

SUSANVILLE CITY COUNCIL
Regular Meeting Minutes
June 19, 2019– 6:00 p.m.

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

Roll call of Councilmembers present: Brian Wilson, Joseph Franco, Brian Moore, Mendy Schuster and Mayor Kevin Stafford.

Staff present: Mike Wilson, City Administrator and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve the agenda as submitted; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Moore and Stafford.

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: No comments.

3 CLOSED SESSION: At 6:01 p.m. the Council entered into Closed Session to discuss the following:

- A CONFERENCE WITH LABOR NEGOTIATORS - pursuant to Government Code Section §54957.6
 Agency Negotiator: Michael Wilson
 Bargaining Unit: Susanville Peace Officers Association (SPOA)
- B PUBLIC EMPLOYMENT – Pursuant to Government Code Section §54957
 - 1 Contract City Attorney Services
 - 2 Approved Position List

4 RETURN TO OPEN SESSION:

At 7:00 p.m. the City Council reconvened in Open Session.

Staff present: Mike Wilson, City Administrator; Dan Newton, Public Works Director; Kevin Jones, Police Chief; Dan Weaver, Assistant Fire Chief; Quincy McCourt, Project Manager; Deborah Savage, Finance Manager; Anthony Hanner, Building Official; Marlin Johnson, City Planner and Gwenna MacDonald, City Clerk.

Mr. Wilson reported that prior to Closed Session, the agenda was approved as submitted. The City Council met in Closed Session and no reportable action was taken.

Mayor pro tem Franco provided the Thought of the Day.

Chief Jones introduced Officer Terra Avilla who presented a Certificate of Recognition for Police Explorer Captain Dakota Faith Benjamin Sohoo. Officer Avilla discussed the activities and accomplishments, adding that Captain Sohoo served a valuable leadership role for the group.

5 BUSINESS FROM THE FLOOR:

John Chan discussed the June 8th We Heart Memorial Park event. It was a church-focused event with approximately 200 people in attendance and they collected over 100 signatures. Another event is planned for July 13th that is more community focused, and he invited the police department and those in attendance to participate.

6 **CONSENT CALENDAR:**

- A Approve minutes from the City Council's May 15, 2019 meeting
- B Approve Letter of Understanding with the Susanville Police Officers Association (SPOA)

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

7 **PUBLIC HEARINGS:**

7A **Consider Resolution No. 19-5666 adopting Budget for Fiscal year 2019/2020** Ms. Savage reported that the City conducted budget workshops on May 23rd and June 13th to solicit input from the community and receive direction from the City Council regarding the proposed fiscal year 2019/2020 budget. The budget is being presented as Exhibit A for adoption and reflects the financial data presented during the workshops. She reviewed the department requests that were included as follows:

- Police Department revenue increase \$7,500 for SLOT grant
- Police Department net expense increase of \$38,363 for dispatch/animal control, gasoline, etc.
- Fire Department net expense decrease \$2,188
- Building Department expense increase of \$10,153 for training and new code books
- Transfer out to Streets increase \$66,000 for Road Maintenance and Rehabilitation Account Maintenance of Effort (RMRA MOE)

Ms. Savage noted that the changes have increased the General Fund deficit spending to (\$568,911), and maintains the current level of City services.

Councilmember Wilson asked if the deficit includes funding received through the Tobacco grant. Ms. Savage responded that it did not.

Chief Jones added that a new round of Tobacco Grant funding would be coming soon and the City would be applying.

Councilmember Wilson requested that the commitment to bring back a spending plan that was discussed at the June 13th budget workshop be included in the language of the resolution adopting the budget. The resolution could be modified to include that condition of having the plan by September 18th without bringing back for Council approval.

At 7:12 p.m. Mayor Stafford opened the public hearing and requested comments from the public.

There being no comments, Mayor Stafford closed the public hearing at 7:13 p.m.

Mayor Stafford commented that he did not feel comfortable with the deficit budget, and did not feel as if the Council should wait until September to take action regarding possible freezing of positions, freezing salaries, and cutting additional department costs.

Mayor pro tem Franco stated that he sees the City moving in that direction, but he does not see a problem with bringing back a plan in September.

Motion by Mayor pro tem Franco, second by Councilmember Moore, to approve Resolution No. 19-5666; motion carried. Ayes: Franco, Moore, Schuster and Wilson. No: Stafford.

7B Consider Resolution No. 19-5667 establishing appropriations for Fiscal Year 2019/2020 Ms. Savage reported that by law, Cities are limited to annual appropriations for revenue that are funded by proceeds of taxes for the fiscal year. The appropriation is calculated by various factors, and the limit for 2019/2020 for the City is \$11,533,787. It is anticipated that the City will collect approximately \$5,256,000 in revenue for the fiscal year.

At 7:16 p.m. Mayor Stafford opened the public hearing and requested comments.

There being no comments, Mayor Stafford closed the public hearing at 7:17 p.m.

Motion by Councilmember Wilson, second by Councilmember Schuster, to approve Resolution No. 19-5667; motion carried unanimously. Ayes: Wilson, Schuster, Franco, Moore and Stafford.

7C Consider Resolution No. 19-5668 conducting Cost Hearing for abatement at 250 N. Spring Street Mr. Hanner reviewed the work and cost that has been expended to abate a nuisance at 250 North Spring Street. The Municipal Code sets forth the procedure for the City to abate nuisance properties when the owners are unresponsive to the orders by the City to clean up their weeds, rubbish and other nuisances. The owner of 250 N. Spring Street was notified on numerous occasions of the nuisance on his property, and at a public hearing the Susanville Planning Commission heard testimony and issued a Nuisance Abatement Order. The costs of that abatement must be presented to the City Council for approval. If approved, the costs will be a personal debt against the property owner.

Councilmember Wilson asked if the property owner responded to the letters and notices that were sent.

Mr. Hanner stated that he did not speak to him personally, however he signed the consent notice to allow the City access to abate the property.

At 7:19 p.m. Mayor Stafford opened the public hearing and requested comments.

There being no comments, Mayor Stafford closed the hearing at 7:20 p.m.

Motion by Councilmember Schuster, second by Mayor pro tem Franco, to approve Resolution No. 19-5668; motion carried unanimously. Ayes: Schuster, Franco, Moore, Wilson and Stafford.

8 COUNCIL DISCUSSION/ANNOUNCEMENTS: Commission/Committee reports: No business.

9 NEW BUSINESS:

9A Consider approval of vendor warrants numbered 204064 through 204163 for a total of \$274,372.06 including \$207,477.13 in payroll warrants Ms. Savage reviewed the vendor warrant report.

Motion by Mayor pro tem Franco, second by Councilmember Moore, to approve the vendor warrants as submitted; motion carried unanimously. Ayes: Franco, Moore, Schuster, Wilson and Stafford.

9B Consider Resolution No. 19-5669 approving copier lease agreement with Ray Morgan Company and authorizing Mayor to sign Ms. Savage reported that the copiers at City Hall and the Police Department are getting older and breaking down regularly, with both copiers having over a million copies produced. The Finance Department machine prints thousands of bills each year, and is in need of replacement. The cost for leasing two machines for the Finance Department and Police Department is budgeted for fiscal year 2019/2020, and the lease option quote would save the City \$1,016.59 for higher capacity, faster machines.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 19-5669; motion carried unanimously. Ayes: Franco, Schuster, Moore, Wilson and Stafford.

9C Consider Resolution No. 19-5670 accepting receipt of donated funds from SIR and Five Tribes Development Holdings Chief Jones explained that the City has been in negotiations with the Susanville Indian Rancheria (SIR), and with the help of City Administrator Wilson, the Department has been fortunate to receive the generous contribution of cash from SIR in the amount of \$69,000 for the purchase of two new vehicles for the Police Department. A resolution accepting the donation must be approved by the City Council.

Mayor Stafford asked if the City was getting closer to negotiating a Public Safety MOU with SIR.

Mr. Wilson responded that negotiations are still in progress.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve Resolution No. 19-5670; motion carried unanimously. Ayes: Wilson, Franco, Moore, Schuster and Stafford.

9D Consider Resolution No. 19-5671 authorizing the purchase of two vehicles for the Susanville Police Department Chief Jones stated that this agreement ties in with the acceptance of funds from the Susanville Indian Rancheria. Staff has received quotes from Susanville Auto Center to purchase two vehicles in the amount of \$57,917.08 and a budget authorization is required. It will take approximately 2 to 3 months to fully equip the vehicles.

Motion by Councilmember Moore, second by Councilmember Schuster, to approve Resolution No. 19-5671; motion carried unanimously. Ayes: Moore, Schuster, Franco, Wilson and Stafford.

9E Consider request for Civic Contribution donation from the Lassen County Arts Council Mr. Wilson explained that the Lassen County Arts Council has requested financial assistance to assist with their transition back to financial solvency. The Council has a new Interim Board in place, and with the help of many qualified community members, are working towards cleaning up past debts. The Lassen County Arts Council supports arts in education programs, provides gallery space for numerous art exhibitions, and they would like to expand their art instruction to the local community.

Karen Simon stated that she has returned to the community after several years away, and she is very excited to work on bringing the Arts Council back to the community.

Councilmember Wilson asked how much money was left in the 2018/2019 Civic Contribution fund, and if the Fair would be requesting money for the Fair events.

Ms. Savage responded that the balance remaining is \$5,000, and the Lassen County Fair contribution would be funded from the 2019/2020 budget.

Councilmember Wilson commented that it has been several years since the City has received a request from the Arts Council, and is happy to see it back together, as it is an important group in the community.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve the civic contribution request in the amount of \$2,000; motion carried unanimously. Ayes: Wilson, Franco, Moore, Schuster and Stafford.

9F Consider request for Civic Contribution donation from the Lassen County Fair for the Bluegrass Festival Mr. Wilson stated that the City received a sponsorship request from the Bluegrass Festival Director in the amount of \$5,000 for the upcoming 2019 Bluegrass Festival. Last year's event reportedly brought over 500 people to the community, including 93 campers, and it is anticipated that this year's festival which is scheduled for June 21 – 23, 2019, will attract similar numbers.

Jim Wolcott, Lassen County Fair Manager, thanked the City Council for its generous support of the Fair Events and the Bluegrass Festival. He stated that any amount that the City could contribute for the upcoming weekend events would be very much appreciated. There are currently 73 campers at the fairgrounds, and it is expected that there will be more by the weekend.

Gary Felt asked if the campers are charged a fee or Transient Occupancy Tax for their stay at the fairgrounds.

Councilmember Wilson and Mayor Stafford both stated that the City does not charge fees for campers at the Fairgrounds, and the question would have to be directed to the County.

Mayor pro tem Franco stated that it is a great event that brings people to the community to spend money on food, gas, and he asked if it was anticipated that the event would ultimately pay for itself.

Mr. Wolcott responded that the event has seen its ups and downs, but the ultimate goal is for it to be a self-sustaining event for the community.

Councilmember Schuster commented that it is a very nice event for the whole family, and good for the community.

Motion by Councilmember Moore, second by Councilmember Schuster, to approve the donation for the Bluegrass festival in the amount of \$3,000; motion carried unanimously. Ayes: Moore, Schuster, Franco, Wilson and Stafford.

9G Consider Ordinance No. 19-1016 adding Chapter 5.40 entitled "Mobile Food Truck" to the City of Susanville Municipal Code: Waive first reading and introduce Mr. Johnson reported that the City Council has expressed an interest in supporting the operation of food trucks within the City limits, and the current Zoning Code allows mobile food trucks by Use Permit. The Use Permit process adds a layer of Planning Commission approval and considering the amount of State and County regulations that are required for food trucks to legally operate, including State inspections, approval of the County Health Department, and in many cases an inspection by the Fire Department, and a City business license, it seems to be a cumbersome process. The proposed ordinance is modeled after an ordinance passed by Lake Elsinore, and it imposes common courtesy and common sense regulations while providing a clear path to the operation without adding a special use permit. Mr. Johnson noted a section where staff recommended adding Mobile Food Carts to the definition of food trucks.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to waive the first reading and introduce Ordinance No. 19-1016; motion carried unanimously. Ayes: Franco, Schuster, Moore, Wilson and Stafford.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 **CONTINUING BUSINESS:**

12A **Consider establishment of City Mission/Vision Statement and Core Values** Mr. Wilson reported that staff was directed by Council at its April 17, 2019 meeting to pursue the establishment of a City Mission Statement, Vision Statement and Core Values Statement. Staff opened the discussion by requesting feedback from City employees, and many suggestions were received. Mr. Wilson reviewed the ideas submitted by staff.

Councilmember Schuster stated that she liked the following Mission Statement suggestion:

We are committed to providing quality public service in a fiscally responsible manner while preserving Susanville's vibrant history. We believe in treating our community with the upmost respect and making Susanville a safe place to live, learn, work, and raise a family all while enjoying the natural beauty of Northeastern California.

Mayor pro tem Franco suggested that staff continue to work on development of the concepts, and that the City really couldn't go wrong with any of the ideas.

It was the consensus of the Council for staff to continue working on the development of City Mission/Vision Statement and Core Values.

13 **CITY ADMINISTRATOR'S REPORTS:**

13A **Discuss an ordinance that allows camping within the City of Susanville with certain restrictions** Chief Jones reviewed the Susanville Municipal Code section regarding camping within the City of Susanville, or the storage of personal property, camp facilities and paraphernalia. He stated that the City Attorney prepared a brief regarding how recent case law affects the City's camping ordinance, and how the Code sections prohibiting camping or storing personal property in public places could be interpreted as criminalizing homelessness. Chief reviewed the case of *Martin v. City of Boise*, where the 9th Circuit Court of Appeal held that the Eighth Amendment's prohibition on cruel and unusual punishment bars a city from prosecuting people criminally for sleeping outside on public property when those people have no home or other shelter to go to.

Chief Jones reviewed the details of the Boise case where it was determined that there were not enough beds among the shelters to house the entire homeless population, and although there may be shelter available in Susanville for those in need, the shelter may not always be available. To enforce the City's ban on camping on public property may subject the City to litigation. An ordinance could be passed to modify the City's Municipal Code so that restrictions could be in place to prohibit camps from certain areas, and to make unlawful camping a misdemeanor and not infraction.

Councilmember Schuster referred to the attachment which stated that the number of documented homelessness that had received assistance was low. It seems that the problem is more an issue of transient than homeless, and she liked the way the current ordinance was written. We need a multi-prong approach that addresses a growing problem. There are a lot of churches in town that might help provide assistance in addition to Crossroads. It does not seem that many of them stay long.

Chief Jones responded that he would like to agree that it is a transient problem, however in his experience the majority of the people his department deals with have lived in Susanville for years.

Mayor pro tem Franco commented that he had watched a video regarding the homeless problem in larger cities such as Seattle and Santa Barbara, it seems that often it is a drug problem, and not necessarily a homeless problem. The focus should be on identifying the problem, and get them the help they need.

Homelessness is often a component of a drug problem, but all homeless people are not necessarily addicted to drugs.

Chief Jones added that while drug problems are increasing, a majority of the time it is a mental health problem, and many do not take advantage of the help that is available.

Thomas Wasson discussed his experience with getting to know the population along the river to identify what the problems might be, and in many cases they are from out of the area. They come to Susanville because it's a nice place to hang out, there are services that they are able to convert to money to buy drugs, and they are well versed on the law, the protocol and they can work the system to support their drug habits.

Mayor pro tem Franco stated that it would be important to identify the gathering places, focus on routine patrolling of those areas, and make it unpleasant for people to congregate. The City cannot turn a blind eye and needs to be proactive and let them know that the activity is not welcome.

Chief Jones responded that the Municipal Code does not address loitering, and the officers can encourage people to move along but there are really no teeth in the existing ordinance to be able to cite them.

Councilmember Wilson commented that he does not like identifying specific areas in town where camping would be allowed, because it is taking the problem from one neighborhood and moving it to another. The court case is not settled, so at this point it may be a bit premature to update the ordinance.

14 COUNCIL ITEMS:

14A AB1234 travel reports:

Councilmember Schuster asked staff to pass along to the Parks Superintendent Dow Davis that the parks look great.

Councilmember Moore talked about his attendance at a recent Eagle Scout ceremony, and the valuable contribution that the youth are making in the community.

15 ADJOURNMENT:

Motion by Councilmember Wilson second by Councilmember Moore, to adjourn; motion carried unanimously. Ayes: Wilson, Moore, Franco, Schuster and Stafford.

Meeting adjourned at 8:12 p.m.

Kevin Stafford, Mayor

Respectfully submitted by

Gwenna MacDonald, City Council

Approved on: July 17, 2019