

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

**Regular Meeting Minutes  
August 6, 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 Councilmember Rod E. De Boer.

Roll call of Councilmembers present: Kathie Garnier, Rod E. De Boer, and Lino P. Callegari, Absent: Nicholas McBride and Brian Wilson.

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

Motion by Councilmember Garnier, second by Councilmember Callegari, to appoint Councilmember De Boer to chair the meeting in the absence of the Mayor and Mayor pro tem; motion carried.

**1 APPROVAL OF AGENDA:**

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

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

**3 CLOSED SESSION: At 6:04 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): one potential claim
- B 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
- C PUBLIC EMPLOYMENT pursuant to Government Code §54957:
  - 1 Airport Manager Contract
  - 2 Agency Negotiator: Jared G. Hancock  
Bargaining Unit-Management: 2014/2015

Closed session adjourned at 6:32 p.m.

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

Staff present: Dan Newton, Public Works Director; Theodore Friedline, Fire Chief; Tom Downing, Police Chief; Deborah Savage, Finance Manager; and Gwenna MacDonald, City Clerk.

Mr. Hancock stated that prior to closed session, the Council voted to appoint Councilmember De Boer to chair the meeting in the excused absence of the Mayor and Mayor pro tem. The agenda was approved with no revisions, and that the City Council gave direction in Closed Session but there was no reportable action.

Mr. Talia reported that the City Administrator received a favorable evaluation and would receive a merit increase according to the Management pay matrix.

Councilmember Callegari offered the Thought of the Day.

**9A Appointment of Planning Commissioners / Administer Oaths of Office** Mr. Hancock announced that the City Council has appointed two members to fill the vacancies on the Planning Commission. The City Clerk administered the oath of office to Vicki Lozano and Linda Robinette.

Motion by Councilmember Garnier, second by Councilmember Callegari, to appoint Vicki Lozano and Linda Robinette to the Planning Commission; motion carried. Ayes: Garnier, De Boer, and Callegari. Absent: McBride and Wilson.

**5 BUSINESS FROM THE FLOOR:**

**Christi Myers and Bethany Edholm**, Lassen County Public Health, invited the City Council to the Disaster Preparedness Summit scheduled for September 11, 2014.

Mr. Hancock introduced the newest member of the Administrative Services Department, B.J. Hubbard, Account Technician II. Mr. Hubbard would be working in the finance division.

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

- A Receive and file minutes from City Council's June 4 and 18, 2014 meetings
- B Approve vendor warrants numbered 91431 through 91622 for a total of \$890,884.76 including \$211,826.27 in payroll warrants

Motion by Councilmember Callegari, second by Councilmember Garnier, to approve the Consent Calendar; motion carried. Ayes: Garnier, De Boer, and Callegari. Absent: McBride and Wilson.

**7 PUBLIC HEARINGS:**

**7A Consideration of Resolution No. 14-5077 and Resolution No. 14-5078 authorizing Weed and Rubbish assessment and lien against certain real properties located within the City of Susanville:**

- **875 Washo Lane** **APN:103-085-09**
- **419 Richmond Road** **APN:107-071-18**

Mr. Hancock explained that each year after the announcement of the weed abatement deadline, the City works to abate weed and rubbish hazards on properties throughout the City. In accordance with Chapter 8.28 of the Susanville Municipal Code, the process includes a public hearing in order to recoup the costs associated with the abatement. He turned the floor over to Theodore Friedline, Fire Chief.

Chief Friedline reported that staff has abated two properties located at 875 Washo Lane and 419 Richmond Road, for a total cost of \$1,500. In addition to the cost of hiring a contractor to abate the property a \$200 administrative fee has been charged to each property to recover the cost of compliance with public hearing and notification procedures. Lien notices have been posted and the property owners have been notified via certified mail of the public hearing. Council approval is required to authorize the City Administrator to lien the properties to recover the costs incurred by the City.

At 7:14 p.m. Councilmember De Boer opened the public hearing to solicit any comments from the public. There being no comments, he closed the public hearing at 7:15 p.m.

Motion by Councilmember Garnier, second by Councilmember Callegari, to approve Resolution No. 14-5077 and 14-5078; motion carried. Ayes: Garnier, De Boer, and Callegari. Absent: McBride and Wilson.

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

**9**      **NEW BUSINESS:**

*9A*      *Appointment of Planning Commissioners / Administer Oaths of Office*

**9B**      **Consider Ordinance No. 14-0999 amending the definition of tobacco use; waive first reading and introduce** Mr. Hancock reported that the City Council has received information regarding the increasing popularity of electronic cigarettes, and hookah bars or smoking lounges and at the June 18, 2014 council meeting directed staff to proceed with amendments to the Susanville Municipal Code to implement regulations pertaining to both. The first step in that process is to expand the definition of smoking to include e-cigarettes. Adoption of Ordinance No. 14-0999 would further amend the chapter to include electronic cigarettes in the definition of tobacco, and restrict the use of e-cigarettes accordingly.

Motion by Councilmember Callegari, second by Councilmember Garnier, to waive the first reading and introduce Ordinance No. 14-0999; motion carried. Ayes: Garnier, De Boer, and Callegari. Absent: McBride and Wilson.

**9C**      **Consider Ordinance No. 14-0997 regulating the cultivation of Marijuana; waive first reading and introduce** Chief Downing explained that current California State law allows for the cultivation of medical marijuana by specific individuals for their personal use and for those who are classified as primary caregivers of other qualified users. As a result of public safety and community concerns, staff has developed and is presenting an ordinance to address the cultivation of medical marijuana within the City limits.

The proposed ordinance will regulate the cultivation of medical marijuana by providing for a ban on growing in all outdoor settings, and only allowing cultivation in certain specified structures in residential zones. The ordinance will regulate the size and type of structures cultivation is allowed within, while addressing the concerns of adjoining property owners who have been subjected to the effects of medical marijuana cultivation by their neighbors. It also deals with the public safety concern of unregulated outdoor marijuana cultivation as a potential target for criminal activity.

If approved, a violation of this ordinance would constitute a misdemeanor punishable by a fine of not more than \$1,000.00 and/or imprisonment not to exceed one year. The violator would also be subjected to civil actions and administrative penalties as detailed in the Susanville Municipal Code.

Councilmember De Boer clarified that the ordinance had been reviewed by Mr. Talia.

Councilmember Callegari stated that he has a personal problem with marijuana, medical or otherwise, and if it is medicine it should be regulated as a pharmaceutical. He noted that today's marijuana is very potent and grows fast, and asked if doctors in the local community support it.

Councilmember Garnier questioned the definition found at section 17.08.010, defining the allowable outdoor structure, noting that it wouldn't allow for people to purchase a metal shed from Sears and use

that as the outdoor grow facility, and growing indoors could cause an increase in break-ins. She does agree that the City needs to take some type of action to do something.

Chief Downing stated that it appears to be a matter of personal opinion, and he does agree with Councilmember Callegari, however the way the State law is set up, people are allowed to grow it anywhere, and he is working to identify a way that will create City laws that are more restrictive when it comes to how it is grown.

Councilmember Callegari stated that he worked undercover during the late 1960's and once you get marijuana introduced into a community it's all over.

Councilmember De Boer suggested that the discussion be tabled until it can be considered by the entire City Council.

**9D Consider fee waiver request from Lassen High School Baseball Boosters** Ms. Savage explained that each year the city receives a request from the Lassen High School Baseball Boosters to support their fundraising tournament by waiving the fees for park usage and light tokens. This year the request was received after the tournament was scheduled, so the fees have been paid but will be reimbursed if the City Council chooses to authorize the request. The total cost is \$168.00.

Motion by Councilmember Garnier, second by Councilmember Callegari, to authorize the fee waiver request in full; motion carried. Ayes: Garnier, De Boer, and Callegari. Absent: McBride and Wilson.

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

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

**12 CONTINUING BUSINESS:**

**12A Consider approval of Resolution No. 14-5076 authorizing Mayor to sign program supplement agreements for Susanville Rehabilitation Projects** Mr. Newton reported that the Susanville Rehabilitation SC-1, SC-2, and SC-3 are pavement overlay projects to rehabilitate various streets in the City of Susanville. The projects are programmed in the STIP for construction in Fiscal Year 2015/2016. To complete construction, the City first has to complete the environmental documents. These projects will utilize State funds only therefore only California Environmental Quality Act (CEQA) documents are required for these projects. The streets in these projects are not eligible for federal funds.

On March 17, 2014, the City requested fund allocations from the California Transportation Commission (CTC) in the amount of \$5,000 for each project to complete the environmental work. The allocation requests were approved by the CTC at their May 21, 2014 meeting.

The Program Supplement Agreements are required for the State to reimburse the City for the cost of the projects as well as the cost for the completion of the environmental work for the Susanville Rehabilitation SC-1, SC-2, and SC-3 projects.

Motion by Councilmember Callegari, second by Councilmember Garnier, to approve Resolution No. 14-5076; motion carried. Ayes: Garnier, De Boer, and Callegari. Absent: McBride and Wilson.

**13 CITY ADMINISTRATOR'S REPORTS:**

**13A Water Quality Control Board update** Mr. Newton reported that on January 17, 2014 Governor Brown declared a state of emergency due to severe drought conditions and called for Californians to voluntarily reduce their water usage by 20 percent. On July 15, 2014 the State Water Resources Control Board approved an emergency regulation that focuses on outdoor water use affecting both water users and water providers. The emergency regulation adds Section 864 "Prohibited Activities in Promotion of Water Conservation" to the California Code of Regulations. It applies to all of California's water users and places the various restrictions on water use. The addition of Section 865 "Mandatory Actions by Water Suppliers" to the California Code of Regulations applies to all California Water Suppliers. Urban Water suppliers are required to implement their Water Shortage Contingency Plans to a level that triggers mandatory restrictions on outdoor water use or request the approval of an alternate plan that includes an allocation based rate structure.

Mr. Newton explained that as an urban water supplier, the City has a Water Shortage Contingency Plan and is required to implement Stage 2. Because of the City's unique water resources and the normal drought conditions that exist in the region, Stage 2 was intended to be implemented in an extreme water shortage emergency. As a result, Stage 2 not only includes restrictions on outdoor watering, it also includes other water rationing measures that could significantly impact City residents and businesses.

As an alternative to implementing Stage 2 of the City's Water Shortage Contingency Plan the City may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures. The current City water rate structure is a tiered rate structure based on metered use and is close to meeting the requirements of an allocation based rate structure. With minor adjustments to the current rate structure and some added restrictions on outdoor watering, it may be possible to obtain approval of an alternate plan.

Mr. Newton concluded by reviewing the requirements placed upon the City for enforcement, with the authority to implement fines up to \$500.00 and to provide a monthly usage report to the State. The State will be monitoring the effectiveness of the City's conservation efforts and failure to conserve State wide will most likely result in increased regulations from the State Water Board.

Mr. Hancock added that this is an example of the challenge with the State's one-size-fits-all regulations, and the City's water shortage contingency plan is based upon a situation with extreme shortages and measures that are serious. The State requirement of automatic implementation would be a tremendous burden for the City.

There was a general discussion regarding the impact on the agricultural community and staff would be keeping the council up to date.

**13B Update regarding RFP for Transportation Services** Mr. Newton reported that the City has utilized the services of Green Dot Transportation Solutions to provide technical expertise in the completion of various transportation planning and programming projects. The City will be initiating several projects in the upcoming months utilizing State and Federal funds and due to the sporadic nature of State and Federal funding it is prudent to utilize consultant services on an as-needed basis to assist in completion of the projects and provide the City with the necessary technical expertise. The current agreement with Green Dot has expired, and staff is proposing to issue a Request for Proposals in accordance with State and Federal requirements to hire a consultant to assist with multiple City projects.

**13C Consider request from Inter Regional Water Management Group (IRWMG) to act as lead agency for regional water project** Mr. Hancock reported that the City Council is a member of the

IRWVG which is tasked with preparing the Integrated Regional Water Management Plan or IRWMP. The purpose of the IRWMP is to provide a framework that will foster a collaborative effort to manage all aspects of water resources in our region through projects such as water infrastructure improvements, flood management projects, stream restoration, watershed enhancement, and a variety of others. The City has received a letter from the IRWVG requesting that the City assume the role of lead agency for grant implementation on various projects that may be funded in 2015. Grant implementation would be reimbursed through the awarded funds and the group has asked that the City consider taking on this role. Mr. Hancock added that there is not anticipated to be an immediate need for the city to assume that role for approximately six or seven months, but he wanted to keep the Council updated regarding the request.

**14     COUNCIL ITEMS:**

**14A    AB1234 travel reports:**

**15     ADJOURNMENT:** Motion by Councilmember Callegari, second by Councilmember Garnier to adjourn; motion carried unanimously.

Meeting adjourned at 7:55 p.m.

Respectfully submitted by

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Brian Wilson, Mayor

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Gwenna MacDonald, City Clerk

*Approved on September 17, 2014*