

**SUSANVILLE CITY COUNCIL
SUSANVILLE COMMUNITY DEVELOPMENT AGENCY
SUSANVILLE MUNICIPAL ENERGY CORPORATION
SUSANVILLE PUBLIC FINANCING AUTHORITY**

Regular Meeting Minutes

April 6, 2011 – 6:00 p.m.

City Council Chambers 66 North Lassen Street Susanville CA 96130

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

Roll call of Councilmembers present: Joseph Franco, Douglas Sayers, Cheryl L. McDonald and Mayor Lino P Callegari. Absent and excused: Rod De Boer.

Staff present: Robert Porfiri, Interim City Administrator/Finance Director; Peter M. Talia, City Attorney; and Gwenna MacDonald, Deputy City Clerk.

1 APPROVAL OF AGENDA: Mr. Porfiri requested the deletion of item 6.G (*Approve Resolution No. 11-4749, Approving and authorizing Mayor to execute standard agreement with Franchise Tax Board*).

Motion by Councilmember Franco, second by Mayor pro tem Sayers to approve the agenda with the deletion of item 6G; motion carried. Absent: De Boer.

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS (if any): There were no public comments.

Mr. Porfiri provided an oral update on open labor negotiations.

3 CLOSED SESSION: At 6:02 p.m., the Council recessed to Closed Session in the upstairs conference room to discuss the following:

- A CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation: Significant exposure to litigation pursuant to Government Code §54956.9 (b): four
- B CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code §54956.9 (a):
 - 1 United States District Court Case No. 2:10-CV-03048-MCE-GGH, Nancy Schwartz v. Lassen County, et al.
 - 2 City of Susanville and County of Lassen vs. California Department of Corrections and Rehabilitation; California Department of Parole (AKA Division of Adult Parole Operations); and Does 1 through 20 inclusive, Lassen County Superior Court Case No. 51154
- C CONFERENCE WITH LABOR NEGOTIATOR (2010/2011) – pursuant to Government Code §54957.6:
Agency Negotiator: Robert Porfiri
Bargaining Unit: Susanville Police Officers Association
- D CONFERENCE WITH REAL PROPERTY NEGOTIATORS – PURSUANT TO Government Code §54956.8:
Property: Portion of APN 116-230-05
APN 103-294-12
Portion of APN 101-270-09
APN 105-143-01
APN 101-271-08

Agency negotiator: Robert Porfiri
Negotiating parties: Unknown
Under negotiation: Price/Conditions/Terms of payment

4 **RETURN TO OPEN SESSION:** The City Council reconvened in open session in the Council Chambers at 7:00 p.m.

Staff present: Robert Porfiri, Interim City Administrator/Finance Director; Peter M. Talia, City Attorney; Gwenna MacDonald, Deputy City Clerk; Jeff Atkinson, Police Chief; Tom Downing, Police Captain; Ted Friedline, Fire Chief; James Moore, Battalion Chief; Jared Hancock, Senior Planner; and Dan Newton, City Engineer.

Mayor Callegari led those assembled in the pledge of allegiance.

Mr. Porfiri reported that the agenda was approved with the deletion of item 6G (*Approve **Resolution No. 11-4749**, Approving and authorizing Mayor to execute standard agreement with Franchise Tax Board*).

Mr. Porfiri announced that no reportable action was taken in Closed Session.

Mr. Porfiri offered the thought for the day.

Mayor Callegari presented the following certificates of recognition:

- Taylor Quinn Wilson, Eagle Scout;
- Anthony Neely for donating bone marrow to his brother;
- Marvin "Wade" Nash, Firefighter of the Year.

5 **BUSINESS FROM THE FLOOR:**

Daryl Fallon and Mari-Ann Hanks,, post office employees, urged everyone present to respond to the recent survey sent out by the United States Postal Service. The closure of the Eagle Lake station would mean moving all of the business and mailboxes to the location on North Lassen Street. The impact to the uptown community would be tremendous. They urged the residents to take control and let the US Postal Service know that the decision was not acceptable to the community.

Violet Stout, local resident, updated the Council on the recent events in the State of Michigan wherein the Federal Government took control of the state. She urged everyone to contact Governor Brown to prevent the same thing from happening in California.

Bill Feierabend, local resident, read from a letter that he wrote to the editor of the Lassen County Times regarding the building of a pool. He challenged the community to work together to build an indoor facility that would improve the quality of life for the residents.

The Mayor thanked them for their comments.

6 **CONSENT CALENDAR:** Mayor Callegari reviewed the items on the Consent Calendar:

- A Waive oral reading and approve City Council minutes (February 16, 2011 meeting)
- B Approve vendor warrants numbered 80965 through 81168 totaling \$464,154.39 including \$97,795.54 in payroll warrants

- C Approve appointment of Kenneth Pritchard, Guy Shively and Zack Evans to the full-time, temporary positions of Maintenance Worker I, Range 911 - \$10.24 per hour with the Natural Gas Division
- D Approve **Resolution No. 11-4750**, Approving and authorizing Finance Director to increase revenue and expenditures to Airport (\$20,000)
- E Approve **Resolution No. 11-4737**, Approving and authorizing Mayor to execute Memoranda of Understanding with Fire Fighters and Public Works labor units
- F Approve **Resolution No. 11-4746**, Approving and authorizing signatories for investment of monies in LAIF
- G ~~Approve **Resolution No. 11-4749**, Approving and authorizing Mayor to execute standard agreement with Franchise Tax Board Deleted.~~
- H Approve **Resolution No. 11-4751**, Amending Resolution No. 10-4647 and approving appointments to various boards, commissions and committees
- I Determine claim of Michael Karl McNeil as late and direct Clerk to mail Return of Late Claim
- J Reject claims of 21st Century Insurance and Ben Fox in their entirety and direct Clerk to send notices of rejection
- K Approve **Resolution No. 11-4747**, Approving and authorizing increase in FY 2010/2011 budget allocation and mitigation charges
- L Approve **Resolution No. 11-4748**, Approving and authorizing Mayor to execute short-term/special events rental agreement with Yamaha (used golf carts)
- M Approve **Resolution No. 11-4752**, Ratifying golf course contracts/applications pursuant to provisions of Resolution No. 10-4694
- N Approve re-appointment of Howard White and Brian English as part-time seasonal grounds keepers for Diamond Mountain Golf Course

There were no public comments.

Motion by Mayor pro tem Sayers, second by Councilmember McDonald to approve the Consent Calendar; motion carried. Absent: De Boer.

7 PUBLIC HEARINGS:

7A Abatement of fire/hazard rubbish nuisance at 1116 Mark Street:

- 1 Public Hearing: Solicit and consider public comment on proposed abatement lien at 1116 Mark Street (APN 103-231-08)**
- 2 Action: Consider Resolution No. 11-4740, Approving report on assessment and lien against certain real property located at 1116 Mark and confirming assessment and lien against said property**

Mayor Callegari opened the public hearing at 7:23 p.m. and requested the staff report.

Chief Friedline reported that in its efforts to keep the City of Susanville a safe and desirable community to live in, pursuant to *Susanville Municipal Code* Chapter 8.28, staff has abated a fire hazard and rubbish nuisance at 1116 Mark Street. The cost incurred for abatement was \$1,358.00 and to date, the owner of the property has not reimbursed the City for those costs. In accordance with Section 8.28.404 of the *Code*, the City will lien the property in order to recover costs. The property owner has been notified of the hearing.

There being no comments either for or against the item, Mayor Callegari closed the public hearing at 7:24 p.m.

Motion by Mayor pro tem Sayers , second by Commissioner Franco to approve **Resolution No. 11-4740**; motion carried. Absent: De Boer

8 **COUNCIL DISCUSSION/ANNOUNCEMENTS:** No comments.

9 **NEW BUSINESS:**

9A **Consider Resolution No. 11-4753, Amending FY 2010/2011 budget (increase in golf course fund for repairs to old clubhouse):** Mr. Talia reported that in September 2010 the City Council voted to increase the golf course budget to complete repairs on the old clubhouse in order to receive a Certificate of Occupancy. The finishing touches need to be completed in order to bring it to a condition suitable for renting so that some of the costs could be recouped while it is on the market. The cost for the upgrades is estimated to be \$6,746.

Mayor pro tem Sayers remarked that this is the second time money is being spent on the clubhouse, and asked how these costs were missed the first time.

Mr. Talia responded that the funds originally budgeted for the clubhouse were to complete bare minimum repairs necessary to allow the City to list it for sale as a residential unit. The budget adjustment asked for is to clean up the building and make it presentable in order to be able to rent it out for weddings or conferences as the City awaits the sale of the property. It is a way to cover the costs until the property sells.

Mayor pro tem Sayers asked if staff could foresee that there would be any more repairs necessary to the building.

Mr. Talia responded that the current expenditure covered new paint, repairs to trim and flooring, and that the heater works and an extra refrigerator could be obtained from the City Care building, if needed.

Mayor pro tem Sayers stated that the public is very tired of the City spending money on the golf course, and cautioned staff to not bring anymore requests for money.

Councilmember Franco remarked that the property is for sale, and we have an upgraded building now which will in turn make the property more marketable then it was in its previous condition. Mayor Callegari added that now the asset is complete, and it just needs to be marketed and sold.

There were no public comments.

Motion by Councilmember Franco, second by Mayor pro tem Sayers to approve Resolution No. 11-4753; motion carried. Absent: De Boer

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

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

12 **CONTINUING BUSINESS:**

12A **Waive oral reading and adopt Ordinance No. 11-0979, Authorizing amendment to the contract between the City of Susanville and CalPERS:** Mr. Talia reported that at its March 2, 2011 meeting the City Council voted to approve Resolution No. 11-4736, A Resolution of Intention to approve an amendment to the contract between the Board of Administration of California Public Employees Retirement System. This was the first step in matching Tier 2 benefits to Tier 1 benefits for employees

after the implementation of Tier 2 rates and following court direction to reinstate at previous benefit levels.

As discussed, CalPERS has a procedure for amending an agency's contract. First, the Council considered the item on March 2, 2011 at a public meeting during which CalPERS actuaries were available by telephone to respond to any questions from the Council or members of the public. At that time, there were no questions. During the meeting, rates identified in the amendment actuarial valuation for the adoption of this plan amendment were disclosed.

Mr. Talia explained that pursuant to Government Code 20474, an election among the Local Miscellaneous employees was conducted by the City Clerk. The election was required because of the change in the employee's contribution from eight percent to nine percent. The employees voted in favor of combining Tier 1 and Tier 2 benefits to 3% at 60, single-highest year. The election results were certified by the City Clerk on March 7, 2011. On March 16, 2011, Ordinance No. 11-0979, which will modify the existing contract, was presented for introduction by the City Council. At the March 23, 2011 special meeting, Urgency Ordinance No. 11-0980 was presented for introduction and adoption. This Ordinance serves as a placeholder so that the effective date for the CalPERS contract amendment coincides with the April 2, 2011 payroll, pursuant to the schedule commitment between the City and CalPERS.

Motion by Mayor pro Tem Sayers, second by Councilmember Franco to adopt Ordinance No. 11-0979; motion carried on a roll call vote. Absent: De Boer.

12B Discussion about Proposition 84 funding; Sierra Community Park Complex: Mr. Porfiri advised the Council that Tom Stone, Lassen County CAO, was present to discuss the County's plans for building a swimming pool for the community.

Mr. Stone presented a slide show discussing the desire for a swimming pool in the community. The funding available through Prop 84 is off the table as the site that the County is interested in is not eligible through the program. He discussed the option of the City relinquishing its lease with the school district at the former Roosevelt Pool site, and the County combining the parcels from the District to build a new pool facility. He discussed the option of an outdoor pool that could be open year round by utilizing geothermal water, and urged the Council to think creatively in order to bring a swimming pool back to the community.

Violet Stout, local resident, commented that the volcanic nature of our community makes it unsafe to build a swimming pool that will only crack during the next earthquake, and she does not support any additional taxes levied against city residents.

Jim Chapman, District 2 Supervisor, stated that the Board of Supervisors wants a pool, and identifying the project site is the first step.

Mr. Porfiri reviews a diagram of the proposed Sierra Community Park, noting changes in the design that were a result in the feedback he received from various members of the community. He shows various design features that will allow the park to be low maintenance, including the use of decomposed granite and drought tolerant trees and shrubs. He reviewed the goal of having an ability to host sports tournaments as a way to increase visitors to Lassen County. Mr. Porfiri turned the floor over to Gwenna MacDonald to discuss the Prop 84 grant application.

Ms. MacDonald reported that as directed by Council, she attended a Prop 84 Workshop in Redding on March 30, 2011. She summarized the application scoring criteria, explaining that the intent of the program was to bring new parks and recreation opportunities to the most critically under-served

communities in California and as such, the facilities needed to be essentially free for the community. Usage fees could amount to no more than \$3 per month, thus the concept of using the funding for the construction of a pool meant building a facility that you could not charge a user fee to help defray maintenance expenses. The City would, if funded, be required to enter into a 30-year maintenance agreement with the State. In addition, a key component of the program was to conduct community outreach meetings in an effort to encourage community cooperation in the design of the park. With the Council's permission, several community meetings were tentatively scheduled, with the last held on April 22, 2011. The application is due by July 1, 2011 and staff will keep Council informed regarding the process.

13 CITY ADMINISTRATOR'S REPORTS

13A Annual Fire Department Report Chief T. Friedline reported that the Susanville Fire Department personnel responded to 1,564 incidents in 2010, in addition to attending numerous training hours, fire prevention and public education programs. He provided a power point presentation which detailed incidents, prevention efforts, public education activities, code enforcement, training, fleet and facility information.

Mayor pro tem Sayers left the dais at 8:45 p.m. and did not return.

13B Susanville Fire Department Volunteers report Susanville Volunteer Fire Department President Hank Neely reviewed the organization of the Volunteer Department, including history, recruitment training, emergency response, public education, equipment purchases, community service and social occasions such as the Children's Christmas Dinner and Annual Awards Banquet. He explained the organization and the cost of a volunteer versus paid full time firefighter.

The Mayor expressed his appreciation for the volunteer group, and thanked Mr. Neely for his presentation.

13C Flags at Fire Department: Chief Friedline explained that staff had been approached by Lassen County Public Health with the request to put 300 flags at the Fire Hall from April 8 - 15, 2011 to bring the community's attention to the problem of child abuse. Each small blue flag will represent one case of child abuse currently documented in Lassen County.

It was the consensus of the Council to allow the group to proceed with the placement of the flags.

13D Work-in-progress update Mr. Porfiri shared a before-and-after slide show of the recent upgrades at the Community Center. The carpets need to be cleaned and then the space will be ready to advertise for rent. He showed another slide depicting the clean up efforts that have taken place at Inspiration Point.

14 COUNCIL ITEMS:

14A AB1234 travel reports: None.

Councilmember McDonald thanked the Police department for their prompt and professional response during a recent call to her home, where a wounded deer was trapped in her backyard.

Mayor Callegari commented that he had recently hurt his knee, although it was not serious enough to warrant a trip to the doctor. Still, several hours later, Battalion Chief Moore called back to check up on him, and he expressed his appreciation for the follow-up.

15 ADJOURNMENT: Motion by Councilmember Franco, second by Councilmember McDonald to adjourn the meeting; motion carried. Absent: De Boer and Sayers.

Meeting adjourned at 9:03 p.m.

Respectfully submitted by

Lino P. Callegari, Mayor

Gwenna MacDonald, Deputy City Clerk

Approved on May 18, 2011.