

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

**Regular Meeting Minutes**

**May 7, 2014 – 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, and Mayor Rod E. De Boer. Absent: Mayor pro tem Wilson.

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

**1 APPROVAL OF AGENDA:**

Mr. Hancock noted corrections on Items 9B and 12A; revised copies of both items were provided.

Motion by Councilmember Callegari, second by Councilmember McDonald, to approve the agenda with the amendment of two items as noted; motion carried. Absent: Wilson

**2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS:** No comments.

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

- A CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation: Significant exposure to litigation pursuant to Government Code §54956.9 (b): four potential claims
- B PUBLIC EMPLOYMENT – pursuant to Government Code §54957:
  - 1 Public Works Director
- C CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code §54957.6:
  - 1 Agency Negotiator: Jared G. Hancock  
Bargaining Unit: Administrative Confidential: 2014/2015
- D CONFERENCE WITH REAL PROPERTY NEGOTIATIONS – pursuant to Government Code §54956.8
  - 1 City Hall Parking Lot Agreement: MacVitie

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

Staff present: Dan Newton, City Engineer/Interim Public Works Director; Theodore Friedline, Fire Chief; Matt Wood, Police Lieutenant/Acting Police Chief; Deborah Savage, Finance Manager; and Gwenna MacDonald, City Clerk.

Mr. Hancock stated that the agenda was approved with corrections to two items, and that the City Council gave direction in Closed Session regarding anticipated litigation, and voted to appoint Dan Newton, City Engineer, to the position of Interim Public Works Director.

Councilmember Callegari offered the Thought of the Day.

**5      BUSINESS FROM THE FLOOR:**

**Tony Jonas**, Lassen Historical Society, thanked the City Council for approving a street closure in front of Memorial Park for the annual Third Grade Day. He invited those in attendance to the seasoning opening at the Museum on Friday, May 9, 2014, and provided an update regarding upcoming events for the Historic Society, including plans for fund raisers for a Roop's Fort Restoration project.

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

- A      Receive and file minutes from the City Council's March 19 and April 2, 2014 meetings
- B      Approve vendor warrants numbered 90675 through 90859 for a total of \$443,210.88 including \$101,610.45 in payroll warrants
- C      Receive and file Monthly Finance Reports: March 2014

Motion by Councilmember Callegari, second by Councilmember McDonald, to approve the consent calendar; motion carried. Absent: Wilson

**7      PUBLIC HEARINGS:**

**7A      Fees and rates for Fiscal Year 2014/2015**

- 1      Public Hearing: Solicit and consider comments relative to setting fees and charges for City services**
- 2      Action: Consider Resolution No. 14-5041, Amending Resolution No. 11-4754 and establishing fees and charges for City services**

Ms. Savage reported that the City has established fees and charges for various services that are charged for individuals or businesses for a range of purposes from park use fees to building plan check fees. The amount of the fee cannot exceed the cost of providing those services, and staff reviews the fees annually to determine if costs are being recovered appropriately. Fees have not been increased since 2010 and no increase is being proposed at this time. Additional analysis, including a time study, will be performed to assess the actual time needed to provide services, and will be brought back to Council along with a plan to consider both direct and indirect costs. Ms. Savage reviewed corrections to the schedule, which included fees that had been charged but not listed on the fee schedule, three new fees, including a telecommunications registration fee, telecommunications encroachment review fee, and site improvement plan review fee. She noted that one fee, non-construction permits within pavement, was being reduced.

Mayor De Boer opened the public hearing at 7:12 p.m. and requested comments from the public.

**Kathie Garnier**, American Pacific Mortgage Corporation, asked for an estimate of what the fee for site plan review would be.

Mr. Newton responded that the fee would be calculated at actual cost plus fifteen percent.

**Michael Kirack**, Kirack Construction, asked what the fee might be on a half million dollar development project.

Mr. Newton responded that some of the factors affecting time and cost of the site plan review would be drainage patterns, site slope, curb and gutter requirements, and compared the difference in review necessary for a subdivision versus a single family dwelling on a lot that requires no site plan review. He explained that the service has been provided on development projects, however the City has not previously

collected a separate fee for the site plan review, and for larger projects such as the Court House that was built last year, the amount of time dedicated to reviewing site plans can be quite extensive.

Mr. Kirack requested ample notification time for the local development community prior to implementation.

Mr. Hancock pointed out that the City already charges an engineering fee of actual cost plus fifteen percent, but in some cases, the site plan is submitted and reviewed separately. Identifying the service that is being provided and capturing the actual cost to provide those services is the purpose of adding the proposed fee and not to charge for the service two times.

There being no further questions, Mayor De Boer closed the public hearing at 7:18 p.m.

Motion by Councilmember McDonald to approve Resolution No. 14-5041; Councilmember Callegari provided a second and the motion carried. Absent: Wilson

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

**9**      **NEW BUSINESS:**

**9A**      **Consider approval of Resolution No. 14-5046 authorizing closure of Main Street for Main Cruise events June 28, 2014** Mr. Newton reported that the Lassen Chamber of Commerce is hosting the annual Main Street Cruise event and is requesting the City's support for the event by authorizing a street closure and providing staff time to facilitate traffic safety for the event. The Chamber is requesting a street closure on Main from Cottage to Weatherlow, from 2:00 p.m. to 6:00 p.m. and closure of Pancera Plaza from 8:00 a.m. to 7:00 p.m. Caltrans requires City approval to authorize the street closure, and cost to the city for staff time is estimated to be \$3,045.

**Kathie Garnier**, Chamber of Commerce, thanked the City Council for their continued support of Chamber events, noting that the Main Cruise is one of the most popular.

Motion by Councilmember McBride to approve Resolution No. 14-5046; Councilmember McDonald provided a second and the motion carried. Absent: Wilson.

**9B**      **Consider Ordinance No. 14-0996 unauthorized camping amending Chapter 12.32 and 9.04 of the Susanville Municipal Code; waive first reading and introduce** Mr. Hancock reported that he has received a tremendous amount of feedback from the public and councilmembers regarding the issue of unauthorized camping in the City limits. Staff has researched what steps that other cities have taken that have effectively dealt with the issue, and drafted an ordinance for the Susanville Municipal Code that would prohibit unauthorized camping and storage of personal property within the City limits. The purpose of the ordinance is to ensure that the citizens of Susanville are able to enjoy the public areas within the community for the uses they were intended, and to address some of the health and safety issues that have been created by unauthorized camping.

**Michael Kirack**, Kirack Construction, shared photos with the Council that were taken along the river trail behind the site of his new business office building on Riverside drive. He complained of the theft, the health and safety hazard that comes with unauthorized camping, noting that he supports helping people who need it, but there are approximately 19 people living in the area behind McDonalds, and they are moving

in from other areas so the problem is only going to get worse. He thanked Chief Downing for being so responsive to his complaints, and he supports the proposed ordinance.

Chief Downing commented that he supported the Ordinance as written, noting that the ability to cite offenders aids in the criminal process. He discussed the clean-up efforts, and thanked Cherie Ferrell, of Crossroads Ministries, for providing a safe and appropriate alternative to camping along the river.

Mr. Hancock noted that one change was that the fine for a misdemeanor, was \$1,000 and not \$500.

**Cherie Ferrell**, Crossroads Ministries, spoke in favor of the Ordinance. She explained that the services provided at Crossroads include two meals per day, laundry and a hot shower. The activity that occurs along the river is not supported by Crossroads, as they expect a commitment to sobriety in order to utilize the services Crossroads provides and to that end, they drug test folks between two and three times per week who utilize their housing. She attributes the problem to changes with the State Department of Parole, and states that not everyone staying in the camps is from out of the area.

Councilmember Callegari added that the closure of State mental hospitals has contributed greatly to the problem of homelessness.

Councilmember McBride recommended more clean-up crew activity.

Motion by councilmember McDonald to waive the first reading and introduce Ordinance No. 14-0996; Councilmember McBride provided a second and the motion carried. Absent: Wilson.

**9C Consider approval of Resolution No. 14-5044 Approving C&S Companies updated Airport Layout Plan and PAPI project for Susanville Municipal Airport** Mr. Hancock explained that the Susanville Airport utilizes a Visual Slope Indicator, or VASI, to assist pilots on their final approach to the airport for night landings. The VASI at the end of runway 29 is un-operative, and the system is obsolete so parts are no longer available. C & S Companies, the City's Airport Planning Consultant, has developed a proposal to replace the VASI with a Precision Approach Path Indicator, or PAPI. C & S will prepare the necessary paperwork to submit to FAA to request reimbursement for the project, and the City will need to update its Airport Layout Plan (ALP) map for submittal to FAA.

Motion by Councilmember Callegari to approve Resolution No. 14-5044; Councilmember McDonald provided a second and the motion carried. Absent: Wilson.

At 7:46 p.m., Mayor pro tem Wilson entered the chambers and assumed his seat on the dais.

**9D Consider approval of Resolution No. 14-5048 amending FY 2013/2014 Budget for paving project** Mr. Newton reported that staff has prepared design plans and a cost estimate to construct a parking lot at City Hall. The public works department has the necessary staffing and equipment to complete the work in-house. According to the California Public Contracting Code, the City is allowed to complete public works projects of up to \$45,000 with the City's own forces. He notes that the conceptual plan for the parking lot has been included in the report for Council review.

Mayor pro tem Wilson asked if the cost was included in the current fiscal year budget. Mr. Hancock confirmed that the project was approved and budgeted for in the current fiscal year, pending the Council's approval of the plans. The resolution for consideration would memorialize that action.

Motion by Mayor pro tem Wilson to approve Resolution No. 14-5048; Councilmember McBride provided a second and the motion carried unanimously.

**9E Consider approval of Resolution No. 14-5049 authorizing purchase of folder/insert machine for the Finance Division** Ms. Savage reported that the City leased a folder/insert machine from Ray Morgan Company in 2007 to assist with the folding and inserting of the City's utility bills, sending approximately 4,400 utility bills and 1,200 reminder notices each month. Staff has been experiencing several mechanical issues with the machine and have researched various replacement options, including another lease versus outright purchase. It has been determined that it would be most cost effective to purchase a new machine based upon a competitive proposal from Forest Office. The City would have the advantage of shopping local and having quick response and service times. The cost is estimated to be approximately \$9,315.

Mayor pro tem Wilson asked what the expected life of the new equipment would be, and Council discussed the competitive bid process and the functionality of the machine. Mayor pro tem Wilson requested that the machine be of sufficient quality to last at least five years. Councilmember McBride appreciated the support of local business.

Motion by Councilmember McBride to approve Resolution No. 14-5049; Councilmember Callegari provided a second and motion carried unanimously.

Councilmember McBride recuses himself from the discussion due to a business conflict, and exits the Council chambers.

**9F Consider approval of Memorial Ballfield Signage for use as advertising by Lassen College and American Legion Baseball** Mr. Hancock explained that there are two advertising billboards at the Memorial Park ball field and a review of the agreement with Lassen College indicates that the billboards may not have been approved in accordance with the agreement. Lassen College and the American Legion Baseball Association each sell advertising on the signs, and have indicated that the advertising proceeds are an important part of funding their respective programs. Staff is recommending that the City Council authorize the continued use of the signage. The sign currently advertising Tum-a-Lum Lumber will be advertising Kirack Construction, and staff is requesting City Council approval to memorialize the existing signage.

**Steve Robertson**, American Legion Baseball president, talked about the various projects and donations of time and money that his group has committed over the years, and recognized the hard work of many other organizations who have worked to make the field such an asset to the community.

**Frank Avilla**, Lassen College, discussed the contributions made by the College and the dedication of his organization towards making the Memorial ball field one of the highest quality fields in the north State. He thanked the City Council for supporting that effort and looked forward to that continued partnership.

Michael Kirack stated that he supports everything that both groups are working for, that the park is a tribute to the community and he is excited for the opportunity to help support it.

Councilmember Callegari agreed that the park represents a true community effort, and that it has been for many years. He stated that he was supportive provided that the City approve any proposed changes to the signs.

Mr. Hancock reiterated that the revenue for advertising goes to American Legion Baseball and Lassen College, and any change in signage would be approved by the City first.

It was the consensus of the City Council to move forward with the advertising signage as discussed provided that the signage and changes are approved by the City Administrator.

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

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

**12**     **CONTINUING BUSINESS:**

**12A**    **Consider approval of Resolution No. 14-5047 amending contract with Dig It Construction for 2012 Susanville Rehab B Project** Mr. Newton explained that staff has prepared plans to complete the rehabilitation of Laurel Street with the remaining Susanville Rehab B funds. The Rehab funds were used for the rehabilitation of Riverside Drive near the new Court House and there is approximately \$100,950 remaining. Dig It Construction provided an estimate of approximately \$123,781 to complete the rehabilitation of Laurel Street. Staff is proposing to make up the project balance of \$28,831 with money remaining in the Prop 1B Improvements fund, which must be expended by June 30, 2014.

The City has entered into a contract with Dig It Construction for completion of the Susanville Rehab B project, and in August 2013, approved a contract amendment to keep the contract open. This also allowed the City to keep an eight percent project retention. The City has been holding two percent, or \$42,382.05, and Dig It is requesting that the City release the money upon execution of Change Order #6, which would be appropriate. Change Order #6 also authorizes the City Administrator to authorize any additional change orders up to \$6,000 for the Laurel Street Rehab as a project contingency.

Mayor pro tem Wilson commented that using Prop 1B money to complete the project was not presented as an option the last time this project was discussed.

Mr. Hancock replied that staff had been planning to use Street Mitigation funds to make up the difference in project costs, but that Prop 1B funding was a better source of funding would be available until June 30<sup>th</sup>.

Mayor pro tem Wilson asked about the timeline for completing the project, and if the June 30<sup>th</sup> deadline could be met.

Mr. Newton responded that the City was waiting until the curb gutter and sidewalk work was completed by Tractor Supply, and after the new sewer line is installed down Laurel Street, and that the project is on track.

Motion by Mayor pro tem Wilson to approve Resolution No. 14-5047; Councilmember McBride provided a second and the motion carried unanimously.

**12B**    **Consider approval of Resolution No. 14-5045 Approving payoff of Diamond Mountain Golf Course Loan and CalPERS Side Fund Liability** Ms. Savage reported that at the mid-year budget discussions, the Council discussed possible uses for one-time revenues that have been received by the City.

The Council prioritized the options presented as paying off the golf course loan and paying down the side fund liability with funds that have accumulated in the risk management fund from previous dividend payments.

Councilmember Callegari objected to using tax payer dollars to support an enterprise fund such as the golf course. Enterprise funds should be self-sustaining and many people who are not golfers expect their tax dollars to be spent on the services that they are earmarked for. While he does not object to borrowing for projects that the golfers support, he cannot support borrowing from other funds in the manner being proposed. Councilmember Callegari asked Ms. Savage if the golf course enterprise fund would be paying taxes back to those funds it was borrowing from. She responded that no, the loan will be paid off and the City will own the golf course free and clear.

Mayor pro tem Wilson clarified that the City borrowed money from the general fund and the risk management fund to pay off the loan due from Plumas Bank. The approval of 14-5045 will repay that money to the general fund, the risk management fund, and the excess money in the risk management fund will be used to pay down the CalPERS Side Fund loan, so for him it is a win/win/win situation.

Councilmember McBride supported Mayor pro tem Wilson's statement.

Motion by Councilmember McDonald to approve Resolution No. 14-5045; Councilmember McBride provided a second and the motion carried with Councilmember Callegari voting No.

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

**13A      Junior Fishing Derby Update** Mr. Hancock provided an update regarding the 25<sup>th</sup> Annual Junior Fishing Derby and thanked all those who worked hard to make the event such a success.

Councilmember McBride commented that next year even more effort should be made to clean up along the river prior to the Derby, as there was still trash and graffiti where the children were fishing.

**13B      Richmond School Evacuation Plan** Mr. Hancock explained that the Richmond School District has been working to update their school safety plan and they have determined that the most appropriate off-site staging area in the event of a campus-wide evacuation would be the old club house at the Diamond Mountain Golf Course. The District has requested that the City Council authorize the use of the club house for this purpose and permit them to include it in their Safety Plan. It was the consensus of the City Council to allow this use, and directed Mr. Hancock to work with the District to make sure they have a safe place to evacuate children in the event of an emergency.

**13C      Susanville Airport Project Review** Mr. Hancock reported that the Lassen County Community Development Department has received a project request to use an existing building on property adjacent to the Susanville Municipal Airport for a children's amusement facility/play center which will be focused on children up to 14 years old. The site will have bounce houses and other activities geared towards children and will cater to special events such as birthday parties and on certain occasions they may have up to 70 children and adults on the site at once. Average attendance would be estimated to be between 15 and 20 people at one time. Due to the proximity to the airport, the County initiated a review of the project by the Lassen County Airport Land Use Commission (ALUC) who heard the proposal on April 28, 2014 and continued the item to May 13, 2014.

Mr. Hancock explained that as the owner and operator of the Airport, the City has a responsibility to ensure that incompatible land uses are not located near the airport. The airport is divided into three safety zones, which he noted were included on a map provided with the staff report. The project is located in safety zone 3, the Overflight Safety Area, which is the zone where aircraft maneuver to enter or leave the traffic pattern, and it has the lowest safety risk of the three zones. Hazards in this zone are lower than the areas adjacent to the runways, particularly the ends of the runways and approach zones, however, mid-air collisions are more prevalent within this zone. Because of this potential hazard, the Airport Land Use Plan states that large groups of people should not be located beneath the traffic pattern zone because of the potential for injury. The subject building is located approximately 600 feet to the south of the runway. Because the Overflight Zone is so large the range of allowable uses is varied and dependent on location, and projects are reviewed on an individual basis. The Airport Land Use Commission has the ultimate decision on whether to find that the proposed use is compatible with airport operations including noise and safety, the Council has an opportunity to voice any concerns they may have and submit comments for consideration by ALUC. Mr. Hancock requested comments from the City Council regarding the project that would be incorporated into a written response to the Commission.

The Council discussed concerns related to noise and safety, and a member of the public also brought up septic issues. It was clarified that building and septic issues would be the County's to consider. It was also discussed how it would affect grant funding for airport projects. It was the consensus to not submit any comments in opposition to the project on behalf of the City.

**14     COUNCIL ITEMS:**

**14A    AB1234 travel reports:**

**15     ADJOURNMENT:** Motion by Mayor pro tem Wilson, second by Councilmember Callegari to adjourn; motion carried unanimously.

Meeting adjourned at 8:55 p.m.

Respectfully submitted by

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Gwenna MacDonald, City Clerk

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Rod E. De Boer, Mayor

*Approved on June 4, 2014*