

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

**Regular Meeting Minutes
October 5, 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, Rod De Boer, Douglas Sayers, Cheryl L. McDonald and Mayor Lino P. Callegari.

Staff present: Robert Porfiri, City Administrator/Finance Director; Peter M. Talia, City Attorney; and Debra M. Magginetti, CMC/City Clerk.

1 APPROVAL OF AGENDA: Councilmember McDonald noted that in agenda item 9.D, a reference was made to "Lassen Street" when it should have been "Nevada Street."

Motion by Mayor pro tem Sayers, second by Councilmember De Boer to approve the agenda with the correction called out by Councilmember McDonald; motion carried unanimously.

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

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

3 CLOSED SESSION: At 6:05 p.m., the City Council recessed to Closed Session to discuss the following:

- A CONFERENCE WITH LABOR NEGOTIATOR (2011/2012) – pursuant to Government Code §54957.6:
Agency Negotiator: Robert Porfiri
Bargaining Unit: Management Unit
Public Works Unit
- B CONFERENCE WITH REAL PROPERTY NEGOTIATOR – pursuant to Government Code §54956.8:
Property: APNs 116-230-05, 116-230-86, 103-294-12, and 103-294-02
Agency Negotiator: Robert Porfiri
Negotiating party: Unknown
Under negotiation: Price, conditions and/or terms
- C CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: initiation of litigation pursuant to Government Code §54956.9 (c): one

4 RETURN TO OPEN SESSION: The City Council reconvened in open session at 7:05 p.m.

Staff present: Robert Porfiri, City Administrator/Finance Director; Peter M. Talia, City Attorney; Debra M. Magginetti, CMC/City Clerk; Jeffrey Atkinson, Police Chief; James Moore, Battalion Chief; Jared Hancock, Senior Planner; Gwenna MacDonald, Administrative Assistant; Dan Newton, City Engineer; Craig Platt, Public Works Director; and Deborah Savage, Assistant to the City Administrator/Finance Director.

Mayor Callegari led those assembled in the flag salute.

Mr. Porfiri reported that the agenda had been amended (6.D. "Lassen Street" changed to "Nevada Street").

Mr. Talia announced that no action had been taken in Closed Session.

Mr. Porfiri offered the thought for the day.

5 BUSINESS FROM THE FLOOR:

Violet Stout, local resident, commented on the absence of a reporter from the local radio station.

Jim Chapman, local resident, asked if the Council would distribute the "Blue Star Moms" banners to the families of those service persons who had returned home at the November 2, 2011 meeting.

Mr. Chapman also advised that many of the flags placed along Main Street for holidays were worse for the wear. He made a public appeal for those interested in helping to replace the flags to tender a \$25 check for new flags and for the retirement of the used flags in a proper ceremony.

The Mayor thanked him for his comments.

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

- A Waive the oral reading and approve minutes from City Council's September 7, 2011 meeting
- B Approve vendor warrants numbered 82396 through 82515 for a total of \$480,057.49 including \$100,353.80 in payroll warrants
- C Reject claim of Karen Garringer in its entirety and direct Clerk to send notice of rejection

There was no public comment.

Motion by Councilmember Franco, second by Councilmember De Boer to approve the Consent Calendar; motion carried unanimously.

7 PUBLIC HEARINGS:

7A Abatement/lien on 1301 Fourth Street (APN 105-043-07):

- 1 Public Hearing: Solicit and consider comments relative to collection of abatement costs on property located at 1301 Fourth Street**
- 2 Action: Consider Resolution No. 11-4794, Approving report on assessment and lien against property located at 1301 Fourth Street**

The Mayor opened the public hearing at 7:12 p.m. and asked for the staff report.

Chief Moore reported that the Fire Department, pursuant to Chapter 8.28 of the *Susanville Municipal Code*, has abated a fire hazard/rubbish nuisance at 1301 Fourth Street (APN 105-043-07). To date, the property owner has not reimbursed the City for costs incurred in abating this nuisance.

In keeping with the provisions of Section 8.28.404 of the *Susanville Municipal Code*, staff is seeking Council approval to lien the property to recover the costs of abating the hazard.

Mayor pro tem Sayers verified that the property owners had ample opportunity to clean up the property. Chief Moore explained that two compliance letters had been sent, as well as notice of the public hearing.

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

Motion by Councilmember De Boer, second by Mayor pro tem Sayers to approve **Resolution No. 11-4794**; motion carried unanimously.

8 **COUNCIL DISCUSSION/ANNOUNCEMENTS:** No discussion or announcements.

9 **NEW BUSINESS:**

9A **Consider purchase of airport hangar in the amount of \$45,000 (lot 27):** Mr. Platt reported that Gary and Judith Davis, owners of the hangar located on lot #27, notified the City of their decision to sell their interest in the hangar. Page 2, Paragraph 3 of the Airport Hangar Land Lease Agreement requires that the hangar owners offer the first right of refusal to the City. The Davises have offered the hangar to the City at a price of \$45,000. The 2,000 sf hangar was built in 2001, is wood-framed, has metal sides and roof, cement floor, bifold doors and is wired for electricity. He noted that there were insufficient funds in the Airport fund to purchase the hangar.

There was no public comment.

Motion by Mayor pro tem Sayers, second by Councilmember McDonald to reject the offer to sell the hangar to the City, thereby freeing Mr. and Mrs. Davis to sell the hangar to another party; motion carried unanimously.

9B **Consider Resolution No. 11-4798, Approving closure of Main Street from Cottage to Weatherlow on Saturday, December 3, 2011 from 5:00 p.m. to 7:00 p.m. for annual Country Christmas event and authorize Mayor to execute encroachment permit application to Caltrans:** Mr. Platt reported that the Lassen County Chamber of Commerce has formally requested City Council support for its Annual Country Christmas event, which includes a lighted Christmas parade beginning at 5:30 pm., tree lighting at 6:00 p.m., followed by a fireworks display that will be staged from the Susanville Elk's Lodge. The Chamber is asking for the closure of Main Street between Cottage and Weatherlow on Saturday, December 3, 2011 between 5:00 p.m. and 7:00 p.m.

This event requires three Street Department crew members to sweep Main Street before and after the event and then a total of four Public Works employees to set up and take down traffic control signs and help the eight police officers with traffic control. While Caltrans does not charge the City an encroachment permit fee, the City is required to accept all liability for the event as the permittee.

The estimated cost to the City is \$3,787.

There were no comments from members of the public.

Motion by Councilmember De Boer, second by Councilmember McDonald to approve **Resolution No. 11-4798**; motion carried unanimously.

9C **Consider request from Lassen Union High School District for waiver of construction water fees to water Lassen High School track for home football games and track meets:** Mr. Platt reported that Lassen Union High School representatives have submitted a letter to formalize the District's request to waive all fees for using water from the fire hydrant next to Arnold Field to water the track for home football games and home track meets. Brian Phillips has donated the use of a water truck for each home event. In the past, the City has picked up the cost of supplying water in response to the request.

The approximate cost of the water is \$160.

There was no public comment.

Motion by Councilmember McDonald, second by Mayor pro tem Sayers to approve waiving the construction water fees for the Lassen High School home football games and track meets; motion carried unanimously.

9D Consider Resolution No. 11-4800, Approving and authorizing Mayor to execute lease for 606

Lassen Nevada Street: Mr. Talia reported that Senior Planner Jared Hancock has been living with his family at a property owned by the City and located at 606 Nevada Street since his employment with the City began in March, 2010. Mr. Hancock is taxed on the agreed value of the monthly rental, as it represents additional income to him. Because the City is contemplating possible sale of the property, it is prudent to provide for Mr. Hancock's substitute compensation in the event that the City sells this property to a third party or if Mr. Hancock moves or the City simply wants out of the rental business.

There was no public comment.

Motion by Councilmember De Boer, second by Councilmember Franco to approve **Resolution No. 11-4800**; motion carried with Councilmember McDonald voting "no."

9E Discussion of introduction of "no smoking" ordinance: Mr. Talia reported that staff has had brief discussions with the Mayor about smoking in Memorial Park, specifically in the area of the Museum, Roop's Fort and the community center. It's important to note that California already has the stiffest anti-smoking laws in the country. For example, smoking is prohibited in the workplace with minor exceptions. He explained that work places for some may also be public places for others, but by law, the definition of a work place prevails with no smoking allowed. The issue for the Council to consider is smoking in public places. Some of the questions the City Council may wish to discuss are as follows:

- Is the Council interested in prohibiting smoking to the area of Memorial Park west of Piute Creek, which contains the museum and community center?
- Is the Council interested in extending this to all public parks and areas therein?
- If adopted, does the City have sufficient resources to enforce the ordinance?
- Does such a prohibition impact the civil liberties of smokers?

Mayor Callegari stated his preference for extending the ban on smoking as far as possible through Memorial Park.

Councilmember Franco stated that as a non-smoker, he would support an ordinance that banned smoking on public property. He understands that the police would enforce the ban as allowed by their other duties.

Mayor Callegari indicated that a citizen could make a citizen's arrest. He is especially concerned that Roop's Fort is particularly vulnerable because of the age of its construction materials.

Chief Atkinson advised that smoking is prohibited by state law within 25 feet of a playground. His officers are usually involved with traffic issues before and after school and during the lunch break. He is unaware of complaints of smoking behind the community center.

Councilmember Franco asked if signage would be necessary; Chief Atkinson indicated that signage would be needed for enforcement.

Councilmember McDonald remarked that enforcement would be difficult. She doesn't believe that signage will be effective in preventing the activity.

Councilmember Sayers asked if the no-smoking prohibition would include marijuana. He is supportive of making the entire Memorial Park a non-smoking area.

Richard Sorem, local resident, commented that he is a smoker and that he would pay attention to signs. He believes in being considerate of the needs or preferences of others, and would support the designation of all City parks as non-smoking areas.

Violet Stout, local resident, asked where the school kids could go to smoke.

It was the consensus of the Council that an ordinance be prepared for action by the City Council.

9F Consider Resolution No. 11-4799, Adding Roseberry House to Historic Building Registry: Mr. Hancock reported that at its meeting of September 29, 2011 the Historic Building Review committee recommended the placement of the Roseberry House, located at 609 North Street, on the Historic Building Registry due to its cultural significance in the community. According to the application, this building was built in 1902 by Thomas and Viola Lowry Roseberry. After the Emerson Hotel burned and went out of business in 1915, there was a need to have additional boarding house rooms, so several changes and additions were made to the home and it was used as a boarding house. A caretakers' cottage was added sometime in the 1930s or '40s. In addition, there are two other structures on the property, consisting of a two-car garage and a shop/laundry/craft room. A designation to the Registry will allow the property owners the flexibility of utilizing the Historic Buildings Code when completing any property upgrades. Inclusion in the Registry will also signify the historic value of the property to the community as a whole.

Jim Chapman, local resident, stated that he is supportive of the designation.

Motion by Mayor pro tem Sayers, second by Councilmember McDonald to approve **Resolution No. 11-4799**; motion carried unanimously.

9G Consider Resolution No. 11-4791, Approving and authorizing Mayor to execute application for Proposition 84, River Parkways grant: Mr. Hancock reported that the application for Proposition 84 River Parkway funding requires that the City include an authorizing Resolution from the governing body. This Resolution delegates signing authority to the Mayor and guarantees that the City, if its application is funded, will comply with all grant terms as set forth in the grant administration guide. The application for funding is due October 14, 2011. Staff will bring future updates to the City Council regarding the progress of the application.

Mayor Callegari remarked that it would be a good idea to realign the Riverside Drive/No. Fairfield intersection during the course of the project.

Jim Chapman, local resident, commented that George Farris, in his vision for recreational activities in the community, had championed right-of-way changes with Sierra Pacific Industries many years ago. He is very supportive of the City's application.

Councilmember Franco commented that the Riverside Drive street surface near to new court house is "alligatored" with cracks. He believes that with the busy traffic in the area, there should be two lanes and a turning pocket.

Councilmember Franco noted that the development, if funded, would have to be a phased project in order to realize the greatest benefit to the community. He is very excited to be a part of planning recreational and cultural infrastructure with the Susan River as the focal point.

Mayor pro tem Sayers agreed with Councilmember Franco. He spoke of his great love for the Susan River, which he characterized as the community's "greatest asset."

Motion by Councilmember De Boer, second by Councilmember Franco to approve **Resolution no. 11-4791**; motion carried unanimously.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

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

12 **CONTINUING BUSINESS:** No business.

13 **CITY ADMINISTRATOR'S REPORTS:**

13A Snow Plan review: Mr. Platt reported that in 2006, the City Council approved the City's Snow Removal Plan. This Plan was brought to the City Council because the Public Works Department was having trouble effectively removing the snow from the City's streets due to limited budget and staff resources. Since that time, there have been several discussions at City Council meetings pertaining to the Snow Plan. Most of these discussions have included plowing snow to the center of the road.

He reported that plowing snow to the middle of the streets provides a convenience to residents because they do not have to contend with the berm plowed in front of their driveways. Staff would like to be able to provide this as a service, but the negatives far outweigh the positives.

Staff has researched snow plowing plans from several cities in the United States and Canada. The vast majority of cities plow snow to the sides of the streets, not to the middle. It is universally agreed that if snow is plowed to the center, it must be removed. These reasons are the same as for Susanville:

- SAFETY:
 - Fire trucks, school buses and transit buses cannot navigate the narrow lanes created between parked cars and the icy berms.
 - Snow plowed to the center of the street should be removed fairly quickly, or it will constantly freeze, thaw and re-freeze, creating icy conditions on the roads.
 - Children often cut snow caves in the berms in the middle of the street.
 - Cars often drive down the wrong side of the street because they cannot cross the center berm.
 - The icy street surface makes it difficult for cars to navigate the narrow lanes resulting in several fender benders with parked cars.
- COST:
 - The cost of removing snow from the center of the road is significant. Vernal City estimated the cost of removing snow to be over \$500,000 for 42 miles of streets. The City of Susanville plows approximately 51.5 miles. Six inches of snow equates to approximately 14,390 truck loads of snow.
 - If the berm is left in the middle of the street, more sanding is required because of the melting of the windrow.
 - Damage to pavement: The constant freeze-and-thaw cycle created by a middle berm is bad for the pavement. The continual freezing and thawing allows water to seep under the street surface, then re-freezes and expands, degrading the pavement.
- PUBLIC CONVENIENCE:
 - On-street parking becomes more limited with plowing to the center. Many Susanville residents do not have off-street parking. The City's *Municipal Code* states that during snow events, there is no on-street parking and that this restriction remains in effect as long as there is snow in the roadway. In most neighborhoods, residents rely on the on-street parking because they park their cars, boats and RVs in their driveways. When plowing to the side, this disadvantage is mitigated.
 - The purpose of plowing streets is to facilitate the safe movement of vehicular traffic, including fire apparatus, ambulances and patrol units.

Mr. Platt reported that many years ago, the City plowed snow to the center of the street. This was successful at a time when the Streets crew consisted of 13 workers instead of the two Streets employees now on staff.

Regrettably, as the miles of streets plowed by the City have increased, staffing has been reduced and the number of cars owned by individual households have increased substantially. In addition, owners of vacant lots are no longer willing to allow snow storage on their property because of all the garbage that is revealed when the snow melts. Thirty years ago, snow was dumped in the Susan River; this is illegal now.

Mr. Platt also noted that his office keeps track of the residents who need a little extra help clearing their driveways or sidewalks. Once the streets are plowed, employees set to work on that list and also ensure that storm drains are cleared.

Mayor Callegari suggested that a reminder to residents who need help should be included with the City's utility bills. He would also like to see a contractor list of locals who would be able to help with snow removal. Mr. Platt responded that his office maintains a list of contractors for this purpose.

Councilmember Franco commented that the mail boxes must be cleared to allow mail delivery.

Tommy Yett, a Water Division employee who has spent years on the snow plow, indicated that the post office has a very specific standard for the placement of street mail boxes; however, not all mail boxes meet this standard.

Mayor Callegari asked if there were any mutual aid agreements that would help out with plowing. Mr. Platt reported the BLM has helped out in the past, and that the problem with mutual snow removal agreements is that everybody needs help at the same time.

Mayor pro tem Sayers announced that he has a problem with children having to walk in the street because the snow has been plowed to the side, sometimes covering the sidewalks. He's also been told of many instances where those operating the plows throw snow back on sidewalks that have just been cleared by a resident. He wants some common sense exercised by City employees.

Councilmember Franco thanked Mr. Platt for the review. He is supportive of letting the public know what the Snow Plan is and encouraging a dialog with residents.

Jim Chapman, local resident, commented that Mr. Platt made a very thorough presentation of the challenges of plowing snow. He agreed that it's impossible to make everyone happy, but it appears that City staff is actively listening to the concerns of the public.

Councilmember Franco stated that he's been informed that merchants along Main Street have been encouraged to throw their sidewalk snow back onto Main Street. Mr. Platt agreed, stating that Caltrans is responsible for plowing snow on Highways 36 and 139. Caltrans has more staffing, more equipment and more funding to plow about 2-1/2 miles of four-lane roadway. However, snow on private property should be kept on private property outside of the state rights-of-way.

13B Work-in-progress update: Mr. Porfiri reviewed the work-in-progress schedule.

Mr. Porfiri also advised the City Council that State representatives will be in town next week to walk the City's proposed Proposition 84 Sierra Sports Complex project. He is very excited about the project application meriting an in- person visit.

Councilmember Franco asked for an update on the Johnstonville water system issue. Mr. Platt indicated that he is working on a detailed cost analysis for Council consideration.

Mr. Porfiri announced that he received a phone call from FOX News expressing interest in featuring Susanville as one of "The Best Places in America."

14 COUNCIL ITEMS:

14A AB1234 travel reports: No business.

Mayor pro tem Sayers stated that he'd like to see a run-down on the St. Francis Hotel. Mr. Talia responded that he will be providing an update in the near future.

Councilmember McDonald mentioned the overgrown and weedy state of the old Sierra Pacific Mill. She would like to see the problem remedied.

15 ADJOURNMENT: Motion by Councilmember Franco, second by Councilmember De Boer to adjourn the meeting in memory of the Friedline/Osborn families, Brad Fahlen and Bob Shepherd; motion carried unanimously.

Meeting adjourned at 8:45 p.m.

Lino P. Callegari, Mayor

Respectfully submitted by:

Debra M. Magginetti, CMC/City Clerk

Approved on November 2, 2011.