide the property owner with the opportunity to take care of the problem. The finding has to be made that the height of the grass is injurious to the health and welfare, and the reality is that if the City establishes a four inch maximum height as a guide, and if they don't take care of it, then it will go to the Planning Commission which serves as the Hearing Board, and the property owner will have the opportunity to make a case before an independent body and they can present the reasons why they do not feel that the conditions are an issue.

Mayor pro tem Franco agreed that the language as written spells out the situation that has to exist in order for the property to be a problem, and he stated that this is geared towards the really significant violators.

Mayor Garnier supported including the four inch maximum grass and weeds height as written. She added that initially when the ordinance was presented, she anticipated more opposition by property management companies, because she is aware of the amount of work that this will create for them to achieve compliance by their tenants. However, it sounds as if they are supportive of the ordinance.

Linda Robinette stated that she was present tonight in support of Vicki Lozano who manages many properties in Susanville. She could not be here herself and is very much supportive of the ordinance. It gives the property management companies some leverage to help enforce standards of maintenance that they expect their tenants to keep.

Mr. Hancock explained that all throughout this process, the City has received overwhelming support from the property management and real estate community and hopefully the majority of the residents will take the approach that it is in the best interests of the community. This has been a long time coming, and it is about setting a minimum standard, and everyone doing their part. If staff and the community can stand behind the ordinance then it will improve the community for everyone.

Mr. Hancock summarized that since the last meeting, there have been changes and incorporations made to the document. The first was to increase the fee to participate in the vacant building program from \$250 per quarter to \$1,000, and only buildings that were damaged catastrophically or experiencing some sort of insurance issue could extend an additional six months. The second change would be to keep the parking section as it was originally worded, with recreational vehicles separate from commercial, and that it will

allow the parking of trailers, campers, and recreational vehicles on the property provided that it is not obstructing the garage, and that they have a minimum of two spaces of off-street parking. If they want to use a surface other than the driveway, then it has to be graveled, parking strips, concrete or asphalt, with no more than 60 percent of the front yard space for parking and storage of vehicles. The commercial vehicle section would be restored to what it was previously, with anything over 20 feet not permitted, and anything under must be restricted to the side or rear yard. The addition of the grass and weed height restriction of 4 inches will be left in based upon the fact that the finding has to be made that it is injurious to the health and safety and is creating depreciation of property value. This reading will be considered to be the first reading, and the recommendation by staff that the fees for the property monitoring program will be implemented by resolution like the other fees at the City.

Motion by Mayor pro tem Franco, second by Councilmember Wilson, to waive the first reading and introduce Ordinance No. 17-1011; motion carried unanimously. Ayes: Franco, Wilson, Stafford, Schuster and Garnier.

13 CITY ADMINISTRATOR'S REPORTS:

13A Setting date for Fiscal Year 2017/2018 Budget Workshop Mr. Hancock stated that staff is tentatively proposing to schedule a budget workshop for May 24, 2017 at 3:00 p.m. and then a second on June 7, 2017 at 5:00 p.m. if a carry-over meeting is needed.

Mayor Garnier informed the Council that she would not be available during the week of May 24th.

Mayor pro tem Franco asked how long the workshop was expected to take, and asked if the Council would waive holding closed session on June 7th.

Mr. Hancock proposed beginning the meeting at 4:00 p.m. on Wednesday, June 7, 2017. It would begin with Closed Session, followed by the budget workshop and then immediately going into the open session regular City Council meeting afterwards. If members of the public chose to attend the budget workshop, they could stay in attendance for the regular meeting as well.

It was the consensus of the City Council to do so.

14 COUNCIL ITEMS:

14A AB1234 travel reports:

15 ADJOURNMENT:

At 9:11 p.m. Mayor Garnier called for a five minute recess prior to reconvening in closed session.

Closed session adjourned at 10:34 p.m. Mr. Hancock announced that there was no reportable action taken.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to adjourn; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

Meeting adjourned at 10:35 p.m.

Respectfully submitted by

Kathie Garnier, Mayor

Gwenna MacDonald, City Clerk

Approved on: June 21, 2017