

**SUSANVILLE CITY COUNCIL**  
**Regular Meeting Minutes**  
**June 5, 2013 – 6:00 p.m.**

Meeting was called to order at 6:01 p.m. by Mayor De Boer.

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

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

**1      APPROVAL OF AGENDA:**

Mr. Hancock requested the following changes to the agenda:

- Removal of Consent Calendar Item 6D and 6E for separate discussion;
- An amended resolution has been distributed for Item 7B;
- Removal of Item 9D.

Motion by Councilmember Callegari, second by Mayor pro tem Wilson to approve the agenda with the amendments requested; motion carried unanimously.

**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:

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

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

- 1      Agency Negotiator: Jared G. Hancock  
Bargaining Unit:      Administrative Confidential: 2013/2014  
                                  Fire Fighters: 2013/2014  
                                  Management: 2013/2014  
                                  Miscellaneous: 2013/2014  
                                  Professional/Technical: 2013/2014  
                                  Public Works: 2013/2014  
                                  SPOA: 2013/2014

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

C      CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code §54956.9 (a):

- 1)      City vs. Northern Sierra Homes, LLC Lassen County Court Case: #50050
- 2)      United States District Court Case No. 2:10-CV-03048-MCE-GGH, Nancy Schwartz v. Lassen County, et al.
- 3)      Jordan Drury vs. City of Susanville; Claim SCGA-01653A
- 4)      City vs. Brett Womack, Womack Construction and Does 1-5, Lassen County Court Case JC55271

D      PUBLIC EMPLOYMENT – pursuant to Government Code §54957:

**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; Denise Bera, Administrative Assistant and Gwenna MacDonald, City Clerk.

Mr. Hancock reported that the agenda was approved with the removal of Item 6D and 6E for separate discussion, an amendment to Item 7B and the removal of Item 9D.

Mr. Hancock reported the following action taken in closed session:

3A Staff was directed to pursue a refinance of the side fund with Umpqua Bank for 10-year refinance on a 4 to 1 vote;

3C (4) a settlement in the amount of \$5,000 has been approved

Mr. Talia offered the thought of the day.

Mayor De Boer and Mayor pro tem Wilson recognized the effort of staff both past and present whose contributions have made the annual rabies clinic a successful event and opportunity for citizens to be responsible pet owners.

**5**     **BUSINESS FROM THE FLOOR:**

**Lois Towell**, Hidden Acres mobile home park resident, submitted a letter of complaint regarding the current management of the park, the increasing cost of space rent, overall poor condition of the park and lack of amenities.

**Kym Antonucci and Cassie Levy**, representatives from the Art Is Free group, requested a waiver of park reservation fees for their summer performance for the weekends of July 26<sup>th</sup> – 28<sup>th</sup> and August 1<sup>st</sup> – 3<sup>rd</sup>.

The Mayor directed staff to follow up.

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

- A     Receive and file minutes from City Council's May 15, 2013 meeting
- B     Approve vendor warrants numbered 87524 through 87812 for a total of \$868,857.54 including \$216,161.93 in payroll warrants
- C     Approve **Resolution No. 13-4950** terminating hangar lease agreement for space #14; Brian Hicks
- D     Approve **Resolution No. 13-4951** authorizing street closure for 21<sup>st</sup> annual Rails to Trails festival
- E     Approve **Resolution No. 13-4953** authorizing execution of Memorandums of Understanding with Fire, Miscellaneous and Public Works Employee Bargaining Units

Motion by Mayor pro tem Wilson, second by Councilmember Callegari to approve consent calendar items 6A, 6B and 6C; motion carried unanimously.

Motion by Councilmember Callegari, second by Councilmember McBride to approve consent calendar item 6D; motion carried unanimously.

Motion by Mayor pro tem Wilson, second by Councilmember McDonald to approve consent calendar item 6E; motion carried unanimously.

**7 PUBLIC HEARINGS:**

**7A 2009-2014 Housing Element Update**

**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**

Mr. Sanders reported that at the April 3, 2013 public hearing to consider the 2009-2014 Housing Element update, staff was directed to present the document to the Planning Commission for review in order to provide additional opportunity for the public to participate in the review and approval process. The Planning Commission conducted a public hearing on May 14, 2013 and there were no changes recommended for the proposed update. The Planning Commission adopted Resolution No. 13-0985 recommending that the City Council accept and adopt the document as an amendment to the City of Susanville General Plan.

Mr. Sanders explained that the Housing Element is required by law, and a certified Housing Element is required to enable the City to obtain grant funding for housing rehabilitation or certain types of new housing projects. He reviewed the action items which require the City to amend other documents, including sections of the Zoning Code and a portion of the Safety Element of the General Plan. By adoption of this document, the City agrees to make these changes and other less significant procedural changes within one year from the adoption of the Housing Element.

At 7:21 p.m., Mayor De Boer opened the public hearing and requested comments either for or against the Housing Element update. There were no comments.

Mayor De Boer closed the public hearing at 7:22 p.m. and requested comments from the City Council.

Mayor pro tem Wilson thanked Mr. Sanders for taking the update back to the Planning Commission for their review. He believed it to be an important part of the update process to allow the maximum opportunity for public input.

Councilmember Callegari requested clarification of action item three, which states *Remove constraints that discourage the development of second dwelling units*. He asked if the item specified the minimum parcel size required to allow a second dwelling unit, adding that in many cases the alleys in Susanville are not conducive to allow proper access to second dwellings. He stated that at some point, citizens should have the right to decide what goes into their neighborhoods, citing the example on his street of the illegal second dwelling that was turned into a rental property.

Mr. Sanders responded that staff is able to draft an ordinance governing second dwelling units if that is the Council's direction, but that would be a separate issue from adoption of the Housing Element update.

There were no further questions or comments.

Motion by Mayor pro tem Wilson, second by Councilmember McDonald, to adopt Resolution No. 13-4943; motion carried unanimously.

Councilmember McBride leaves his seat at the dais and exits the room prior to consideration of Item 7B.

**7B HUSA annual report and assessments**

- 1 **Public Hearing: Solicit and consider public comment relative to setting FY 2013/2014 assessments**
- 2 **Action: Consider Resolution No. 13-4957, approving annual report and scheduling public hearing to set assessments for FY 2013/2014 (HUSA)**

Mr. Talia reported that the California Streets and Highways Code require that the Historic Uptown Susanville Association prepare an annual fiscal report for the City Council's consideration. The Council may make changes or alterations to the report, and it is accepted by resolution. He noted that a resolution with corrected language had been provided. If accepted, the Council sets a date for a public hearing to consider the levy of assessments for the District for the upcoming fiscal year. The City receives five percent of the assessment, approximately \$3,000 annually, for reimbursement of staff time for billing and collection of the assessment. If the Council accepts the report, the public hearing could be schedule for the June 18, 2013 meeting.

At 7:29 p.m., Mayor De Boer opened the public hearing and invited comments from the public either for or against the report.

**Kathie Garnier**, HUSA President, discussed the report and accomplishments in the District.

There being no further comments, at 7:31 p.m. Mayor De Boer closed the public hearing.

Motion by Councilmember Callegari, second by Councilmember McDonald, to approve Resolution No. 13-4957; motion carried with Councilmember McBride abstaining.

Councilmember McBride returned to the chambers and took his seat at the dais.

**7C CEQA Findings of Fact for the Sierra Community Park**

1. **Public Hearing: Solicit and consider public comments regarding the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting program for the Sierra Community Park Project**
2. **Action: Consider Resolution No. 13-4956, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting program**

Mr. Sanders reported that in January the City Council authorized staff to proceed with the preparation of an environmental document under the California Environmental Quality Act and approved a contract with Hauge Brueck Associates (HBA) LLC to complete the study. The document is now complete and ready for review and adoption by the Council. Adopting the document means the City Council approves the analysis of the potential environmental impacts of the Sierra Community Park project. It does not commit the City to construct the park but it is the next step in the process.

Mr. Sanders introduced Mr. Hauge who explained that the final environmental document identifies the potentially significant environmental impacts along with mitigation measures to

reduce the impact to a level that is less than significant. He presented a power point highlighting the key points in the report:

- Potential impacts to habitat of the Carson Wandering Skipper, a protected butterfly species. Mitigation can be through avoidance of the habitat by re-designing the project or by preparing a separate habitat conservation plan and obtaining incidental take permits from the U.S. Fish and Wildlife Service.
- Potential impacts to special status plant species that may occur within certain areas of the project. Mitigation can be through avoidance of the area which also happens to generally be the same area that is habitat for the Carson Wandering Skipper.
- The roadside ditch along Sierra Road has a hydrologic connection to the Susan River making the ditch a jurisdictional riparian wetlands feature. Loss of any amount of this habitat is potentially significant. The park design proposes one new vehicle crossing of this ditch which would result in the loss of a small amount of habitat if work in the ditch, such as the placement of a culvert, is done to make the crossing. This loss of habitat could be mitigated by obtaining appropriate streambed alteration permits from the California Department of Fish and Wildlife. Alternately, a bridge structure could be constructed over the ditch with all work taking place outside of the top of bank and the loss of habitat would be avoided.
- The site has a wetlands area located along the eastern property line. This wetland area has not had a formal delineation which would be required before any mitigation for loss of wetlands could occur through a 404/401 process through the U.S. Army Corp of Engineers. Loss of wetlands will require compensatory mitigation such as wetland creation and/or enhancement, the purchase of mitigation credits through a local mitigation bank, or payment of an in-lieu fee, and must be approved by federal and state agencies (US Army Corps of Engineers and State Water Quality Control Board Lahontan Region). Avoidance of this area is the other option and is highly recommended, particularly since this will also address avoidance of the butterfly habitat and potential protected plant species.
- Trees on the project site could potentially be used as nesting habitat for raptors and other migratory birds. Mitigation includes pre-construction bird/nesting surveys and monitoring during construction with the biologist having the authority to stop construction if there will be any impact to an active nesting site.
- The soils on-site are marginally suited for a septic tank and leach field system. Failure of a septic system has potential impacts to groundwater and potential human health hazards. Mitigation includes the installation of a best available technology septic system and regular maintenance and monitoring of the system. Alternately, the park bathrooms can be connected to public sewer located in Sierra Street.
- Potential impacts on fire safety. The Susanville General Plan Safety Action Program 34, which states all new buildings must be within 300 feet of a fire hydrant. Depending on the type of building construction used for the bathroom facilities, a hydrant may have to be located on the site within 300 feet of all new structures. Installation of a hydrant will mitigate this potential impact.

Mr. Sanders reviewed the next steps in the process, and identified the features in the modified project design. An item of concern has been the proposed traffic impacts and condition of Sierra Road. Even though no additional road improvements are required to mitigate CEQA

impacts, Sierra Road requires some work in addition to the proposed turn pockets and minor road widening. City Public Works staff has provided cost estimates for three scenarios regarding improvements to Sierra Road:

Option 1: Re-surfacing Sierra road from Modoc to the beginning of the County maintained section: \$99,500.

Option 2: Construct a full road section with curb, gutter and sidewalk on the park side of Sierra Road from Alexander Road to the far end of the park: \$730,000.

Option 3: Construct full road section with curb, gutter and sidewalk on both sides of Sierra Road to the far end of the park: \$1,110,000.

Mr. Sanders concluded that if the Council decides to move forward with the Sierra Community Park project it would be appropriate to direct staff to have a revised park layout prepared and the off-site costs further refined including how those costs will be covered.

At 7:45 p.m. Mayor De Boer opened the public hearing and requested comments from the public either for or against the report.

**Gordon Ponting**, local biologist, stated that the document covers all of the bases, however he has a problem with the use of the word shall in reference to the mitigation of possible impacts as relating to the existence of endangered species on site. The document is written as if the existence of certain species was confirmed, and a one-day visit to the area is not adequate to conduct a thorough biological survey. He reiterated that he felt very strongly about committing the City to make promises to mitigate unknown impacts that are based upon unproven assumptions. He suggested re-phrasing those points with language which includes a reduced obligation on the part of the City to mitigate impacts on species that have not even been determined to be on site.

There being no further comments, Mayor De Boer closed the public hearing at 7:52 p.m.

Mr. Hauge agreed with Mr. Ponting's remarks, stating that the survey was conducted during a brief period and was meant to demonstrate that no endangered species exist. He suggested amending the report to require a biological survey prior to any construction.

Mayor De Boer recommended making the revisions and bringing back for Council review.

**Ruby Ridenoure**, area resident, commented that she has lived in her home across from the proposed park site for 59 years. The area is habitat for many animals, including deer, raccoons, fox, skunks, and when it rains it turns into a wetland. The neighbors do not want another park, which typically attract crime and nuisance.

**Michael Kirack**, Kirack Construction, remarked that he has built a lot of homes in the north area of town, and paid thousands of dollars in park mitigation funds, and asked why the money is not being spent to improve Skyline Park for the enjoyment of residents in that neighborhood.

Mr. Hancock responded that the subject of park mitigation fees committed to the project has come up a number of times, and while it hasn't been spent, staff has received a lot of feedback regarding the priorities of the community.

Mayor De Boer stated that while this meeting is about the CEQA document, some interesting points have been brought up and he has some serious reservations about the project as a whole. He would love to be able to build parks and provide the citizens with a number of recreation opportunities, but believes this project to be too much for what the City is capable of maintaining. It was presented to the Council that the mitigation funds had to be earmarked for a specific project and he believes that was misrepresented.

Councilmember Callegari responded that he was on the Council at the time the City purchased the property on Sierra Road, and it was always intended to be the site of a park for the community. The City was working to clean up the property and the opportunity came along to apply for more grant funds to develop the site. It was based on the income of the neighborhood and the north side of town has Skyline Park and Ranch Park available for its citizens to use. The park funds the City put towards the project was an important step to show the City was serious and committed, and the young people in the community deserve whatever recreation opportunities that the Council is able to provide.

Mayor pro tem Wilson added that as long as everyone is speaking candidly, he is not in favor of the park project.

Mr. Hancock explained that the CEQA document is complex, but the requested language revisions are very minor in nature. At this stage, it is very important to proceed with adoption in order to be reimbursed by the State for the money spent to date on the environmental review. The next step would be to enter into a revised contract with the State and that would be the best time to further discuss the merits of the project.

Mayor De Boer responded that once he is presented with a properly written report, he will have no problem in signing it. It was the consensus of the Council to continue the public hearing to June 19<sup>th</sup> to allow time for the suggested revisions.

Motion by Councilmember Callegari, second by Mayor pro tem Wilson to continue the public hearing to June 19, 2013; motion carried unanimously.

**8**      **COUNCIL DISCUSSION/ANNOUNCEMENTS:** No business.  
Commission/Committee Reports:

**9**      **NEW BUSINESS:**

**9A**      **Consider Ordinance No. 13-0991 amending Chapter 12.36 "Trees" of Susanville Municipal Code; waive first reading and introduce \* Consider Resolution No. 13-4958 adopting approved Street Tree Species list** Mr. Sanders reported that Chapter 12.36 of the Susanville Municipal Ordinance governs the method by which the City addresses the planting, maintenance, and removal of trees that are located in public places. These include right of ways, under power lines, and it is evident that the current language is somewhat outdated and contains cumbersome administrative procedures. The list of approved street tree species is limited and does not provide information on certain site-specific characteristics and suggestions on the best species for planting in specific areas.

Staff is proposing amendments to the chapter which will streamline the process of administering the City's Street Tree guidelines. The primary amendments include the elimination of the Street Tree Commission. The Commission has not been active and has had no appointed members in over five years. The administrative decisions made by the City Administrator would be appealed to the Planning Commission and ultimately to the City Council. The chapter amendments also include direction regarding tree trimming by public utility agencies.

In addition to the ordinance is a proposed resolution adopting and amended list of approved street tree species. The comprehensive list provides guidance for planting species under utility lines to reduce future trimming costs, identifies the most appropriate species for use in narrow planting strips, and recognizes the needs for the unique area in the city's historic center.

Mr. Hancock thanked Mr. Sanders and Mr. Platt for their work to develop the revisions and address the issues regarding street trees that have been an issue in the city for a number of years. He encouraged the Council to review and comment on the information provided, as it is substantial and there is no time deadline involved. He invited questions from the Council.

Councilmember McDonald commented that she would like to see maintenance directly addressed as the current mess caused by some trees is a problem in many areas.

Councilmember Callegari stated that Elm trees are a very invasive species and have caused many problems throughout the city.

Mayor pro tem Wilson added that it looks as if staff is headed in the right direction.

It was the consensus of the City Council to table the item and continue modifications to the chapter.

**9B Consider approval of Lassen County Arts Council Sponsorship** Mr. Hancock reported that each year, the Lassen County Arts Council sponsors many events throughout the year which encourage and promote all forms of artistic expression. This enrichment of the lives of the citizens and visitors of Susanville is a valuable contribution to the quality of life to City residents. The Arts Council has requested a sponsorship donation from the City in the amount of \$1,000. This money is available in the civic promotions fund.

Motion by Councilmember McDonald, second by Mayor pro tem Wilson to approve the donation; motion carried with Councilmember McBride abstaining.

**9C Consider approval of Extension of Boundaries for Lassen County Business Assistance Program**

Mr. Hancock explained that the City has received a request from the County regarding their business assistance program. The program provides financial support, training opportunities, and other benefits to business owners. The County is requesting authorization to make these services available to business owners located within the city limits.

The City recognizes the value of supporting local business owners as well as those entrepreneurs who are committed to providing services to the citizens of our community. The County program is funded by the State of California and requires a letter of agreement in order to extend the program boundaries to include City businesses to take advantage of this opportunity for assistance.

Mayor pro tem Wilson asked if the regulations have changed regarding the ability of city businesses to participate in the County's program.

Mr. Hancock responded that it has occurred occasionally in the past and this action is meant to memorialize the practice. He reiterated that this action would not prevent the City from applying for funding and/or administering similar programs in the future. In the event that the

City provided these services in the future, city businesses would no longer be eligible to participate in the County program.

Motion by Councilmember Callegari, second by Mayor pro tem Wilson authorizing Mayor to sign letter of agreement; motion carried unanimously.

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

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

**12**     **CONTINUING BUSINESS:**

**12A**    **Consider Resolution No. 13-4959 authorizing budget increase for scoreboard project at Memorial Ballpark** Mr. Hancock reported that the City Council approved the funding to replace the scoreboard at Memorial Ballpark through the Memorial Park Ballfield Capital Improvement Project fund. The fund was established in 2008 for revenue received from a lease agreement with Omnipoint Communications, Inc. for the installation of communication equipment at the park. All proceeds from the lease have been dedicated to improvements at the ballpark. With the support of the community, the Susanville American Legion Baseball group raised \$6,000 towards the purchase of the scoreboard, and per Resolution No. 12-4897 an additional amount of up to \$13,000 was approved to complete the project.

The cost estimate included \$2,000 for removal and installation of the new scoreboard, and it was hoped that the old frame would support the new board. Once the new scoreboard was received it became apparent that the old frame would not be adequate and a new frame had to be fabricated and installed at an increased cost of \$6,500. There is \$2,288.30 left from the original approved amount, with an additional \$4,211.70 needed to complete the project. The balance in the Memorial Park Ballfield CIP fund is \$8,821.

Councilmember McBride asked if there was any additional information provided, as the invoice is a bit vague. Regardless, the Memorial Ballpark is a jewel in the community, and he supports the project.

Councilmember Callegari asked if the college or schools had been approached to contribute to the project, since the park benefits their organizations.

Councilmember McBride answered that the schools also participated in the fund raiser.

Mr. Talia remarked that the fund is comprised of lease payments and not taxpayer dollars.

Mayor pro tem Wilson added that the American Legion Baseball Group and the College are running a great program and provide a significant amount of free labor throughout the year to keep the field in such good shape, and he supports the additional expense.

Motion by Mayor pro tem Wilson, second by Councilmember McBride to approve **Resolution No. 13-4959**; motion carried unanimously.

Jim Chapman commented that he supported the Council decision, characterizing the ball field as the finest ballpark in Northern California however it needs to be stated that the park belongs to all of the residents of Susanville, and not just the college or schools. The Fishing Derby is conducted in Memorial Park and sometimes the other groups are not always cooperative with the organizers of the event.

**13**     **CITY ADMINISTRATOR'S REPORTS:**

**13A FY 2013/2014 Preliminary Budget Review** Mr. Hancock explained that the City Council conducted a public workshop at a special meeting on May 22<sup>nd</sup>, and discussed City goals and objectives as they relate to the annual budget. Staff is very close to arriving at a balanced budget, with a shortfall of \$19,000. He invited the City Council to continue offering input and suggestions or requests to the final budget, whether at the meeting or during the week as priorities and ideas occur to them. A public hearing will be scheduled for June 19<sup>th</sup>, and he requested further comments.

There were no comments.

**13B Bond Rating Report** Mr. Hancock reported that Fitch Ratings is a global rating agency that provides objective and balanced credit opinions, and they review the City's natural gas utility on an annual basis. The reviews are published and this year the City's rating has increased from stable to positive which is good news for the City's credit worthiness and stability of the natural gas utility.

**14 COUNCIL ITEMS:**

**14A AB1234 travel reports:**

Councilmember McBride spoke regarding the recent Third Grade History Day event which is sponsored every year by the Lassen County Office of Education. He participated in the event and provided an update to the City Council.

**15 ADJOURNMENT:** Motion by Mayor pro tem Wilson, second by Councilmember Callegari to adjourn the meeting in memory of Bruce and Kathy Rhymes; motion carried unanimously.

Meeting adjourned at 8:45 p.m.

Respectfully submitted by

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Gwenna MacDonald, City Clerk

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Rod De Boer, Mayor

*Approved on July 17, 2013*