

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

Regular Meeting Minutes

May 21, 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 Rod De Boer.

Roll call of Councilmembers present: Cheryl L. McDonald, Brian Wilson, Lino P. Callegari, and Mayor Rod E. De Boer. Absent: Councilmember McBride.

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

1 APPROVAL OF AGENDA:

Motion by Councilmember Callegari, second by Councilmember McDonald, to approve the agenda as submitted; motion carried. Ayes: Callegari, Wilson, McDonald, and De Boer Absent: McBride

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): three potential claims
- B CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code §54957.6:
 - 1 Agency Negotiator: Jared G. Hancock
 - Bargaining Unit: Administrative Confidential: 2014/2015

At 6:06 p.m. Councilmember McBride entered the chambers and assumed his seat on the dais.

Closed session adjourned at 6:29 p.m.

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; Tom Downing, Police Chief; Heidi Whitlock, Assistant to the City Administrator and Gwenna MacDonald, City Clerk.

Mr. Hancock stated that the agenda was approved without changes, and that the City Council gave direction in Closed Session regarding one item.

Dan Newton offered the Thought of the Day.

5 BUSINESS FROM THE FLOOR:

Dennis Heinz spoke in support of establishing a marijuana dispensary in Susanville as outlined in the Compassionate Use Act. As a medical marijuana patient, he discussed its personal benefits for pain

management, and discussed the challenges of growing his own product. He urged the City Council to change their stance on dispensaries.

Laura Roberts, Lassen Smoke Reduction Task Force, distributed information regarding tobacco lounges and e-cigarette usage. She discussed the danger of increased usage of the product and requested that the Council enact an urgency moratorium on smoke shops and direct staff to begin the process of re-defining tobacco products in the Susanville Municipal Code.

Staff was directed to bring the item back for discussion at the June 4, 2014 meeting.

Cherie Ferrell, Crossroads Ministries, shared information with the City Council regarding the contributions that Crossroads makes to the community through providing help and assistance to people who are down on their luck. She discusses the commitment that is expected of people who are provided help, and gave examples of some of the citizens who have been helped in the past two weeks.

Dan Paez, Lassen Youth Softball President, announced that on June 21, 2014, nineteen teams will be coming to Susanville for a youth softball tournament. He requested the phone number of the owner of the old hospital site, as the access to the equipment storage facility at Diamond View School had been blocked off and locked.

- 6** **CONSENT CALENDAR:** Mayor De Boer reviewed the items on the Consent Calendar:
- A Receive and file minutes from the City Council's April 16, 2014 meeting
 - B Approve vendor warrants numbered 90860 through 90945 for a total of \$264,701.47 including \$94,027.66 in payroll warrants
 - C Receive and file Finance Reports: April 2014

Mayor pro tem Wilson requested the removal of item 6C for separate consideration.

Motion by Mayor pro tem Wilson, second by Councilmember Callegari, to approve items 6A and 6B; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer

Mayor pro tem Wilson asked about the consolidation of excess mitigation funds, and requested the item be brought back at the June 4, 2014 meeting.

Motion by Mayor pro tem Wilson, second by Councilmember McDonald, to approve item 6C; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer

7 **PUBLIC HEARINGS:** No business.

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

9 **NEW BUSINESS:**

Councilmember McBride recused himself from the discussion and exited the Council chambers.

9A **Consider Resolution No. 14-5052, approving annual report and scheduling public hearing to set assessments for FY 2014/2015 for the Historic Uptown Susanville Association (HUSA)** Mr. Talia

explained that the *Streets and Highways Code* requires the City Council to consider the annual fiscal report of the Historical Uptown Susanville Association (HUSA) and approve it by resolution. The City Council may make changes or alterations to the report and then must set a public hearing to consider the annual levy of assessments. If the City Council accepts the report, the public hearing could be set for Wednesday, June 4, 2014 at 7:00 p.m.

Kathie Garnier, HUSA President, provided an update regarding the challenges and various accomplishments of the District.

Motion by Councilmember Callegari, second by Mayor pro tem Wilson, to approve Resolution No. 14-5052; motion carried. Ayes: Callegari, Wilson, McDonald and De Boer. Abstain: McBride.

Councilmember McBride returned to the Council chambers and assumed his seat on the dais.

9B Consider approval of Resolution No. 14-5050 authorizing amendment to Cooperative Fire Protection Agreement with Lassen National Forest Chief Friedline explained that the City approved a Cooperative Fire Protection Agreement with the Lassen National Forest on May 18, 2011. The agreement is reviewed annually and any modification or supplement requires Council approval. An amendment extending the performance period to April 30, 2015 and the modification of three provisions including equipment, electronic funds transfer and principal contacts. In addition, the supplement provides that the Lassen National Forest will reimburse the City of Susanville, up to \$2,000 for fire training provided to Lassen National Forest employees by City fire department personnel.

Motion by Councilmember Callegari, second by Councilmember McDonald, to approve Resolution No. 14-5050; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer.

9C Consider approval of Resolution No. 14-5051 authorizing City Sponsored Community Clean-up Day on June 21, 2014 Chief Friedline reported that staff is coordinating a City clean-up day for June 21, 2014. Service organizations, community members, and anyone else interested in participating have been invited to attend. The day will begin at 7:30 a.m. at Memorial Park, with projects starting around 8:00 a.m. and ending at approximately 12:00 p.m. noon. He discussed the project areas that have been identified and coordination effort with other agencies. An expenditure of up to \$500 is anticipated to purchase supplies including food and drinks for the participants.

Motion by Councilmember McDonald, second by Mayor pro tem Wilson, to approve Resolution No. 14-5051; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer

9D Consider authorizing Experimental Aircraft Association Chapter #794 to sponsor 2014 Air Fair event on Saturday August 16, 2014 Mr. Hancock reported that as part of the agreement between the City of Susanville and the Experimental Aircraft Association (EAA) Chapter #794, each year the EAA must notify the City of their intent to sponsor the annual Air Fair. This year, the EAA proposes to hold the Air Fair on Saturday, August 16, 2014. The agreement also requires the EAA to obtain public liability insurance with a combined single limit of \$5,000,000.00 naming the EAA and the City of Susanville as the insured. The EAA is requesting that the City pay for half of the insurance premium, in an amount not to exceed \$500.00.

Motion by Mayor pro tem Wilson, second by Councilmember Callegari to authorize the sponsorship of the 2014 Air Fair event and payment of half of the insurance premium in an amount not to exceed \$500.00; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer.

The Council discussed options for promoting the event.

9E Consider approval of Resolution No. 14-5053 Finding of Public Convenience or Necessity /

Dollar General Mr. Hancock explained the requirements for businesses that wish to obtain a license to sell alcoholic beverages through the Department of Alcoholic Beverage Control. He noted that the correct finding is one of public convenience or necessity, and that the word 'and' had been used on the agenda, noting that it was an important distinction. He stated that the Dollar General Store is requesting that they be allowed to transfer a Type 21 off-sale beer, wine and hard liquor license to their establishment in Susanville. The store is located in census tract 0403.04 which is allowed two off-sale alcoholic beverage locations but which currently has five, according to the Department of Alcoholic Beverage Control. There is currently a moratorium on new off-sale alcoholic beverage licenses in Lassen County. Dollar General has purchased an existing license from within the County but from a different census tract. In order to use the license in this location, the City must make a finding that there is a public convenience or necessity for the license. The Police Department has reviewed the proposal and does not have any concerns based on the location or addition of another retail location within the census tract. With the exception of the Diamond Mountain Casino mini-mart all of the alcohol retailers within the City are located on Main Street.

Motion by Councilmember McDonald, second by Councilmember Callegari, to approve Resolution No. 14-5053; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS:

12A Consider Ordinance No. 14-0996 unauthorized camping amending Chapter 12.32 and 9.04 of the Susanville Municipal Code; waive second reading and adopt

Mr. Hancock reported that at its May 7, 2014 meeting, the City Council reviewed a proposed ordinance that would prohibit camping or storage of personal property on public property within the City. Camping and the storage of personal property in public areas of the City interferes with the rights of others to use and enjoy these areas for recreational day use, and in many instances poses a public health and safety hazard. The Ordinance will provide the City with additional tools needed to maintain clean neighborhoods and public areas that are accessible to city residents. The Ordinance also amends the Susanville Municipal Code to authorize citation authority for violations. If approved, the ordinance will take effect in 30 days.

Mayor De Boer invited comments from members of the public.

Darrell MacChamber read from a prepared speech, urging the City Council to take a more active role in addressing the causes of the homeless problem in the community and providing help to those who are in need.

David Cole commented that he has experience working with mentally ill people, and supported the sentiment expressed by Mr. MacChamber, that a companion effort of regulation and assistance needs to be made. There are many of the down and out that have a component of mental illness, and not all of them are criminals. He noted a few issues with the ordinance language that could be confusing and requested additional review of the document prior to adoption.

Mayor De Boer requested comments from the City Council.

Councilmember Callegari asked Mr. Talia if he was comfortable with the ordinance as written.

Mr. Talia responded that it was fair, impartial, and did not target any specific segment of the population. He has reviewed the ordinance and compared with what other jurisdictions are doing, and is satisfied with the ordinance.

Councilmember Callegari discussed issues relating to the State's mental health policies.

Motion by Mayor pro tem Wilson, second by Councilmember Callegari, to waive the second reading and approve Ordinance No. 14-0996; motion carried unanimously. Ayes: Callegari, Wilson, McDonald, McBride and De Boer.

12B Consider establishment of Fiscal Year 2014/2015 Budget Workshop Date Mr. Hancock reviewed the progress on preparation of a budget for fiscal year 2014/2015. He suggested options for a workshop to review the proposed budget, and it was determined that a workshop would be scheduled for June 4, 2014 from 5:30 to 7:00 p.m. with the regular council meeting to begin at 7:00 p.m. with closed session to be held at the end of the meeting.

13 CITY ADMINISTRATOR'S REPORTS:

Mr. Hancock stated that the administrative services update would be heard at the end of City Administrator reports.

13B League of California Cities Annual Conference – September 3- 5, 2014 Mr. Hancock reported that the League of California Cities hosts an annual conference each year which provides an important opportunity for agencies to connect with other city officials to discuss common challenges and issues facing communities throughout California. This year, the conference will be held September 3rd – 5th in Los Angeles. In the past, the City has authorized two or three councilmembers to attend the conference. It was the consensus to appoint a delegate after the election and reorganization of City Council.

13C Fire Services for Sierra Pacific Industry site Mr. Hancock explained that when Sierra Pacific Industries abandoned their mill operations their private fire protection brigade was disbanded. The property is located outside of the city limits and is also outside of the Susan River Fire Protection District boundary. If a fire occurs on the property, the City's fire personnel and other mutual aid departments handle the fire suppression. Staff recommends negotiating with Sierra Pacific to provide contract fire protection due to the close proximity to city limits. The City fire department has 24 hour station coverage and is well equipped to handle fire suppression duties. A monthly amount to be on call and a direct bill for any costs incurred during a fire event would be proposed. It was the consensus of the City Council for staff to pursue negotiations.

13A Administrative Services Department Update Mr. Hancock provided an extensive update regarding the operations and goals of the administrative services department which includes the finance, building and planning divisions, airport, golf course, community services and economic vitality efforts. He reviewed staffing levels, activity summaries and responsibilities for the respective divisions. He thanked staff for the hard work, support, and spirit of cooperation in providing the best service possible to the citizens of Susanville.

Mayor pro tem Wilson requested that an update regarding the General Plan update be reported at a future council meeting.

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 8:43 p.m.

Respectfully submitted by

Brian Wilson, Mayor

Gwenna MacDonald, City Clerk

Approved on: July 2, 2014