

**SUSANVILLE CITY COUNCIL
SUSANVILLE COMMUNITY DEVELOPMENT AGENCY
SUSANVILLE MUNICIPAL ENERGY CORPORATION
SUSANVILLE PUBLIC FINANCING AUTHORITY
Regular Meeting Minutes
April 17, 2013 – 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 De Boer.

Roll call of Councilmembers present: Cheryl L. McDonald, Nicholas McBride, Mayor pro tem Wilson and Mayor De Boer. Absent: Lino P. Callegari

Staff present: Jared G. Hancock, City Administrator, Peter M. Talia, City Attorney and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

Motion by Councilmember McBride, second by Mayor pro tem Wilson to approve the agenda as submitted; motion carried.

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

3 CLOSED SESSION: At 6:01 p.m. the Council recessed to closed session to discuss the following:

A CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code §54957.6:

- 1. Agency Negotiator: Jared G. Hancock
- Bargaining Unit: Fire: 2012/2013
- Miscellaneous: 2012/2013
- Public Works: 2012/2013

2. Personnel Status Report

B CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation: Significant exposure to litigation pursuant to Government Code §54956.9 (b); two

C CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code §54956.9 (a): City vs. Northern Sierra Homes, LLC
Lassen County Court Case: #50050

D CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code §54956.9 (a): Bernhardt vs. City of Susanville

E CONFERENCE WITH REAL PROPERTY NEGOTIATOR – pursuant to Government Code §54956.8:

- Property: APN 103-321-02
- Agency negotiator: Jared G. Hancock
- Negotiating parties: Unknown
- Under negotiation: Price/Conditions/Terms of payment

F PUBLIC EMPLOYMENT – pursuant to Government Code §54957: Contract Services

A. Placement Agent Services

4 RETURN TO OPEN SESSION: At 7:00 p.m. the City Council reconvened in open session.

Staff present: Craig Platt, Public Works Director; Tom Downing, Police Chief; Ted Friedline, Fire Chief; Craig Sanders, City Planner; Janette Zahniser, Assistant to the Public Works Director, and Gwenna MacDonald, City Clerk.

Mr. Hancock reported that the agenda was approved with no changes.

Mr. Hancock reported action out of closed session as follows:

- Prepare MOU's and Letters of Understanding for Fire, Miscellaneous, and Public Works units for signature
- Direct City Clerk to send notices of rejection for two claims

Mr. Hancock offered the thought of the day.

Mayor De Boer recognized the St. Baldrick's Foundation and their work in finding a cure for childhood cancer.

5 BUSINESS FROM THE FLOOR:

Cheryl Damm, advised the City Council of effort regarding Childhood Abuse Prevention Month and upcoming Fatherhood Conference at Lassen College.

- 6 CONSENT CALENDAR:** Mayor De Boer reviewed the items on the Consent Calendar:
- A Receive and file minutes from City Council's March 6 and 20, 2013 meetings
 - B Approve vendor warrants numbered 87170 through 87274 for a total of \$228,546.94 including \$94,512.05 in payroll warrants;
 - C Approve **Resolution No. 13-4944** authorizing cooperative agreement with CalFire
 - D Receive and file Treasurer's Report: March 2013
 - E Receive and file Finance Report: March 2013
 - F Receive and file Quarterly TOT Report: January – March 2013

Motion by Mayor pro tem Wilson, second by Councilmember McBride to approve the consent calendar; motion carried.

7 PUBLIC HEARINGS:

- 7A Public Hearing: Solicit and consider public comments regarding the adoption of a negative declaration and adoption of the 2009-2014 Housing Element for the City of Susanville**
Action: Consider Resolution No. 13-4943, adopting the 2009-2014 Housing Element and authorizing submittal to the State Department of Housing for certification

Mayor De Boer opened the continued public hearing at 7:10 and requested the staff report.

Mr. Hancock explained that the public hearing held on April 3, 2013 for consideration of the final draft of the Housing Element had been continued primarily due to discussion regarding the circulation of the document and opportunity for additional public comment. Staff has looked at ways to expand the dialog with the public and has determined that a workshop through the Planning Commission would be the appropriate venue. He suggested publishing a 10-day notice for a May 15th Planning Commission workshop and with the required notification period the Housing Element could be brought back at the June 5th Council meeting for final consideration.

There were no comments from the public.

Motion by Mayor pro tem Wilson to take HE back to the Planning Commission and continue the Council public hearing to June 5, 2013; Councilmember McBride provided a second and the motion carried.

There being no further comments, at 7:15 p.m. Mayor De Boer continued the public hearing to June 5, 2013.

7B Public Hearing: Solicit and consider public comments regarding amendments to Chapter 17 of the City of Susanville Municipal Code
Action: Waive first reading and introduce Ordinance No. 13-0989 approving the amendment of Susanville Municipal Code Chapter 17 to allow cottage food operations as permitted per AB 1616

Mayor De Boer opened the continued public hearing at 7:16 p.m.

Mr. Hancock reported that the City Council considered the proposed changes to the Susanville Municipal Code at a public hearing on April 3, 2013 and voted to waive the first reading and introduce Ordinance No. 13-0989 amending Sections 17.080.10 and 17.104.060 to include provisions for Cottage Food Operations. The Bill was signed into law and effective January 1st to allow individuals to prepare and/or package certain foods in their home kitchens. A cottage food operation would be classified as a home occupation requiring the issuance of a home occupation permit. The current application fee for a home occupation permit is \$90.00 which does not exceed the cost of processing the permit.

Jim Chapman suggested developing a mechanism to identify the products produced in home kitchens as cottage foods in order to go the extra mile in letting the public know that the food items they purchase were not produced in a commercial kitchen.

A lengthy discussion followed regarding the discretion and authority that the City has to impose specific labeling or additional disclosures beyond what the State has determined is necessary. The monitoring and oversight responsibility rests on the Lassen County Health Department, as Mr. Chapman indicated that the topic had not come before the Board of Supervisors for discussion, and he preferred to see a uniformity and consistency between the agencies as the process moves forward.

There being further comments, Mayor De Boer closed the public hearing at 7:25 p.m.

Motion by Mayor pro tem Wilson to waive the second reading and adopt **Ordinance No. 13-0989**; Councilmember McBride provided a second and the motion carried.

8 COUNCIL DISCUSSION/ANNOUNCEMENTS:

Commission/Committee Reports: No business.

9 NEW BUSINESS:

9A Consider authorizing Mayor to execute agreement for placement services with Brandis Tallman LLC Mr. Hancock reported that staff has been actively working with the firm of Meyers Nave to structure a refinance of the existing pension obligations with CalPERS. Due to the specialized nature of the refinance and the level of experience required, it is recommended that the City contract for placement agent services to continue with the next phase in the debt restructure process. The firm of Brandis Tallman LLC has proven experience in the successful placement and refinance of similar obligations and by utilizing their expertise to assist with this process the City will maintain flexibility and secure the best possible rates.

Motion by Councilmember McBride to approve the agreement for placement services; Councilmember McDonald provided a second and the motion carried.

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 **NSF Check Program** Chief Downing reported that the Lassen County District Attorney's office has informed law enforcement agencies that he will no longer be accepting cases for prosecution under what has been historically referred to as the bad check program or NSF Program. These types of cases were referred to the DA's office for investigation, review and determination, thereby alleviating the burden of investigation on law enforcement. Due to this policy change, the Susanville Police Department will not be accepting non-sufficient funds check cases for investigation. The department will be investigating all other check fraud and forgery cases, and he will be working with merchants and advising them to move away from accepting this form of payment or obtaining an electronic check reader that will debit the payee's account immediately upon acceptance of a check.

Mayor De Boer advised generating as much publicity as possible for the community's business leaders.

13B **Law Enforcement Command College Program** Chief Downing advised the Council that he has been accepted to Class 55 of the California Commission on POST Law Enforcement Command College program. The 18-month program is designed to prepare law enforcement leaders for challenges of the future. The primary focus of the Command College is an enhanced leadership course that has an emphasis on learning theories and it places accountability and responsibility on the student. Chief Downing added that acceptance to this program is an honor, and the cost is reimbursable through POST.

13C **Junior Fishing Derby** Mr. Hancock updated the City Council regarding the activities and schedule of the Jr. Fishing Derby to be held on April 20th at the Memorial Park. Mr. Chapman invited the Council to attend and participate in the very popular event.

14 **COUNCIL ITEMS:**

14A **AB1234 travel reports:** None

15 **ADJOURNMENT:** Motion by Mayor pro tem Wilson, second by Councilmember McDonald to adjourn the meeting; motion carried.

Meeting adjourned at 7:40 p.m.

Rod De Boer, Mayor

Respectfully submitted by

Gwenna MacDonald, City Clerk

Approved on May 1, 2013