

**SUSANVILLE CITY COUNCIL
SUSANVILLE COMMUNITY DEVELOPMENT AGENCY
SUSANVILLE MUNICIPAL ENERGY CORPORATION
SUSANVILLE PUBLIC FINANCING AUTHORITY
Regular Meeting Minutes
September 4, 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, Lino P. Callegari, Mayor pro tem Wilson, and Mayor Rod E. 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 noted that Item 12A was not listed on the agenda, but the materials and staff report had been provided in the packet. He requested approval of the agenda with the addition of this item.

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

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS:

Tim Watts, local manager for Frontier Communication, announced the opening of the retail office at 805 Main Street. He was excited about the opportunity to bring a retail store to the community, and invited the City Council to the grand opening, requesting that the Mayor be present for the ribbon cutting.

3 CLOSED SESSION: At 6:05 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: Administrative Confidential: 2013/2014
 Fire: 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): three cases

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.

D PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – pursuant to Government Code §54957

4 RETURN TO OPEN SESSION: At 7:04 p.m. the City Council reconvened in open session.

Staff present: Craig Platt, Public Works Director; Tom Downing, Police Chief; Theodore Friedline, Fire Chief; and Gwenna MacDonald, City Clerk.

Mr. Hancock reported that the agenda was approved with the addition of Item 12A which had been included in the packet but not listed on the agenda.

Mr. Hancock reported that the City Council had directed him to follow up with the Administrative/Confidential bargaining unit, and they voted unanimously to support a two year Memorandum of Understanding with the Fire, Miscellaneous, and Public Works bargaining units and a three year Memorandum of Understanding with the Professional/Technical bargaining unit. Contracts would be prepared and brought to the October 2nd meeting for City Council final consideration.

Chief Theodore Friedline offered the thought of the day.

5 BUSINESS FROM THE FLOOR:

There were no comments.

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

- A Receive and file minutes from City Council's August 7, 2013 meeting
- B Approve vendor warrants numbered 88512 through 88732 for a total of \$592,525.86 including \$106,983.05 in payroll warrants
- C Approve **Resolution No. 13-4982** authorizing the purchase of 2014 Ford Police Utility Vehicle

Councilmember McBride requested separate consideration of item 6C.

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

Chief Downing reported that the Susanville Police Department is in need of a new patrol vehicle and has the opportunity to purchase a 2014 Ford Police Utility through Folsom Lake Ford. The California State contract for the purchase of law enforcement vehicles was awarded to Folsom Lake Ford this year, and it allows the City to purchase the vehicle at the same discounted rate offered to larger agencies. The City has been able to negotiate a purchase price of \$29,782.58 including tax, for the vehicle which meets all specifications. Funds for purchase were included in the fiscal year 2013/2014 budget.

Motion by Councilmember McBride, second by Councilmember McDonald, to approve Resolution No. 13-4982; motion carried unanimously.

7 **PUBLIC HEARINGS:** No business.

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

9 **NEW BUSINESS:**

9A Consider Ordinance No. 13-0992 Prohibiting smoking on Main Street during Magical Country Christmas event: Waive first reading and introduce Mr. Hancock reported that staff is bringing an ordinance for consideration which would establish the annual Magical Country Christmas as a non-smoking event. The Safe and Sane Halloween event had been designated as a non-smoking event as it is geared toward the children in the community, and a similar ordinance has been drafted for the Christmas event. He had received a phone call of from Chuck Downs, Chamber of Commerce Committee Chair, and while it was his previous understanding that the Chamber did not have any concerns regarding the event, they requested that the item be postponed to allow the Chamber Board additional time to respond. As drafted, the ordinance provided for an outright ban on smoking during the event between 5:00 and 7:00 p.m. every year from Weatherlow and Main Streets. The event is typically held on the first Saturday in December each year. Mr. Talia added that it is up to the City Council to waive the first reading and introduce, or bring back after further discussions with the Chamber Board.

Mayor pro tem Wilson noted that Kathie Garnier was in attendance and asked if she would be able to clarify the Chamber's position on the ordinance.

Ms. Garnier stated that she was in attendance at the prior Chamber board meeting regarding the smoking prohibition when Mr. Downs was absent. He joined the Chamber after the discussions regarding the Safe and Sane Halloween event where there was a concern for the children's safety, and she confirmed that the Chamber did discuss the issue of smoking at the Country Christmas event at their last meeting, but they did not vote on the matter.

Councilmember Callegari remarked that his concern is with the children, and the Christmas celebration is about the children and he has a lot of concern regarding that much second hand smoke at a community event.

Jim Chapman spoke about the process of introducing an ordinance and then bringing it back for a second reading. He pointed out that City Council has announced that no meeting would be held on September 18th due to out of town travel by several councilmembers, and that would allow an additional two weeks for the Chamber board to meet and discuss their support of the ordinance.

Motion by Councilmember Callegari, second by Councilmember McDonald to waive the first reading and introduce Ordinance No. 13-0992; motion carried unanimously.

9B Consider approval of Resolution No. 13-4981 authorizing investment of monies in the Local Agency Investment Fund (LAIF) Mr. Hancock explained that the authority to transfer money from the LAIF account to the City's bank account was approved by Resolution No. 12-4850 and granted to two employees. It is necessary from time to time to update the authorization as staffing needs change, and staff proposes that the transfer authority be granted to the City Administrator and Assistant to the City Administrator.

Motion by Councilmember Callegari, second by Councilmember McDonald to approve Resolution No. 13-4981; motion carried unanimously.

9C Consider approval of job description for Police Officer Trainee position Chief Downing explained that it has been past practice of the Susanville Police Department to hire Police Officer candidates only after they have completed the required POST training at the police academy. In order to broaden the options available for recruitment and retention, staff proposes to implement an approach that would begin with the establishment of the new job description of Police Officer Trainee. This job description as written would allow for the police department to employ individuals in a full time, non-sworn, salaried, at-will, non-benefited, temporary employee classification while they attend the POST academy, or requalification course to become a sworn officer. It would provide the opportunity for the City to attract a broader range of local applicants which also improves the retention rate as oftentimes Officers move to the community and find that it is not a fit for them, and they utilize the time in Susanville as a stepping stone in their career.

This position as proposed would be compensated at a rate of ten percent (10%) less than an entry level Police Officer, and would be an exempt salaried position and therefore not eligible for overtime compensation. While attending training, the employee would be eligible for a per diem stipend and upon successful completion of training, the Police Officer Trainee would be eligible for promotion to the full-time benefited Police Officer classification. This promotion would depend upon available police officer vacancies, and require the final approval of the Chief of Police. This option also provides an opportunity for those individuals who are interested in a career in law enforcement to attend but who are not able however their personal circumstances do not allow them to quit their current job to attend a six month police academy out of the area with no income or opportunity for full-time employment upon completion of the academy. If approved, this would provide the opportunity from time to time for select candidates to attend the POST academy, while being an employee of the police department.

Chief Downing explained that potential employees would be required to enter into an agreement with the City of Susanville to pay all unreimbursed expenses incurred by the City while in training if they were to terminate their employment prior to an agreed upon period. It would be up to the City to determine an appropriate contract period, suggesting up to two (2) years, in order to protect the City's time and investment in training an Officer. After completing the period of employment required by the agreement, the employee could then be relieved from any obligation to reimburse the City for expenses. The training provided to the employee would be POST reimbursable and cost-neutral. The employee's salary would already be budgeted, and cost-savings would be realized as the position would fill a police officer vacancy at a lower, non-benefited rate during the training period.

Chief Downing reiterated that approval of the job description would not be adding additional positions to the department, but rather offering an additional avenue to fill vacant positions in the future. He requested comments or questions from the Council.

Mayor pro tem Wilson commended the Chief for thinking outside the box to address an ongoing challenge in recruiting and retaining officers to the department and community. He supported the concept and supported moving forward in that direction. He asked for clarification regarding the two-year agreement, asking if it would start at the time of hire, or the time of graduation from POST training.

Chief Downing responded that the particulars of the employment would be up to the City Council and City Administrator to discuss.

Councilmember McBride commented that it was an excellent proposal and he supported the idea of recruiting local candidates.

Mayor De Boer asked about the deep pocket rule and Chief Downing responded that they have looked at it and that the benefits of having the option appeared to outweigh the possibility that a portion of the contract could not be enforced.

Councilmember Callegari clarified that the City would be pursuing the maximum reimbursement from POST training, and discussed the challenges of increasing training requirements for law enforcement officers. It was decided that the City Administrator and Police Chief would determine the commitment length based on the cost and length of training.

Motion by Councilmember Callegari, second by Councilmember McDonald to approve the Police Officer Trainee job description; motion carried unanimously.

9D Consider Ordinance No. 13-0993 increasing purchasing limits to match the California Uniform Construction Cost Accounting Commission [CUCCAC] limits: Waive first reading and introduce Mr. Hancock explained that California Public Contract Code implements policies that determine the dollar threshold for work that a city can complete without utilizing the formal bidding process through the Uniform Public Construction Cost Accounting Act. The City adopted Ordinance 03-0904 amending Title 3 - Purchasing System of the Susanville Municipal Code, and adopted Resolution No. 03-3661 which implemented the Uniform Public Construction Cost Accounting Procedures. The state approved limit at that time was \$25,000 and has subsequently increased to \$45,000. Staff requests the introduction of an ordinance amending the Municipal Code to implement the current change as well as increase with corresponding increases in the State limit. There are other minor changes which eliminate verbiage that is onerous and limited.

Motion by Mayor pro tem, second by Councilmember McDonald to waive the first reading and introduce Ordinance No. 13-0993; motion carried unanimously.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS:

12A Consider Resolution No. 13-4983 approving and authorizing Mayor to execute MOU with Management Bargaining Unit Mr. Hancock explained that at the meeting of August 21, 2013, the City Council voted unanimously in closed session to approve a memorandum of understanding with the Management Bargaining Unit. The contract has been prepared and attached for final review and adoption by the City Council. He noted that representatives from the group met and negotiated an agreement with changes relative to health care premium, mandatory provisions of AB340 and other miscellaneous items.

Motion by Councilmember McDonald, second by Councilmember McBride to approve Resolution No. 13-4983; motion carried unanimously.

13 **CITY ADMINISTRATOR'S REPORTS:**

13A **Review and Discussion of draft Swimming Pool JPA** Mr. Hancock reported that as directed by City Council at the last meeting, he met with the County to further discuss the formation of a Joint Powers Authority so that the tools would be in place to administer funding for a community swimming pool. County CAO Martin Nichols provided a draft agreement that was based upon a similar agreement that he was involved with in Shasta County and it was reviewed by the City Attorney as well. It is a simple and straightforward document, but he recommended consideration of the wording regarding the addition of future recreation activities and the impact it would have on the original commitment of funding by the City and County. Additionally, he recommended a more clearly defined scope of financial contribution by each entity joining the Joint Powers Authority. Overall he deemed it to be a well-worded, comprehensive document but he encouraged input and feedback from the Council. The purpose of the update was to review and receive comments and suggestions regarding Council priority and feedback.

Councilmember Callegari commented that under Article 12: Amendments he would prefer to have a four-fifths vote required to amend the agreement as opposed to two thirds.

Mayor pro tem Wilson stated that his concern involves the use of multi-jurisdictional language, and that making the agreement too complicated at this point is not necessary, that it should be kept simple: a JPA to construct a community pool. Adding language to include other recreation activities diminishes the focus on a pool, however he supports clarification of the process for other agencies to join and share the burden of funding.

Mr. Hancock responded that there has been discussion regarding options for other groups such as the college or school to join, and the process to add voting representatives for a spot on the board. The question arose regarding whether to have an equal pay contribution of \$200,000 or a division of the existing amount in order to reduce the finance burden on the City and County. At this point, he will proceed with meeting with CAO Nichols to discuss language revisions, and he will keep the City Council updated.

14 **COUNCIL ITEMS:** No business.

14A **AB1234 travel reports:**

15 **ADJOURNMENT:** Mayor De Boer reminded those in attendance that no meeting would be held on September 18th and that the next regularly scheduled meeting would be held October 2nd.

Motion by Mayor pro tem Wilson, second by Councilmember Callegari to adjourn the meeting; motion carried unanimously.

Meeting adjourned at 7:45 p.m.

Rod De Boer, Mayor

Respectfully submitted by

Gwenna MacDonald, City Clerk

Approved on October 16, 2013